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**NUI Galway**

**Irish Mothers, Separation and Divorce, an Exploratory Study:**

**Examining Experiences, Services and Policy**

**Rosemary Crosse**

**National University of Ireland, Galway**

**Ph.D. 2015**

**Irish Mothers, Separation and Divorce, an Exploratory Study:  
Examining Experiences, Services and Policy**

**A thesis presented  
in partial fulfilment of the requirements for the  
degree of  
Doctor of Philosophy  
in  
Political Science and Sociology  
National University of Ireland, Galway**

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**September 2015**

## **Declaration**

I, the Candidate, certify that this thesis is all my own work and that I have not obtained a degree in this University or elsewhere on the basis of any of this work.

Signature: Rosemary Crosse

Date: September 30<sup>th</sup> 2015

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**This thesis is dedicated to the men in my life –**

**My father Seán Crosse**

**and**

**My son Jack Halpin-Crosse**

**“If I have seen further, it is by standing on the shoulders of giants”**

**(Isaac Newton, 1675)**

## Abstract

Lone parent families are not a homogenous group rather this family form is varied and despite the vast array of research into the lives and experiences of lone parents in Ireland, there is a dearth of information on particular groups that form the lone parent cohort. This research fills the gaps in existing knowledge in relation to those that are lone parents through separation or divorce. Through the utilisation of biographical narrative interviews, this study explores the experiences of fifteen Irish mothers with primary school aged children who have undergone a legal separation and/or divorce and has, through a voice centered relational method of analysis (VCRM) identified the needs of this group in order to assess how Irish social policy and service provision respond to these needs.

Underpinned by a feminist approach, this research amplified the voices of the mothers through the use of biographical narrative interviews which exposed shared experiences of intimidation, constraint, uncertainty and responsibility which are presented in the form of common stories told. These experiences are linked to differences and inequalities between mothers and fathers and between groups of women, with the consequences of such being more pronounced for mothers who are of a lower socio economic status. Adhering to the traditional homemaker role in marriage resulted in deficits in work experience, social capital and access to income, making these women dependent on the State following marital dissolution.

The research concludes that the needs of mothers who have experienced a legal separation or divorce are not being met by either statutory service provisions or the Irish policy response to lone parents. This research has profound implications for future studies in the field of Irish social policy, as it highlights how the Irish social policy approach to formally married lone parents maintains dependence through the current legal apparatus of the State, with barriers to progression and autonomy identified in Social Welfare, employment and law as well as in the provision of services in these areas.

Key words; *Legal Separation, Divorce, Social Policy, Lone Parents, Feminist Theory*

# Chapter One

## Introduction

### 1.1: Introduction

This research is an exploratory study into the experiences of Irish mothers who have undergone dissolution of marriage. Through the utilisation of biographical narrative interviews, this study has explored the experiences of fifteen Irish mothers with primary school aged children who have undergone a legal separation and/or divorce and has, through a voice centered relational method of analysis (VCRM) identified the needs of this group in order to assess how Irish social policy and service provision respond to these needs.

### 1.2 Background to the Study

Lone parent families are not a homogenous group. Rather this family form is varied; an examination of the current profile of lone parents in Ireland will help to demonstrate significant differences between groups of lone parents. Table one below displays differences in the marital status of all lone parents. Just over 40% of all lone parents have never been married. The number of widowed lone parents amount to a quarter of the total group (24.7%). 19.9% of all lone parents are separated, with an additional 19.8% of the total group being divorced. The legal introduction of divorce in 1997 initiated a new pathway into becoming a lone parent; the number of divorced people in Ireland increased by 150% from 35,059 in 2002 (the first census after divorce was introduced) to 87,770 in 2011. However, the rate of marital breakdown in Ireland remains low at 9.7% of all marriages (CSO, 2012b; Crosse and Millar, 2015).

Table 1 Marital Status of Lone Parents Census 2011

Status	All Lone Parents	Males	Females
Single	86,866 (40.3%)	4,744 (5.5%)	<b>82,122 (94.5%)</b>
Married	9,026 (4.2%)	2,253 (25%)	<b>6,773 (75%)</b>
Separated	42,863 (19.9%)	6,704 (15.6%)	<b>36,159 (84.4%)</b>
Divorced	23,339 (19.8%)	3,521 (15.1%)	<b>19,818 (84.9%)</b>
Widowed	53,221 (24.7%)	11,809 (22.2%)	<b>41,412 (77.7%)</b>
Total	<b>215,315</b>	<b>29,031 (13.5%)</b>	<b>186,284 (86.5%)</b>

Adapted from (CSO, 2012a; Crosse and Millar, 2015).

The challenges faced by those parenting alone are both multidimensional and different depending on individual circumstances. As previously stated, lone parents in Ireland are not a homogenous group and although some challenges may be similar, they can also be diverse and this diversity needs to be acknowledged. There is a need to differentiate between those lone parents who had never been married and those who had been married and subsequently became lone parents either through widowhood, separation or divorce.

Prior to 1990 the State differentiated between categories of lone parents, which was primarily due to the fact that their paths into lone parenthood differed and were regarded as in need of different supports by the State. In 1990, all assistance payments were combined into the Lone Parent's Allowance (LPA). There was no longer differentiation based on marital status or gender and the allowance was available to those parenting alone with dependent children up to the age of 18 (21 if in full-time education). The renaming of this welfare payment was significant as it removed prejudicial terms such as deserted and unmarried from the Social Welfare code. In 1997, the name of the benefit was changed to the One-Parent Family



Payment (OFP) once again reflecting a societal shift in the discourse around those parenting alone (Crosse and Millar, 2015).

It has been argued elsewhere that that Irish social policy neglects the nuances of lone parent family life, (Millar et al, 2007; Millar and Crosse, 2014; Crosse and Millar, 2015) and while there is literature to support this argument, as well as a diversity of literature on the lives of lone parents generally, very little is known about the experiences of those who are lone parents due to marital breakdown and there is no literature on how Irish social policy and service provision responds to the distinctive challenges they face and their inimitable needs.

### **1.3 Contribution to Knowledge in the Field**

This study gives first hand expression to the voices and experiences of mothers who have undergone dissolution of marriage. In doing so, this research fills a substantial gap in existing knowledge in this area; despite the fact that legal separation has been available in Ireland since 1989 and divorce since 1997 there is still a notable lack of understanding in relation to the needs of mothers in this situation.

Given that in excess of forty five thousand couples have legally ended their marriages in the last decade and with the majority of children residing with mothers, it is evident that social policy and service provision have a significant role in supporting mother headed families through consequent transitions, which inevitably occur following marital breakdown. Therefore an examination of the State's policy and provision response in this area is presented; to ascertain whether the needs of this increasing family type are actually being met through the States 'families first' approach to social and economic policy making<sup>1</sup>.

### **1.4 Aims and Objectives**

The overall aim of this research is to explore Irish mothers' experiences of marital dissolution and to consider how Irish social policy and services respond to their needs. The objectives of the study are to;

- Explore Irish mothers experiences of marital dissolution
- Consider their perspectives on what their needs are

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<sup>1</sup> The 'Families first' approach was a policy initiative adopted by the Commission on the Family (1998) aimed at putting families at the centre of social and economic policy making.

- Examine the Irish social policy response to mothers in this situation
- Assess whether these mothers needs are being met by the policy approach identified

The aims of this research broadly encompass three areas; one which is focused on understanding Irish mothers experiences of marital dissolution in contemporary Ireland, as well as understanding social, cultural and structural forces that shape those experiences and one which considers those forces in terms of how social policy is situated to respond to the needs of these mothers.

### **1.5 A Gender Approach**

Gender is an organising category in this research, as it takes a woman- centered stance throughout the whole process, evident in the feminist approach adopted. Far beyond the traditional ‘add women and stir’ response, feminist researchers have enriched the research field epistemologically, ontologically, and methodologically (Marshall and Young, 2006). Feminist research stresses gender as a basic theoretical concept (Byrne and Lentin, 2000), evident in this study in terms of the ontological, epistemological and methodological design of the research. In addition to this approach being fundamental in understanding the participant’s experiences, it is also central to understanding the Irish social policy response to the needs of mothers in this situation. A focus on gender relations will provide a framework in which to view differences between males and females and the way they are treated or provided access to resources and opportunities, which are considered to be the result of complex social, political and cultural forces (Marshall and Young, 2006) and as such, inevitably transcend into policy practice.

### **1.6 Research Design and Methods**

In keeping with gender as an organising category and a feminist approach to the research, this study is grounded in a qualitative, interpretivist paradigm which emphasises the importance of human interpretation of the world, and is directed at understanding phenomenon from an individual’s perspective, investigating interaction among individuals, as well as the historical and cultural contexts which people inhabit (Creswell, 2009).

This concept of individual's perspectives and subjective reality is to the fore of the feminist standpoint epistemological position of the research. Whereby there is an emphasis on the need to begin with women's lives, as they themselves experience them, in order to achieve a true and authentic understanding of what life is like for women in particular situations. In recognition of the fact that subjective reality and individual interpretation does not occur in a vacuum a relational ontological stance is presented; which posits the notion of "selves in relation", where human beings are viewed as being situated or embedded in a complex web of intimate and larger social relations as well as in cultural and social structures (Gilligan, 1982). It is an understanding of reality which takes the basic units of social analysis to be neither individual entities nor structural wholes, but the relational process of interaction between and among identities (Somers, 1998).

Appropriate to and in consideration of the research paradigm, biographical narrative interviews were selected as the most suitable method of data collection, as it is a methodology for exploring individual experiences. However, biographical studies are not simply the study of individual life, but offer a unique approach to understanding individual-societal relations in a move away from traditional structure-agency dichotomies. Other contributing factors to the choice of biographical narrative interviews were the fact that they have been attributed with an aptness for 'exploring subjective and cultural formations' and 'tracing interconnections between the personal and the social' (Jones, 2003).

The method of analysis utilised in this this research needed to favour a feminist approach which advocates the use of models of research and practices that privilege participation, representation, interpretation and reflexivity (Byrne and Lentin, 2000); as well one that considers individual narrative accounts, while also attending to the relational aspects of lived experiences that can influence those accounts. To that end, the VCRM of analysis was considered to be the most appropriate.

The core emphasis of feminist standpoint epistemology is that in order to achieve understanding of women's lives we need to first see how they, themselves experience them. The VCRM of analysis specifically focuses on how women experience, feel and speak about themselves in the context of the world in which they live, by amplifying the multiplicity of voices that exist in any given narrative. The VCRM approach explores "individuals' narrative accounts in terms of their

relationships to themselves, their relationships to the people around them and their relationships to the broader social, structural and cultural contexts in which they live” (Mauthner and Doucet, 1998), taking account of relational ontology. VCRM also utilises a “relational approach to the process of research inquiry, defined by paying attention to who is listening as well as who is speaking” (Byrne et al., 2004), where not only differences are acknowledged but also theoretical, institutional and epistemological influences on researcher practice are transparent. This emphasis on researcher reflexivity also considers the impact of our social location and personal histories on responses to participant’s stories and experiences (Mauthner and Doucet, 1998). The in-depth, diverse nature of the VCRM approach to analysis inevitably lends itself to adaptation to suit a variety of topics across a diverse range of disciplines and is particularly suited to this research.

## **1.7 Dissertation Outline**

This is the first of ten chapters in this dissertation. This chapter has outlined the context and focus of the study as well as its aims and objectives as an introduction to the overall study. It has outlined the theoretical influences and the methods used to fulfil the aims and objectives. In addition it has clearly presented the contribution to knowledge that this research will make to the field of family studies and policy.

Chapter two examines the broader context from/in which mothers in Irish society are positioned; this chapter explores different aspects of the relationship between mothers’, society and the State, in order to ascertain how such context has shaped their experiences of marital dissolution with particular emphasis on Social Welfare, employment and law. The consequences of cultural and attitudinal inferences have created significant problems for women in situations of divorce; therefore the issue stigma in the Irish case is also explored.

Chapter three is a literature review that looks at feminist theory and different ideologies that pertain to the sphere of the family. Focusing on feminist perspectives of divorce and ways in which women’s positions at the time of divorce systematically differ from men’s positions. In addition the exploration of other social structures such as the law as it pertains to child maintenance and welfare state arrangements highlights how families must be viewed as part of a system that reproduces women’s social and economic inequality. The economic impact of

marital breakdown and explanations for differential impacts on income between men and women is also explored in this chapter. The issue of stigma and divorce as well as stigma and lone parenthood are examined as is domestic violence in situations of divorce.

Chapter four begins by exploring categorisations of welfare regimes with a view to examining the Irish social policy approach to lone parents. The changing nature of that approach and the current state of Irish social policy as it pertains to lone parents is also explored. In addition this chapter looks at current supports and services available to those parenting alone in Ireland, with a particular focus on legal supports and processes involved in separation and divorce. Moreover, the role of the courts in dealing with issues of domestic violence is also explored.

Chapter five outlines the methodology for the study and describes and elaborates on the research design and theoretical approach taken. It gives a comprehensive overview of the methods chosen to answer the overarching aims and associated objectives of the study. Following this and in keeping with the chosen methodological approach is a section on reflexivity. An overview of the study population, sampling method and interviews is then provided, which includes justifications for decisions made. Descriptions on the process of analysis undertaken, issues around evaluating qualitative research and ethical considerations, complete the chapter.

The findings that emerged from the data analysis are divided into two chapters, chapters six and seven inclusive. Chapter six explores the participants' experiences of marital dissolution and includes experiences of supports and services accessed. This chapter is presented in the form of common stories told. These are the collective stories of the participants which consistently appear throughout what became known as the three stages of the separation experience and are ones which are, in as far as possible representative of the experiences of the sample as a whole.

Chapter seven explores relationships, in terms of both the personal relationships that the participants speak about; support networks or lack thereof, as well as their relationships that occur within the wider community throughout all three stages of the separation experience. In addition this chapter examines how the participants see themselves in relation to the broader context in which they live. Chapter seven also

looks at how structural and ideological forces are perceived in participant's accounts, which allows for consideration of the perceived impact of broader social, political, structural and cultural contexts. Stories of difference that emerged during the analysis are also presented.

Both of these findings chapters are presented here to fulfil the first aim of this study which was to explore the experiences of Irish mothers who have been through marital breakdown, to gain a comprehensive understanding of what life is like for these women.

By attending to the participant's views on what is needed to make the transition easier, the final section in chapter seven is the basis for fulfilling the second aim of the study; which is to assess the needs of this group to determine whether the policy and service response of the State meet the needs of the participants in this study. In keeping with the feminist standpoint position it is those that have experience of a particular phenomenon that are best placed to communicate both problems and possible solutions.

Chapter eight discusses the findings in relation to the research reviewed and highlights how these participants' experiences are as a consequence of the lower socio economic position that they hold in society and how differences and inequalities between mothers and fathers are more pronounced as a result. In addition, this chapter discusses the social policy approach to this group highlighting how a changing approach to policy development is still ascribing roles to mothers as it has done since the foundation of the state.

Chapter nine is the concluding chapter of the thesis and contains a brief summary of the thesis as a whole and includes reflections on the research journey as well as the merits and limitations of the study. Finally this chapter provides a brief review of contribution to knowledge, implications and recommendations for policy and service provision aimed at both those who are experiencing marital dissolution and those who are parenting alone, as well as recommendations for future research, concluding the chapter is a section on final considerations.

## Chapter Two

### Context

#### 2.1 Introduction

Research suggests that difficult transitions experienced by an individual or family are only fully understandable if long-term trends, dynamics, macro-history and the context of the society are taken account of (Chamberlayne, 2005). In addition the relational ontological position of this research; posits the notion of “selves in relation”; where human beings are viewed as being situated or embedded in a complex web of intimate and larger social relations as well as in cultural and social structures (Gilligan, 1982). Therefore in order to fully understand the experiences of Irish mothers who have undergone dissolution of marriage; it is necessary to examine the broader context from/in which they are positioned.

The following sections of this chapter will explore the position of women and mothers in Irish society in order to ascertain how such context has shaped their experiences of marital dissolution. Firstly an overview of the inception of divorce in Ireland is provided in section two. Examination of the profile of divorced Irish mothers is contained within section three to provide lucidity on the numbers of women in this situation. Section four provides an overview of the position of women in Irish society which was very much defined by their connection to and immersion in the family; whereby women were predominately characterised by their relationship with men as part of a taken for granted cultural milieu. Despite the changing nature of this position the consequences of cultural and attitudinal inferences have created significant problems for women in situations of divorce which are explored in section five. Section six will consider the issue of stigma and divorce as a separate difficulty in terms of its pervasiveness in all aspects of society.

#### 2.2 Divorce in Ireland

Divorce in Ireland was not prohibited until the inception of the 1937 constitution, purported to be a feature of Eamon de Valera's<sup>2</sup> utopian vision of creating a Catholic State for Catholic people. The influence of which is outlined in section 3 of this

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<sup>2</sup> Eamon de Valera was the first Taoiseach (prime minister) of Ireland.

chapter. Despite the ban on divorce, thousands of couples were separating by the early 1980's evident in a Joint Parliamentary Committee's (1985) findings set up to investigate the extent of marital breakdown in Irish society, such results served to highlight the ineptness of the State to deal with consequent issues and a recommendation was made to remove the ban on divorce. Subsequently a referendum was held in June 1986 which was comprehensively defeated (Burley and Regan, 2002)

Nevertheless obvious provision was required to cater for situations of marital breakdown, consequently the Judicial Separation and Family Law Reform Act was implemented in 1989. Contained within this act were fault and no fault grounds for legal separation and notably reference has been made to the fact that provisions within this act were similar to divorce laws in other countries without the option for remarriage or what Burley and Regan refer to as a "limited form of back-door divorce" (Burley and Regan 2002, p.205). Between 1989 and 1996 approximately 5,464 people availed of legal aid services to utilise the judicial separation laws. However, it is worth noting that while such provisions were welcome, a combination of costs, waiting times and restricted access to legal aid meant that many were excluded from availing of the new laws (Burley and Regan, 2002)

Arguably these legislative measures to a certain extent helped pave the way for the ratification of the second referendum on divorce in 1995. The production of a government White Paper in 1992 (Joint Committee on Marital Breakdown, 1985); also assisted with this process as figures contained within showed substantial increases in the number of separated couples and what were referred to at the time as deserted wives. This paper once again highlighted the need to remove the ban on divorce. However, despite laying the ground work for the successful ratification of the referendum and the obvious need for a change in the constitution the government of the day found themselves faced with significant opposition in the form of anti-divorce campaigners predominately lead by Catholic groups (Burley and Regan, 2002).

Regardless, the 1995 referendum to allow divorce was won by an extremely narrow margin of 0.6 per cent in spite of the opposition and subsequent challenges as to its validity, the Family Law (Divorce) Act 1996 came into operation on 27<sup>th</sup> February 1997. The inclusion of the four year rule within the legislation is said to have



assisted in assuaging fears advanced by anti-divorce lobby groups that the introduction of civil divorce would destabilize and devalue the institution of marriage in Ireland. The fact that couples must be living apart for four years is evidence that the marriage has irrevocably broken down with divorce being the only option (Martin, 2002).

### 2.2.1 Four Year Rule

Under current Irish divorce law; S (5) of the Family Law (Divorce) act stipulates that; A court designated by law may grant a dissolution of marriage where, but only where, it is satisfied that-

At the date of the institution of the proceedings, the spouses have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years.

As seen previously the introduction of divorce law in Ireland was met with stringent opposition. The inclusion of the four year rule within the legislation is said to serve two functions; firstly, it was intended to assuage fears advanced by anti-divorce lobby groups that that the introduction of civil divorce would destabilize and devalue the institution of marriage in Ireland. They also contended that there would be a deluge of divorce applications once appropriate divorce legislation was enacted<sup>3</sup> (Martin, 2002). The fact that couples must be living apart for four years is evidence that the marriage has irrevocably broken down with divorce being the only option. Secondly, the four year rule removes ‘fault’ as a requirement of divorce, satisfying the four year requirement is sufficient grounds for divorce. This was intended by Irish policy makers to reduce personal acrimony and conflict (Mahon and Moore, 2011).

The Brussels IIa regulation<sup>4</sup>, which came into force on March 1<sup>st</sup> 2005 is the most significant change that effects the four year rule in Irish family law. Under this regulation it is possible to obtain a divorce one year after separation, provided that the petitioner has lived and applies for divorce outside the jurisdiction after that year. This legislation effectively overrides our strict legal framework covering the dissolution of marriage; and is a by-product of the concept of free movement of

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<sup>3</sup> The 1995 referendum to allow divorce was won by an extremely narrow margin of 0.6 per cent.

<sup>4</sup> For full explanation and analysis see Shannon, G. (2005). The Internationalisation of Irish Family Law. *Judicial Studies Institute Journal*, 5, 42-103.

persons across the EU and is intended to create harmony between different family law legislation in force across the European Union. Changes to such legislation are a consequence of what has been described as frenetic legislative activity occurring in the EU since 2000 resulting in the top down Europeanisation of Irish family law (Shannon, 2005).

### 2.2.2 In Camera Rule

Article 34.1 of the Irish Constitution provides for public hearings in cases of law, in common with the constitutions of democracies worldwide. However, the Constitution allows that in ‘special and limited cases’ prescribed by law hearings may not be in public. The court term for such restricted hearings is *in camera* a Latin term meaning in a room or in chambers (O’Shea, 2013). The Courts (Supplemental Provisions) Act 1961 sets out the areas in which some restrictions on public attendance or press reporting may apply. S.45 of the act States that “justice shall be administered otherwise than in public in...matrimonial matters...and minor matters”. Subsequent family law statutes contain some provision deeming that all cases brought under such legislation must be heard in “otherwise than in public” the Judicial Separation Act (1989). These acts do not specify the level of restriction; such decisions come under the remit of the judges as part of the judicial discretion system (see Chapter 4 Section 6.2.1). The vast majority of judges have used this power of restriction to impose a blanket ban on all family law proceedings both public and private.

The in camera rule has resulted in a dearth of research in the area of family law in general and has coloured the public view of the family courts as information is based on hearsay, rumour and ill-informed commentary (O’Shea, 2013). Restrictions on the public scrutiny of the administration of justice is always a risk to justice according to McCormack (2000) and the lack of scrutiny and information on precedent in family law has created a real sense of unease and uncertainty around such cases, as seen in the stories of the women in this study. Calls for changing the practice of absolute secrecy in cases of family law have increased over the last number of years. Arguments for such changes have centered on concerns for the maintenance of professional standards due to the unlimited and arbitrary power of judges and lack of scrutiny around the conduct of legal professionals involved in such cases. Judicial

roulette and personality traits are intrinsic to outcomes of family law cases according to some commentators (Government of Ireland, 1998).

In 2004 the in camera rule was relaxed for the first time under the Civil Liability and Courts Act 2004, where provision was made for third parties to attend in camera proceedings which enabled the Courts Service to establish the Family Law Reporting Project 2006-2007 publications from which shed light on the operation of family in Ireland (O'Shea, 2013). In acknowledgement of the need for greater knowledge in the administration of law surrounding the family and child protection; it was deemed to be in the public interest to change the regulations surrounding the in camera rule. In January 2013 the Courts and Civil Law (Miscellaneous Provisions) Act was signed into law with immediate effect. According to the Justice Minister of the day; the changes that come into force allow the media to report on family law and childcare proceedings according to strict conditions. These reforms are designed to address the need for public access to important information on the operation of family and child care proceedings in the courts (Shatter, 2013). However, while the reforms do enable the media, researchers and legal professionals to gain access to such proceedings, judicial discretion in this area remains in the sense that judges' have the right to exclude representatives of the press from the court, or otherwise restrict their attendance, or restrict or prohibit the publication or broadcasting of evidence given or referred to during the proceedings where a court is satisfied that it is necessary to do so (Shatter, 2013).

### **2.3 Profile of Divorced Mothers in Ireland**

In order to explore the experiences of Irish mothers who have undergone dissolution of marriage, it is necessary to examine the actual figures pertaining to the amount of couples experiencing marital breakdown. The number of separated and divorced people increased by 22.3% between 2006 and 2011 from 166,797 to 203, 964. Two thirds of the increase (24,784) was among those aged 55 and over (CSO, 2012a). Statistics show that in 2011, there were 88,918 separated and divorced men and 115,046 separated and divorced women in the State and while gender ratios are similar up to the age of 45, the numbers of separated and divorced women outstrip their male counterparts thereafter. In terms of separated/divorced households with children, men were more likely to live in households without children. Over three

quarters of separated and divorced men (77.9%) were living in households with no children in contrast to 44.5% of their female counterparts (CSO, 2012a). In fact figures show that in terms of the overall marital status profile of lone parents in the State a significant number are separated and divorced. Although, the surge in marital breakdown predicted to follow the introduction of divorce legislation in Ireland did not emerge (Fahey, 2011 ).

As is evident from table one chapter one there are more separated and divorced women than men in the State, this is particularly evident when you look at older age categories and women are far more likely to live in households with children.

Carbone (1994) States that assessing the impact of divorce on women starts with an examination of the gendered division of responsibility within the family during marriage. 98% of those classified as looking after home or family in Ireland in 2011, were women (CSO, 2012c). It is important to take account of the link between mother's labour market participation and unremunerated labour in the home in instances of separation and divorce (Aassve, Betti, Mazzuco and Mencarini 2007; Amato, 2000; Jarvis and Jenkins, 1999; Poortman, 2000; Steiner, 2007). As a result of parental commitments women are far more likely to experience interruptions in career or educational attainment. The traditional role of primary care giver and household labour has according to Steiner, (2007) harmed women; as such labour is unpaid and unrecognised in law. Furthermore she alludes to the fact that a husband's ability to progress in his career in terms of position and earnings are as a direct result of enablement due to the homemaker role of the wife (Steiner, 2007). The fact that childcare issues and career interruptions have resulted in disadvantage in terms of availability and capability in the labour market is widely cited, as is the reality that earning potential in post-divorce circumstances for many women becomes precarious to say the least (Jarvis and Jenkins, 1999); (Poortman, 2000).

### **2.4 The Historical Position of Women and Mothers in Irish Society**

Historically the position of women in Irish society was defined by their connection to and immersion in the family; whereby women were predominately characterised by their relationship with men as part of a taken for granted cultural milieu. The traditional gender-role divide was for the husband to be the breadwinner while the

wife's role was to look after the home and children. Resources and responsibilities within the family were heavily biased in favour of men and developed patterns of subordination of women's needs and interests were structurally and culturally supported (O'Connor, 1995); where traditional assumptions about the role of women mirrored the teachings of the Catholic Church and were enshrined in the constitution of Ireland.

The prevalence of Catholic social teaching has generally been regarded as having the most far-reaching and persuasive influence on the traditional role of women in Irish society; in that it prescribed that the natural function of women was to be wives and mothers with significant emphasis being placed on high ideals and moral virtue (Beaumont, 1997). This image of the ideal Irish woman was evident in the constitutional framework in terms of Ireland's ban on contraceptives, abortion, homosexuality and divorce which remained in place long after those of other European countries and is testament to the authority of the Catholic Church.

Gender inequality and dependence have been organising concepts of the State's systems since its foundation in the nineteenth-century (Daly, 1989). The system of Social Welfare for example was transposed from England into Ireland in the 1830s and began with the Poor Law Act (Ireland) in 1838. The Act provided the gendered conceptual framework within which Social Welfare entitlements have since been framed (Yeats, 1997). The system of poor relief operated on the basis of distinction between genders; in that workhouses provided relief for women only in cases where the male breadwinner had failed to provide for them. This was the beginning of a system of Social Protection where women were treated differently and unequally to men.

This notion of wives being dependent was extended and consolidated in 1921, with the introduction of supplements being paid to male recipients of benefits for dependent children and wives; highlighting a system of Social Protection that was based on the principal of women's dependency. The monetary system of the State also reflected this regime, tax credits for example, were calculated on the basis of marital status and consequent allowances made by wives could be claimed by husbands for themselves; resulting in what Yeats describes as a *de facto* redistribution from women to men within marriage (Yeats, 1997).

Article 41<sup>5</sup> of the Irish constitution exposes different models of citizenship for men and women based primarily on the sexual division of labour; reflected in minimal State intervention into family life (Fahey, 2003). It is worth noting however that it was not only conservatism of the State entrenched in Catholic ideology that was responsible for preserving different models of citizenship. Despite the efforts of women's organisations such as the Joint Committee of Women's Societies and Social Workers, the National University Women Graduates' Association and the Irish Women Workers' Union; the notion of equal citizenship was vehemently opposed by the political leaders of the State as well as by those in the upper echelons of the Trade Union Movement. This opposition was evident in the curtailment of women's access to employment via the marriage bar<sup>6</sup> (Kennedy, 2001); highlighting the entrenchment of the strong ideological current that exalted women's roles as homemakers. What Connolly describes as the 'gender regime' was firmly embedded in the State's public policy system and was particularly evident in areas of Social Welfare, paid employment and law (Connolly, 2003).

For much of the Irish State's history, the law and public policy have treated women in a prejudiced and inequitable manner. The inherent distinction between genders engrained in the 1937 constitution laid the groundwork for the enactment of public policies that reinforced the socially inferior position of women and their dependence on men as providers (Galligan, 1999). Scannell (1988) sums up the relationship between women the law and the constitution by saying;

“For almost thirty years after the constitution was adopted, the position of women in Irish society hardly changed at all. The common law relegation of women to domesticity and powerlessness continued. Laws based on the premise that women's rights were inferior to those of men survived in, and indeed even appeared on, the statute books” (Scannell, 1988).

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<sup>5</sup> Article 41.1.1 of the Irish constitution states that the family (based on marriage) being 'the natural primary and fundamental unit of society'..... and where 'the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved' (Article 41.2.1). Furthermore 'the State shall, therefore, endeavour to ensure that all mothers shall not be obliged by economic necessity to engage in labour to the neglect of her duties in the home (Article 41.2.2).

<sup>6</sup> The marriage bar was a legal requirement that women leave paid employment upon marriage; enacted in the 1930's in response to high unemployment and pertained mainly to women's white collar occupations and remained in law until the 1970's.

Reforms to the Social Welfare system following World War II reinforced the gendered principles<sup>7</sup> underlying women's entitlements and their position at the margins of Social Welfare. The post-war Welfare State was marked more by continuity in the treatment of women as homemakers than by change (Conroy Jackson, 1993).

It was not until 1957, that some of the more obvious manifestations of gender inequality in law began to be redressed (Galligan, 1999); The Married Women's Status Act (1957) was the first piece of legislation that accorded some measure of equal treatment for female spouses. It gave married women the right to sue and be sued, to enter into contracts and to hold property in their own name. In addition the Succession Act (1965) gave a widow legal entitlement to a share in her husband's estate upon his death, ending the practice whereby a wife could be completely disinherited by a husband in his will (Galligan, 1999).

An ideological construction of marriage and women's place in the family were part of the traditional ethos of the Irish State. Despite gains made by the first-wave of feminism, prior to the foundation of the State, in terms of access to education and employment opportunities for young single women; employment for married women was a non-issue due to the deeply entrenched importance placed on women's domestic and mothering roles. The State's position on women in employment was defined by the same attitudes to gender that shaped the views of the State elite on marriage according to Connolly (2003). Restrictions on women's employment included the marriage bar, restrictive trade union practices (seen in the Conditions for Employment Act 1935) and gender differentiated pay, all of which mirrored the cultural milieu at that time (Yeats, 1997).

The economic and social climate that existed since the foundation of the State until the 1960's ensured that women (particularly married women) were not attached to the labour market and therefore dependent on husbands for income. The job scarce economy and the belief that women's primary role was that of domesticity, as well as the view that male workers were breadwinners all enforced women's roles within the private sphere of the family (Yeats and Stoltz, 1995).

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<sup>7</sup> A fundamental truth or proposition that serves as a foundation for a system of belief or behaviour

From the 1960's new reforms represented a paradigmatic shift in the State's response to women; central to which was the establishment of the Commission on the Status of Women which in conjunction with Ireland's membership of the EEC in 1973; has been perceived as laying the groundwork for many of the legislative reforms and other measures that helped to bring about change for the better in women's lives, particularly over the course of the ensuing decade (Yeats, 1997). Following recommendations from the Commission, a range of 'women's benefits' were introduced; which reflected a move towards the partial autonomy of women, beginning with the introduction of an allowance for deserted wives (DWA) in 1970 and benefit in 1973. In 1974, a Prisoner's Wife's Allowance based on the DWA was introduced. In 1973, the means tested Unmarried Mother's Allowance was introduced this was a ground-breaking acknowledgment by the State that single pregnant women were unable to economically bring up their children on their own and that institutionalisation<sup>8</sup> was no longer an appropriate policy response (Crosse and Millar, 2015).

Whilst the introduction of such women's benefits was welcome; commentators point to the fact that the effect of individualisation was to replace marital status for motherhood as a way of managing women. Some saw these benefits as a wage for house work and childcare, which were introduced as an incentive for mother's to stay at home, keeping them away from the labour market. In their attempt to dismantle unacceptable forms of discrimination the State succeed in introducing new processes and ways of differentiating between and discriminating against women (Yeats and Stoltz, 1995); (Yeats, 1997).

However, there were also legislative reforms around the area of women's employment prompted by membership of the EEC which included; the Employment of Married Women Act (1973), which removed the ban on recruitment or employment of women in the civil service, initially; the Anti-Discrimination (Pay) Act (1974) legislated for equal pay for women and the Employment Equality Act (1977), eliminated discrimination in employment or promotion on the grounds of gender or marital status and provided the basis for the establishment of a State

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<sup>8</sup> Institutionalisation was the policy response towards women who were pregnant and unmarried and was in place until the 1970's.



agency with a specific brief on gender equality, the Employment Equality Agency (1977) (Yeats, 1997).

The decade of ‘radicalism’<sup>9</sup> (1970’s) was a period of acute cultural and social change; the onset of industrialisation, increasing urbanisation, Ireland’s accession to the EEC and the advancement of media all contributed to the development of modern perspectives assisted by organised groups such as the women’s movement, community groups and the trade union movement. Despite the exposure of incessant structural inequalities for women and a number a legislative changes in the 1970’s the 1980’s saw women embedded in extremely precarious positions. Studies conducted by the ERSI revealed three out of five households were living below the poverty line, 30 per cent of adult women lived in poverty; there was a 30 per cent female participation rate in the labour force and the gross weekly wage for these women was 40 per cent below that of men (cited in Daly, 1989). The economic crisis of the 1980’s led to a continuation in the absence of both opportunity and infrastructure for women as well as high welfare dependency and survival on inadequate income according to The Report of the Commission on Social Welfare (1986). This was a decade that was comprised of significant battles for women; “women were subject to unprecedented social physic and moral battering” (Smyth, 1993 p. 265) particularly in the areas of contraception, sexuality, divorce and the role of the State in people’s lives. Many such issues were resolved over the course of the 1990’s.

The 1990’s has been identified as being significant in the Irish equality trajectory. Daly and Clavero (2003) state that equality policy from the 1970’s was framed in an understanding of equality as an “absence of prejudice or discrimination” whereas, the birth of a new equality paradigm in the 1990’s saw this concept change to “equality as a matter of equal outcomes” (Daly and Clavero, 2003 p.124). This second period saw significant reforms of equality legislation with the main drivers being both national and international. The development of Social Partnership as well as the Second Commission on the Status of Women (1993) was hugely influential in driving the concept of equality in terms of outcomes forward. The UN Platform for

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<sup>9</sup> According to Considine and Dukelow, 2009.

Action in Beijing (1995)<sup>10</sup>, of which Ireland is a signatory, led to the development of a national plan and monitoring process for women in Ireland. In addition, the adoption of gender mainstreaming by the EU also had a significant influence on improving women's equality in Ireland (Daly and Clavero, 2003). This along with a shift in attitudes towards families both at structural and cultural level, as well as increases in family diversity over recent decades has seen a rise in the labour force participation of women across all groups.

However, while changes in the status of women over recent decades have been characterised by the large scale movement of women into the labour market, there has been no corresponding increase in father's participation in homemaking. Research from Ireland shows that in traditional breadwinner household's, differences in overall committed time to work between genders is negligible. Men in breadwinner households spend an exceptionally long time on paid work, while women spend a similar amount of time doing unpaid work in the home. However, when the presence of children is factored in; women's unpaid workload in the home increases significantly in comparison to that of men (McGinnity and Russell, 2008).

More recent figures show that in 2011 married men worked longer hours in paid employment than married women, with 44.5% of married men working for 40 or more hours per week compared with 14.7% of married women. All such figures show that wives whatever their workforce participation still assume an overwhelmingly greater share of the responsibility for the family's domestic needs than do their husband's, particularly so in traditional breadwinner family models. This gendered division of labour within the home has consequences for women's earning capacity; as previously stated hours of paid work undertaken are significantly lower than that of husbands, with levels of education determining amount of money earned, which is also often lower; the average gender pay gap<sup>11</sup> in Ireland was 15.7% in 2009, below the gap in the EU of 17.1% (CSO, 2012c).

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<sup>10</sup>Said to be the most progressive blueprint ever for advancing women's rights, and defined a framework for change in areas of gender equality.

<sup>11</sup> The gender pay gap, an indicator calculated by Eurostat, is used to monitor the inequality in pay between men and women in Europe. It is defined as the relative difference, in percentage terms, between the average gross hourly earnings of women and men.

## 2.5 Problems around Divorce

Despite changes in the position of mothers in Irish society in recent times, the legacy of cultural and attitudinal inherencies has meant that mothers who have conformed to traditional roles and/or are second earners are disadvantaged at the time of divorce, particularly in lower socio economic households.

The underlying mandate in Irish divorce legislation is that ‘proper provision’<sup>12</sup> be made for spouses and children of the marriage, which has been regarded as the central and sole objective of the divorce remedy in Ireland (Crowley, 2011; O’Shea, 2013). It is however, the ambiguous nature of how such provision is determined that is an issue for many commentators (Crowley, 2011; Martin, 2002; Nevala, 2014). In an analysis of decision making trends as they relate to ancillary relief, an attempt was made to gauge how proper provision was achieved in cases studied. Buckley (2007) identified periodic payments and property transfers as by “far the most common outcomes” (Buckley, 2007 p.49). The court often treats the transfer of the family home and maintenance payments together as an agreed package according to Mahon and Moore (2011).

Moore (2007) found that orders made for ancillary relief reflected different ideologies of the judiciary in terms of economic and gender relations; results showed differences between the judiciary’s evaluation of economic and non-economic contributions made by the wife. Overall she suggests that caring, as a form of work and a moral practice is devalued at the time of divorce; in that out of the twelve cases analysed, highly educated, professional women were treated more favourably than those who had fewer educational advantages and will remain in the home after marital breakdown. Professional mothers were awarded with a clean-break<sup>13</sup>, whereby they were awarded a lump sum on divorce, which allowed them to be financially independent and self-sufficient moving forward; whereas mothers who gave up employment to care for their children were compensated for losses that were incurred as a result. For mothers who had never been employed a rehabilitative maintenance support model was employed, highlighting the fact that caring work culminated in being financially tied to ex-spouses following divorce (Moore, 2007).

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<sup>12</sup> See Article 41.3.2 of the Constitution and section 5 (1) of the Family Law Divorce Act .

<sup>13</sup> For more in depth explanations of models of post-divorce settlements see (Mahon and Moore, 2011), as well as (Moore, 2007).

Marriage breakdown bears particularly heavily on those who earn below the average industrial wage with young children, according to Coulter (2007), with the difficult reality that the family's resources are just not sufficient to support two households. Demonstrating the fact that marriage breakdown, is difficult for any family and is particularly deleterious for a family on a low or modest income.

It would appear that although the judiciary recognises the role of women in the home, this recognition has different consequences for women with different levels of education, highlighting a class dimension to women's labour market participation.<sup>14</sup> The absence of a clean break model for all, in addition to the pre-requisite legislative standard of proper provision is according to Crowley (2011) contributing to a regime that depends upon sustained financial ties, and fails to regard spousal rehabilitation and independence as priorities. Martin (2002) maintains that post-divorce Irish legislation continues the old common law tradition of a lifelong spousal support obligation ensuring perpetual economic dependence for women.

This is in addition to the fact that compensatory and rehabilitative support models employed in most cases often fail to provide for all needs; as Aylward (2009) notes, a large majority of matrimonial cases are re-entered into the family law courts due to parties inability to pay. This has slowed down an already sluggish court system as it is difficult to meet the high demand of re-occurring cases in light of current legislation (Nevala, 2014), in addition to causing continued stress, conflict and sustained inter-personal misery between parties (Martin, 2002).

Ultimately Irish family law works from the concept of 'proper provision', but difficulty arises when this cannot or is not being achieved via the ministrations of the court. Crowley (2011) states that "it is difficult to confidently assert that proper provision can be consistently and fairly secured in every instance" (Crowley, 2011 p.233); she goes on to say that in the numerous cases where courts fail to provide for the needs of the family there is no policy direction available and therefore no articulated way to address such issues. Such failure has frequently resulted in situations where women end up moving from one form of dependency to another i.e. from spouse to State. Difficulties with lack of direction in non-compliance to

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<sup>14</sup> For further information on class dimensions of women's labour market participation see Millar, M. & Crosse, R. (2014). 'Irish Work/Family Policies an Emerging Paradox' In: Readdick, C. (ed.) *Irish Families and Globalization: Conversations about Belonging and Identity across Space and Time*. Detroit: Groves Monograph on Marriage and Family

maintenance orders as well as access orders mean that family law in many instances unwittingly imposes responsibility for children in terms of finances and care on the shoulders of mothers through a lack of proper procedure and policy goals. The lack of official statistics on all separation agreements, maintenance payments and adherence to such arrangements means that the extent of these issues is for the most part unrecorded (Mahon and Moore, 2011).

Under the Social Protection code in Ireland, divorced parents in receipt of Social Protection are categorised as ‘lone parents’, a grouping which consists of unmarried, separated, widowed and divorced parents as well as prisoners wives. Lone parents who are welfare dependent are a particularly vulnerable group in Irish society. In 2012, 16.5% of all Irish households and 29.1% of lone parent households were at risk of living in poverty (CSO, 2013). Borrowing just to make ends meet and a consequent cycle of servicing debt and borrowing creating more debt is common features of the lives of lone parents (Millar et al, 2007). This assertion concurs with results from the Irish Credit Union Tracker (2012) which suggests that those on lower incomes are struggling to make ends meet (Credit Union, 2012). The ESRI has recently published a report highlighting that the cumulative effect of austerity measures has affected those on lower incomes disproportionately since the start of the recession (Keane, Callan, Savage, Walsh and Colgan 2014); all of which highlight the propensity of lone parents to have lower incomes.

Lone parents are a disadvantaged group in comparison to married parents; they have lower levels of education, are more likely to be situated in the lower manual social class and have higher unemployment rates. 42.5% of lone parents are in paid employment compared to 69.3% for heads of two parent households, 21.9% are homemakers and 14.4% are unemployed for couples the figure is 11.8% (CSO, 2012b).

Difficulties surrounding organisational logistics and financial barriers such as loss of secondary benefits like rent supplement for example, as well as individual, personal and structural barriers have been identified by lone parents as issues that made it challenging for them to return to or remain in employment, education or training (Millar et al., 2007; Crosse and Millar 2015; Millar and Crosse, 2015). The severe lack of provision for childcare that is affordable and flexible is serving to intensify the barriers to economic independence for many women, as it limits participation in

full time employment as well as in training and educational opportunities that may improve their situations (O'Connor and Murphy, 2008).

## 2.6 Stigma and Divorce

In addition to dealing with the financial difficulties associated with divorce (Millar et al., 2007), the issue of stigma has also been identified as a difficulty in situations of marital breakdown. Moore citing Scrambler (2006) asserts that stigma relations need to be studied as part of a nexus of structures. This is particularly applicable when looking at Ireland and stigma around divorce, as marriage remains a core institution and is maintained as such through both structural and attitudinal inherencies (Scrambler 2006 cited in Moore 2011). This assertion concurs with more recent findings from a study on divorce and stigma in Ireland which also found evidence of disappointment in parents of children who were unsuccessful in marriage as well as concern about economic problems; with the suggestion being that changes in divorce law in Ireland were slow to penetrate the consciousness of the older generation (Moore, 2011).

It is not just informal social networks that have been identified as sites for perceived stigmatisation, other more formal networks such as schools and professional networks have also been flagged as settings in which stigmatisation can occur. In Ireland the effects of religion on attitudes towards marital dissolution are well known. Despite the relaxation of institutional control by the Catholic Church and the increase in divorce rates over the past number of years, those that are divorced are still experiencing disapproval and stigmatisation according to (Moore, 2011). Religiosity continues its attempt to exert a persuasive influence over social norms and behaviours in Ireland, a situation which is described by Inglehart and Norris (2003) as a 'continuing hegemonic grip' (Inglehart and Norris 2003, p.48). The experience of stigmatisation is particularly prevalent in school settings as many schools in Ireland are still subject to the authority of the Catholic Church. In addition to the perception of stigma being present in school settings there is additional evidence to suggest that such stigma also exists in the work place. Moore (2011) maintains that the structural context of divorce in Ireland is one in which there is a history of social and legal sanction against marital dissolution. Evident in concealed stigma perpetrated in the professional working environment, her research suggests

that there is a prevailing dominant attitude of disapproval of divorce in some workplaces and the perceived consequence of such is discrimination in terms of unfair treatment due to the status of divorce. Overall Moore asserts that her research highlights the possibility that divorcees in Ireland are defined and judged in relation to married couples, married families and associated pro-marriage ideologies (Moore, 2011).

Such ideologies are all the more difficult to surmount for mothers who are divorced. The practice of defining of all people who parent alone without the support of a partner as 'lone parents' means that all those in the category are subject to a significant amount of stigma based on stereotypical views of this group (Crosse and Millar, 2015).

Despite the obvious heterogeneous nature of this group, no allowance for such diversity exists. All those parenting alone are lumped into one category and the group as a whole are often subject to stigmatisation; particularly those who are dependent on welfare as a means of survival. The collapse of the so called 'Celtic Tiger' in 2008 and consequent austerity measures has seen a development of a process of scapegoating to justify post-boom cuts according to Monaghan, O'Flynn and Power (2013); with single mothers being a significant target for vilification.

The view of lone mothers as parasitic has seen a massive upsurge in recent times with debate over the removal of OFP at fever pitch (Holland, 2014; Browne, 2012; Millar, 2009). Print media as well as radio broadcasts have been obsessed with public reaction to lone mother families. All sorts of justifications were posited for cuts in relation to Social Welfare, not least was the reputed immorality and irresponsibility of lone mothers. This proliferation of promiscuous women "who do not accept their responsibilities", is creating "a new lifestyle of welfare economy" which is "morally and socially wrong" according to a view that was advanced in the Dail by Fine Gael TD Derek Keating see (Browne, 2012). The consequences of such views are far reaching; a recent survey conducted by One Family <sup>15</sup>found that 78% of respondents experienced shame because of their family type. Highlighting how

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<sup>15</sup> One Family is Ireland's national organisation for one-parent families. They work with all types and all members of one-parent families, respecting the realities of family life, to affect positive change and achieve equality and social inclusion for all one-parent families in Ireland.

“stigma directed towards people parenting on their own outside of the 'traditional' family unit remains a thing of the present” (One Family, 2014a).

Pro-marriage ideologies inherent in the Irish cultural milieu have the consequent effect of generating stigma against those that do not conform to the social norm of the traditional family unit based on marriage; such stigma is fashioned by the State in terms of its prescription of what a family should look like and such views permeate all types of relational spheres (Moore, 2011). Divorce violates the profound value attached to marriage, as well as the deeply entrenched individual and social expectations that surround the institution of marriage according to Walzer and Oles (2003) and it is primarily when such expectations are violated that stigma occurs. Pescosolido and colleagues (2008) framework integrating normative influence on stigma (FINIS), suggests that it is the quality and nature of interaction from macro to micro level that determines the effect to individuals. That effect has been shame, embarrassment, alienation, mental distress, as well as facing significant inequalities in terms of treatments within structures of the State, employment opportunities, and normal social functioning (Pescosolido, Martin, Lang and Olafsdottir 2008).

Evidently those who have divorced have experienced stigma across all types of social relations. Such stigma is particularly prevalent in cases where mothers are parenting alone and are welfare dependent. According to May (2010) “lone mothers continue to be defined as a social problem or threat because of the stereotypical view that they are perpetuating a culture of dependency or generating a social underclass” (May, 2010 p.432). The fact remains that this discursive illusion hides the variety of social positions occupied by those that are ascribed to this category (May, 2010).

Even though individuals develop ways of coping with stigma; disassociation, affiliation with similar groups and alignment of behaviour to ensure other cultural expectations are met; the consequences of stigma can be far reaching. Feelings of shame, guilt, and a sense of failure (Moore, 2011) along with subsequent low self-esteem, anxiety and depression have all been identified as possible effects on those against which stigma is perpetuated (Link and Phelan, 2001).



## 2.7 Conclusion

In conclusion this chapter has looked at the position of married women in Irish society; it has outlined how married women since the inception of the State have been defined by their immersion in the family unit and characterised by their relationship with men. Gender inequality inherent in the constitution has been perpetuated in the structures of the State, in terms of what has been described as the States gender regime, which has been embedded in the State's public policy system and is particularly evident in areas of Social Welfare, employment and law (Connolly, 2003).

In relation to Social Welfare, this gender regime is apparent in the categorisation of women; in terms of how marital status has been replaced with motherhood as a way of managing women (Yeats and Stoltz, 1995). Carer roles and career interruptions imposed on women as a consequence of historical policy, has resulted in disadvantage in terms of availability and capability and has yet to be recognised, with the reality being that earning potential of women in post-divorce situations is often reduced (Steiner, 2007).

The traditional female life course centered on child rearing which was ingrained by the State and society is being extended with an imposed obligation on women to assume two roles that of earner and carer. This is evident in family law as it pertains to divorce. Frequently made compensatory and rehabilitative support models applied under judicial discretion often fail to provide for all needs (Aylward, 2009). Lack of data on maintenance payments and non-compliance rates as well as adherence to access orders means that there is no way of knowing the extent to which Irish women are being forced to accept sole responsibility for the dual role of financial provision and care.

Given that the position of women in Irish society is generated and maintained by a social milieu that is structurally and culturally supported and the centrality of marriage is generated by structural legacies and maintained by cultural legacies, as well as by religious traditions and consequent expectations are shaped by such legacies and traditions, consequently those who are divorced experience a significant amount of stigma in their daily lives (Moore, 2011). In addition it has also been highlighted that stigma is particularly prevalent in cases of mothers who parent alone

and are welfare dependent. The current recessionary climate and consequent austerity measures make this group particularly vulnerable to stigma and to the consequent labelling and stereotyping which occur, seen in recent media commentary around this group as well as political reaction at the highest level<sup>16</sup>. Failure to recognise the different positions of such women has led to negative consequences for many where shame, humiliation, negative self-perception, fear and social isolation are common features of lone mother narratives (Millar et al., 2007).

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<sup>16</sup> See (Holland, 2014) and (Millar, 2009) for media commentary and (Browne, 2012) for political reaction to lone mothers and welfare.

## Chapter Three

### Literature Review

#### 3.1 Introduction

The impact of separation and divorce on mothers has been widely studied across disciplines and from a number of theoretical perspectives. Traditionally, the majority of research in this area has presented a somewhat deficit perspective, essentially highlighting negative outcomes. Amato (2000) for example states that mothers who have experienced a marital breakdown tend to experience a lower standard of living, less wealth and greater economic hardship as well as suffer more negative life events compared with those in continuously married relationships.

As a result of more sophisticated research methodologies and analysis techniques a more complete and nuanced understanding of the diversity of experiences and range of outcomes associated with marital breakdown has developed. Consequently new perspectives have emerged in the research literature; focus has shifted to the importance of risk and protective factors as well as culture, values, norms and social policy arrangements all of which are associated with positive and negative outcomes for individuals in various family forms.

Section two of this chapter looks at feminist theory and different ideologies that pertain to the sphere of the family. Focusing on feminist perspectives of divorce and ways in which women's positions at the time of divorce systematically differ from men's positions; resulting in a disproportionate level of disadvantage. The gendered division of responsibilities within marriage and how such responsibilities are added to in situations of divorce are explored. In addition theoretical explanations posited to account for such divisions are examined. Causal processes that govern the sexual division of labour in the home are also explored and are thought to account for the disproportionate disadvantage that mothers experience at the time of divorce and beyond.

In addition the exploration of other social structures such as the law as it pertains to child maintenance and Welfare State arrangements highlights how families must be viewed as part of a system that reproduces women's social and economic inequality.

Section three covers a review of the literature pertaining to the economic impact of marital breakdown and explanations for differential impacts on income between men and women; encompassing caring responsibilities, child maintenance and Welfare State arrangements, all of which are purported to account for such differential impacts.

Section four goes on to explore the issue of stigma and divorce as well as stigma and lone parenthood, to illuminate how violated norms, values and expectations can constitute negative sanctions. Non-conformance to moral responsibilities has deleterious effects for individuals particularly when individuals are labelled. How the issue of stigma presents and is dealt with in situations of divorce and lone parenthood is also explored in this section.

Section five looks at domestic violence in situations of divorce, it considers the impact of domestic violence on women's mental health and examines the literature pertaining to domestic violence internationally. Focusing on definitions and types of domestic violence and how these may manifest throughout the process of separation and divorce.

### **3.2. Feminist Theory**

Feminism encompasses a number of political, social and cultural movements, as well as philosophical and moral philosophies and is fundamentally concerned with gender inequalities and equal rights for women. Feminist theory is the extension of feminism into theoretical or philosophical fields and is multidisciplinary in nature. Areas of interest to feminist theorists include but are not limited to; anthropology, sociology, women and gender studies, philosophy and literary criticism. Much of feminist theory focuses on exploring and analysing gender inequalities' and on the promotion of women's rights and interests particularly in the area of the family. Feminism is said to have revolutionised the family field with new investigative strategies and concepts producing new understandings of family experiences with women's roles and life experiences being central to many investigations (Baca Zinn and Dillaway, 2005) (See Chapter 5 Section 5.1).

Several subtypes of feminist ideology have developed over the years but there is no one interpretation of the role of the family in women's lives. Despite differences in

approaches and concerns, feminists tend to agree that women occupy a subordinate position within the family and are exploited in a number of ways.

### **3.2.1 Difference Feminism**

Is a branch of feminism that is particularly pertinent to this research, difference feminists have criticised other feminist ideologies for failing to recognise the fact that women in different types of households experience life differently. They maintain that it is incorrect to say that all women are exploited in the same way in all types of families. Difference feminists stress that many factors shape the experience that women have of family life. Such factors include social class, race, sexual orientation and family form. This adds a new dimension to the study of family as it links family experiences to other influences in society, demonstrating that the family is not an isolated unit but rather an integral part of the social system (Nicholson, 1997).

Central to the view that the family is not an isolated unit is the core premise of most contemporary feminist thought; the personal is political, is a notorious term which was created to highlight the view that what was happening in women's personal lives was in fact political and the long held propensity to legitimise power in the family by non-intervention was no longer acceptable (Hanisch, 1969). Feminists argued that the private realm of the family must be part of the political realm and therefore subject to the principles of justice. The reasons for this they argued were that; families are social institutions and as such must be subject to interventions of the State where necessary. The State has a critical interest in the development of future citizens and the division of labour in traditional family models constrains women's opportunities' and freedoms in wider society which need to be identified and remedied by the State (Satz, 2013).

It is this assertion that the division of labour in traditional family models constrains women's opportunities' and freedoms in wider society; brought about and maintained by the significant influences' that culture, religion and social class have on shaping women's lives, that is the core premise of this thesis.

While there are physiological and biological differences between men and women that may support women's prominent roles in child rearing and domestic labour, cultural feminists argue that the effects of these differences depend on how we value

them. In that, there is no problem with a sex based division of labour, provided it is voluntary and all roles are appropriately valued (Gilligan, 1982). However the reality is that women are often made vulnerable by the unequal division of labour in the family and by assumptions about child rearing and domestic responsibilities. Despite advances made by the second wave of feminism (see Chapter 2) the majority of families are still based on an unequal division of labour, whereby women are predominately responsible for the bulk of domestic and care work in the home.

### **3.2.2 The Gendered Division of Family Responsibilities in Marriage**

Carbone (1994) states that assessing the impact of divorce on women starts with an examination of the gendered division of responsibility within the family during marriage. Despite changes in gendered divisions of care-giving and breadwinning across many countries in recent years, research shows that there is an outstanding stability in mothers' responsibility for domestic work and children (Berk, 1985; Kan, Sullivan and Gershuny 2011). There are a number of theoretical explanations posited to account for this division, which are grouped into four general categories according to the primary causal processes thought to govern the sexual division of labour; nature, culture, economy and gender inequality.

Biological arguments suggest that women are predisposed to care for those in the family unit and that the nurturance of family members naturally follows a path of domesticity within the home. Feminist critiques claim that such a theory is flawed in the sense that while it may be the case that women are the only ones that can bear and nurse children, the gender of those responsible for work in the home is neither fixed nor preordained, therefore divisions of labour within the home are socially constructed ideals (Thorne and Yalom, 1992).

Theories that consider the division of labour within the home to be culturally fashioned focus on the importance of socialisation and ideology, whereby it is tacit values and ideals that shape people's motivations and causes them to perform gender-type activities (Chodorow, 1978 ; Coltrane, 2000). This is particularly pertinent to homogenous groups like that under investigation here, where cultural norms and values have a significant role in shaping experiences.

## Chapter Three: Literature Review

There are many who believe that the division of labour by gender is a practical response to economic conditions. Motherhood generates interruptions to women's careers, reductions in human capital investments, which along with childcare barriers (Steiner, 2007) (see Chapter 2 Section 3) weakens female attachment to the labour force and provides incentives for prominence to be placed on husband's careers. Such prominence is explicable when consideration is given to the prevalence of work/family policies that perpetuate traditional family structures (Millar and Crosse, 2014), highlighting how situational constraints may play a significant role in people's decisions around allocating work/family roles. Such decisions emphasise how women's choices in the family interact with unjust social structures outside the family, in particular the sex segregated division of labour in the economy and the well documented cases of the gender pay gap (see Chapter 2 Section 4). Given issues with lower wages it is logical that mothers be the ones to withdraw from the labour market particularly when childcare is taken into consideration; leaving them with both skill and earning deficits. The structures of work and family therefore create what Okin (1989) describes as a cycle of vulnerability, which conditions the lives and choices of women (Satz, 2013).

There have been numerous studies on gender divisions of domestic labour in the home, which despite shifts towards equality in recent years highlight a continuing disproportion in domestic tasks between genders. Research undertaken by Coltrane (2000) and Kan et al (2011) demonstrate that women still bear the bulk of the responsibility for care and domestic tasks, while men gravitate more towards non-routine type domestic work (Coltrane, 2000; Kan et al., 2011). Even though there is widespread research to support an inequality of gendered responsibilities in care and domesticity hypothesis, there are those who are of the view that such work does not illuminate the whole issue.

Sullivan (2013) for example argues that a careful distinction of housework and childcare at different levels of analysis can contribute to a more nuanced appreciation of different processes that underpin the division of housework and care tasks (Sullivan, 2013 p.82). Doucet (2015) takes this argument further; building on previous work that explored practices and meanings of parental responsibility, care, domestic work, gender inequality and gendered differences in domestic life (Doucet, 1996; 2001; 2006; 2009; 2013). Doucet (2015) states that sparse attention has been

given to the overall concept of parental responsibility, whereby there should be a distinction between parental caregiving tasks measured by task or time and parental responsibilities. This is conceived as wider sets of multipart processes of care that encompass emotional, community and moral responsibilities; all of which allow for the complexities of parental responsibilities to be revealed (Doucet, 2015).

Emotional responsibilities in parenting are skills and practices of attentiveness and responsiveness which involve knowing about and attending to the needs of others<sup>17</sup>. Emotional work has been explored elsewhere and has been proven to be gendered in nature as a consequence of social norms. Women's emotional responsibility and care of their children is viewed as natural to women and central to children's wellbeing in a way that men's care is not (Barbee et al., 1993).

Community responsibilities involve the use of cognitive and organisational skills for coordinating, balancing, negotiating and orchestrating all those that are involved in children's lives; in terms of hearing and seeing needs and negotiating how and who is best placed to meet those needs. The concept of moral responsibilities is ingrained in discourse around mothering and fathering as well as gendered ideology. Whereby moral identities often determine moral responsibilities in terms of how people feel they ought to act in any given society depending on their position within that society. Encompassing moral responsibilities are gendered norms and expectations about roles in the family and in wider society generally adding pressure to conform to such expectations. The gendered habitus in which people live fashions responsibilities and often maintains ideologies and discourses around mothering and fathering as well as behaviour (Doucet, 2015).

All such processes and complexities are considered throughout the this research (see Chapter 2), in addition the cultural context and structural factors that shape such responsibilities are also considered (see Chapters 2 and 6) in keeping with Doucet's model of investigation.

Having looked at the family in terms of how it may constrain women's freedoms and choices and how such choices interact with unjust social structures outside the family, which together create a cycle of vulnerability the next section will examine how such vulnerability is perpetuated in situations of marital dissolution.

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<sup>17</sup> See also Strazdins, L. & Broom, D. H. (2004). Acts of Love (and Work) Gender Imbalance in Emotional Work and Women's Psychological Distress. *Journal of Family Issues*, 25, 356-378.



### 3.2.3 Feminist Perspectives on Divorce

Since certain factors shape experiences that women have in family life, inevitably such factors also shape women's experiences of divorce. There are a number of feminist perspectives on divorce all of which while different, focus on the implications of divorce for the lives of women and their children, taking into account positions at the time of divorce.

Feminist perspectives on divorce proceed from ways in which women's positions at divorce systematically differ from men's positions and as a consequence are disproportionately disadvantaged following divorce. Such views are particularly pertinent to families who conform to the traditional breadwinner model and are of a lower socio economic status. The following sections will identify how this is the case.

Having looked at the division of family responsibilities in marriage and how research suggests that care in all its guises is overwhelmingly the concern of mothers; it is worth noting that the vast majority of studies on the division of labour and familial responsibilities in the home focus on married couples. Less is known about the division of labour in different family structures such as single parent households. An implicit assumption in much of the literature in this area is that family structure is stable, despite high rates of family dissolution and the prevalence of diverse family forms. Taking this into account important questions arise about how families negotiate care work and responsibilities when family structures change (Perry-Jenkins, Newkirk and Ghunney, 2013).

Single mothers may be exposed to enormous stress due to caring for the home now including those responsibilities traditionally assumed by men. In addition, the lack of a supportive spouse to turn to for counsel, cooperation, and comfort, compared to two-parent households, lone parents not only have to deal with income deficits, they also have half the adult time resources available (Craig, 2005; Tran, 2011). Various social pressures are also an issue for many; conflict with the child's father, is an ongoing reality particularly in situations of separation and divorce. Studies suggest that depressive symptoms of single mothers are associated with mother/non-resident-father relationships and consequent court battles (Jackson and Scheines, 2005).

As with family responsibilities in marriage it is important to acknowledge the whole concept of parental responsibilities and what that means for mothers in situations of marital dissolution. Research into mothers in transition highlights the overwhelming responsibility borne by mothers in situations of relationship breakdown. The continuation of having sole responsibility for the holistic care of children and the adoption of new roles in terms of fulfilling responsibilities of an ex-spouse is a salient theme in this research. The role of primary economic provider and sole manager of family finances is a common thread in the experiences of mothers who have undergone marital dissolution. While the economic impact of divorce and explanations for such will be explored later in the chapter; it is important to acknowledge that the addition of financial care of the family unit is an added responsibility for mothers which; for many, increases their sense of vulnerability in what is already a traumatic time (Tran, 2011).

Section three will highlight the economic position of women following divorce with subsequent sections looking at explanations for differential impacts on income; which include both the impact of caring responsibilities, as well as the effects of the existing system of provision firstly in terms of legal provision and subsequent Welfare provision.

### **3.3 Economic Impact of Divorce**

The increase in divorce rates in many western countries and the higher proportion of female headed families among poorer households has prompted much interest in the relationship between marital dissolution and the Welfare of mothers and children according to Del Boca, (2003). The majority of research on the economic consequences of marital dissolution suggests that women and children suffer a greater financial loss than men. However there is no consensus as to the magnitude of the loss to each gender or the disparity between them. Early longitudinal research from the USA and Europe indicates a substantial loss of income for women in comparison to men whose economic circumstances actually improved in some instances; such results are substantiated in studies conducted by (Fritzell, 1990; Jarvis and Jenkins, 1999; Poortman, 2000; Manting and Bouman, 2006)

Further to this there are those who have tested whether or not men's or women's incomes recover from the short-term impact of marital dissolution, the results of

which are mixed. For example Gadalla (2008) states that estimates of the decline in women's economic status one year after dissolution range between 23% as identified by Galarneau and Sturrock (1997) and more than 40% as specified in studies by Bartfeld (2000). Notably however, most studies report an income decline of approximately 30% (Duncan and Hoffman, 1985; Mott, 1990). In contrast recent research suggests that the economic consequences of marital dissolution for women are 'much more modest' than have traditionally been the case (McKeever and Wolfinger, 2001), while others such as Bedard and Deschênes (2005) question reported large declines in women's income as their research found that divorced women's households have more income per person than non-divorced women.

However, research by Gadalla (2008) concludes that for the first year following marital dissolution women's income dropped by 30% consistent with previous findings and demonstrated that adjusted median income levels four years post marital dissolution were only 80% of pre dissolution median income. Inconsistencies between results have often been attributed to the type of measurement used; Aassve et al (2007) found the definition of economic well-being as well as the poverty threshold utilised to be significant in determining levels of effect on income, monetary measures in this study revealed that unquestionably women suffer a disproportionately a larger negative effect than men (Aassve et al p.797). The use of non-monetary measures (i.e. indices of deprivation) also revealed that women suffered significantly more than men although men's levels of deprivation also increased in this instance. This discrepancy in income and wealth has been attributed to a number of factors explored in the following section.

### **3.3.1 Explanations for differential impacts on income**

Feminist perspectives on divorce outcomes view a lack of adequate provision by existing systems for both child rearing and greater equality between men and women as fundamental in contributing to the impoverishment of women and children, following situations of divorce (Carbone, 1994). Explanations for differential impacts of marital splits on income are generally focused in three areas, gender related differences in the provision of care, issues surrounding the payment of child support as well as the impact of State Welfare arrangements, each of which

significantly affect income for women and children in situations of marital dissolution.

Encompassing the issue of situational constraints is the issue of gender inequality in terms of economic inequalities creating and maintaining differences between genders in labour market attainments (Millar and Crosse, 2014). In addition there are those that have cited social institutions such as marriage, the legal system, and the system of Social Welfare as perpetuating an unequal division of labour between genders (see Chapter 2 Section 4).

### **3.3.1.1 Caring Responsibilities**

As seen previously, gender related differences are particularly evident in areas such as labour market participation and unremunerated labour in the home. Numerous authors identify both areas as being fundamental in the levels of income disparity experienced by many women (Aassve et al., 2007; Steiner, 2007; Amato, 2000; Poortman, 2000; Jarvis and Jenkins, 1999). As a result of parental commitments women are far more likely to experience interruptions in career or educational attainment. The role of primary care giver and household labour has according to Steiner (2007) harmed women as such labour is unpaid and unrecognised in law. Furthermore she alludes to the fact that a husband's ability to progress in his career in terms of position and earnings are as a direct result of enablement due to the homemaker role of the wife.

Poortman (2000) highlights the post-divorce situation for women and maintains that while women in the main still have overall responsibility for children they can no longer rely on the income contribution of husbands. This is in addition to the fact that childcare issues and career interruptions have already resulted in disadvantage in terms of availability and capability in the labour market, consequently the post-divorce circumstances for many women become precarious to say the least. Aassve et al (2007) draw attention to the reality that the divorce event implies reduced income and higher relative expenditure. Essentially the general consensus is that "differences exist because women have more interrupted work histories prior to divorce, experience greater work-family conflict" (Amato, 2000 p.1277) and are more likely to experience employment and wage discrimination due to the depreciation of what Poortman (2000) refers to as human capital investments.

The possibilities of coping with the conflicting demands of paid and unpaid work have been widely documented and room for manoeuvre is not only linked to gender but also to social class. All working parents have to cope with work-family conflict, but the terms and conditions under which they experience that conflict vary across the income spectrum. Time and space constraints, opportunities to outsource care, patterns of work schedules, among others parameters, differ greatly (Fagnani, 2011).

In addition these issues are compounded by a lack of adequate provision by existing systems for both child rearing and greater equality between men and women; evidenced in systems of law as they pertain to child maintenance and in systems of Social Welfare in terms of payments to lone parents and rules and regulations attached to such payments.

### **3.3.1.2 Child Maintenance**

Bartfeld (2000) states that “while mothers and children do fare dramatically worse than fathers economically following marital dissolution, such differences would be much more pronounced in the absence of private child support” (Bartfeld, 2000 p.203). Much of the research in this area suggests that child support has the potential to alter economic outcomes for women and children. Cancian and Meyer (2005) found that in 1994 child support brought 5% of mother only families that were poor before transfer out of poverty and reduced the poverty gap in these families by 5-7%. However, Bartfeld’s figures show a much more substantial reduction in the poverty gap as much as 7-11% in some cases. The extent to which child maintenance reduces child poverty depends on whether or not actual receipt is taken into account. Hakovirta (2011) compares child maintenance across eight countries using 2004 and 2005 data from the Luxembourg Income Study. She finds that the overall poverty gap - defined as the amount of income needed to bring families level with the poverty line, thereby eliminating poverty - is reduced by 5 % in the UK for example but that this number would increase to 30% if all eligible lone parents received maintenance according to Culliney et al (2014); highlighting the importance of child support in improving the well-being of custodial mothers and children.

Even though there are legal frameworks in place in many countries to deal with the issue of maintenance; findings from this study show that there is a significant rate of non-compliance with child maintenance orders (see Chapter 6 Section 3.2). Such

failures have led to the creation of guidelines and practices to enforce maintenance orders. Exemplified in the establishment of the Child Support Agency in the UK<sup>18</sup>, the 1988 Family Support Act in the USA and the possibility of seeking an Attachment of Earnings Order in the Republic Of Ireland which results in the maintenance amount being deducted at source from the spouse's income, an order of maintenance payments through the district court clerk are also used in an attempt to enforce compliance.

However, despite such measures compliance with maintenance orders continues to be hugely problematic. Issues of non-compliance are not new phenomena; research carried out by Espenshade (1979) found high levels of non-compliance with court ordered support obligations from as far back as the 1950s in the USA, illustrating the persistent and pervasive nature of non-payment of child support for over half a century. More recent evidence reveals that the instance of those in receipt of maintenance is and has been quite low. Figures reported by Bradshaw and Millar (1991) show that in the UK of the wives with dependent children after the marital split, only about one quarter receive some amount of maintenance; McKay and Marsh (1994) estimate figures of between one quarter and one third in the UK. Jarvis and Jenkins (1999) also estimate figures to be approximately one quarter of fathers paying maintenance following divorce. These figures concur with statistics from the United States where Steiner (2007), using figures from the Census Bureau 2002 estimated that 5.5-6 million women were not receiving any child support payments, affecting approximately 10.5 million children.

Even though evidence suggests this is the case in many countries, characteristics of child support systems vary and are fundamental in determining outcomes. In 1994, only 43% of European single parents received child maintenance payments. In 2000, this figure was still less than 50% but by 2004, the proportion of single parents receiving child maintenance had increased to 64%, suggesting that payments are more and more regulated. However, in France, Hungary and Ireland, this proportion

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<sup>18</sup> The CSA is being phased out since November 2013; with the latest reform strongly encouraging private arrangements (Culliney et al., 2014).

decreased in the late 1990s<sup>19</sup> according to Beaumont and Mason (2014) who conducted an in depth analysis of child maintenance systems in EU member States.

Nordic countries have the highest levels of compliance and the lowest levels of child poverty rates due to State provisions according to Del Boca (2003), demonstrating the role of child maintenance arrangements in moderating the negative economic consequences of divorce. More recent research from Beaumont and Mason (2014) confirm that Nordic countries have the highest rates of child maintenance payments in the EU with 100% of single parents in Sweden receiving child maintenance, for the UK however this figure stands at 22%. This is thought to be as a consequence of the social policy approach in each country. In Sweden, when the non-custodial parent cannot pay, the payment of child maintenance is guaranteed by the State. In the UK, though, maintenance payments are seen as a private family matter, so the payment of child maintenance is not guaranteed by the State (Beaumont and Mason, 2014).

Feminist perspectives on child maintenance centre on the issue of child maintenance payments being insufficient to meet the needs of the children and do not make up for the unequal care roles of mothers prior to and following divorce. Divorce law currently contains no recognition that husbands and wives financial positions at divorce might reflect the gendered division of family responsibilities during the marriage (Moore, 2007), (see Chapter 4 Section 6.2.1). In addition mothers still overwhelmingly retain physical custody of children and even though the law recognises a clear continuing obligation to children, fathers bear relatively little of the post-divorce responsibility for child rearing, child maintenance awards do not begin to make up the differences, and compliance is poor at the levels awarded. Fathers maintain decision-making power without a corresponding role in responsibility; mothers continue to assume the primary caretaking role with less security and recognition. So long as divorcing women do not enjoy the employment prospects of their former mates and they bear the disproportionate responsibility for child rearing both during and after marriage, and there is no substantial post-divorce economic adjustment, a precipitous decline in the living standards of divorced women and the children in their custody is inevitable according to Carbone (1994).

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<sup>19</sup> There are no recent figures available for Irelands maintenance compliance rates and are therefore not contained within this report. The percentage of single parents receiving maintenance in 2000 in Ireland was 20.1%.

Ultimately marriage is a major axis of stratification due to access to higher incomes, the loss of which upon separation can and has forced women and children onto poverty (Gemelli, 2008).

The culmination of high rates of mother custody combined with low levels of support results in a shift in responsibility from parents to mothers. This responsibility is more deleterious for poorer mothers. While levels of education may not reflect on levels of activity within the labour market they do reflect on labour market attainments; resulting in lower level employment opportunities and consequent lower levels of earning capacity. Existing divorce policy reflects what cultural feminists term the ‘illusion of equality’ whereby the law posits degendered spouses rather than husbands and wives, particularly in terms of wealth allocation and child custody; women's unequal social and economic position in society, the ways in which marriage and family decisions are affected by these and other economic and social circumstances, as well as the impact of divorce on women with dependent children are not taken into account in legal proceedings, hence the illusion (Carbone, 1994).

### **3.3.1.3 Welfare State Arrangements**

Uunk (2004) argues that from a European perspective member States differ in the extent to which women suffer economically, which can be entirely attributed to variation in Social Welfare and levels of public childcare provision. An analysis of fourteen member States utilising Esping-Andersen's (1990) well-known typology of Welfare States encompassing liberal, conservative and social democratic regimes and a later edition typified as the southern regime (see also Chapter 4 Section 4 ) yielded some very interesting results that supported Uunk's (2004) hypothesis. Results showed that most women suffer economic decline following divorce and income decline is larger in some countries than others.

Welfare State arrangements also have a significant impact on the economic consequences of divorce, women from the social democratic regime type displaying the least adverse income changes. Those in the southern regime displayed the most adverse changes, while those in the liberal and conservative regimes occupied an intermediate position. It is Uunk's assertion that “Welfare State regimes differ in the economic consequences of divorce because they differ in the levels of Social Welfare and public childcare provision” (Uunk, 2004 p.279). Poortman, (2000)



maintains that income transfers and Welfare payments are insufficient in compensating women for loss of income following dissolution of marriage. Central to this are the rules governing Welfare payments which are an impediment to women endeavouring to make the transition from Welfare dependency to economic independence. Rhode (1994) also makes the point about Welfare policies that are ostensibly designed to assist women but have institutionalised their subordination; in that Welfare programmes stigmatise recipients without providing the support that would enable them to alter their disadvantaged status. Ultimately the choice for many women is dependence on husbands or dependence on intrusive, insensitive bureaucracy (Rhode, 1994).

In addition to Welfare policies having a negative effect on those in lower socio economic groups, Mandel (2011) asserts that the impact recent changes in the area of work-family policies ostensibly designed to improve financial well-being through the uptake of employment is conditioned by class; his research showed that multiple indicators of gender in/equality converge to create distinct patterns of gender inequality (see Chapter 2 Section 4) whose implications for women differ according to class. While such policies may increase women's labour market activity, they have a perverse effect on some women's labour market attainments (Mandel, 2011).

This view is substantiated by Orloff (2006) who maintains that the move from maternalist<sup>20</sup> policy models towards those which espouse employment for all have led to the development of policies whose implications are not the same for all categories of women. Albelda (2001a) argues that if society acknowledged the value of women's work then Welfare reform would support part-time waged work and make society understand that for some families at certain periods in their lives having the only adult in the house in paid employment is neither possible nor desirable. Zatz (2009) argues that work requirements for Welfare recipients are often viewed as imposing cross-class parity in work-family balance based on the assumption that most mothers are now in paid employment and Welfare recipients should be no different. Zatz argues this to be misleading as policies towards two-parent families show that work requirements typically support a breadwinner-caretaker division of labour and do not insist that all parents work. He contends that

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<sup>20</sup> Maternalism may be defined as ideologies and discourses which exalted women's capacity to mother and applied to society as a whole the values they attached to that role: care, nurturance and morality (Orloff, 2006).

the class-parity analysis fails, lone mothers receiving Social Welfare must work more than economically privileged mothers and mothers in coupled households can work less (Millar and Crosse, 2015). .

Support for full time caregiving which was the hallmark of a number of gendered policy regimes (see Chapter 2 Section 4) is diminishing for a number of reasons. Firstly, cultural change and social movements is challenging different activities for men and women in terms of breadwinning and caregiving. Secondly, hard economic times have reinforced this cultural shift whereby women's earnings are essential to household financial well-being. In addition this shift has been very much encouraged by the State. Making claims on the State for resources and recognition on the basis of motherhood, or care is more difficult and often politically impossible (Orloff, 2006).

Traditionally social provision for women was a back-up to the family wage system and contributed to women's disproportionate vulnerability to poverty outside of marriage. However, the move to an earner typology of provision in the absence of State support for care giving activities and employment increases this vulnerability in low capacity earning one parent households. This is due to derived dependency and impaired capacities to participate as individual economic citizens due to caregiving responsibilities (Orloff, 2006), highlighting how Welfare State arrangements be they traditional or modern have an impact on the financial autonomy of women in situations of divorce.

### **3.4. Stigma**

Culture, values and norms which make up the gendered habitus in which people live are part of a system that reproduces women's social and economic inequality and nowhere is that more obvious than in situations where culturally generated expectations are violated. Stigma perpetrated against those that do not conform to those expectations is a prime example of how the family interacts with structures outside of that sphere.

There is a vast array of literature on stigma; the multidisciplinary nature of the literature raises questions over how stigma is both defined and conceptualised. Erving Goffman's seminal book *Stigma: Notes on the Management of Spoiled Identity* (Goffman, 1963); is said to have inspired a profusion of research on the nature, sources and consequences of stigma. Goffman defines stigma as "an attribute

that is deeply discrediting” which reduces the bearer “from a whole and usual person to a tainted, discounted one” (Goffman, 1963 p.3). Essentially Goffman maintains that stigma arises when an individual is disqualified from social acceptance, whereby there is rejection as a result of an attribute that is ‘deeply discredited’. Stigma is a process by which the reaction of others spoils the ‘normal identity’ of the stigmatized (Goffman, 1963, p. 5). Goffman’s description of stigma focuses on the public’s attitude towards a person who possesses an attribute that falls short of societal expectations and how that identity is managed by the stigmatized person (Bradley, 2013). Therefore Goffman sees stigma as somewhat individualist and interactionist in the sense that stigma is explored at a micro level.

This early concept of stigma has been expanded to give more elaborate definitions; which consider stigma from a macro perspective. Many theorists believe that stigma is cognitively constructed through expectations that have been shaped by culture, politics, and social relationships (Pescosolido et al., 2008). Such expectations are intrinsically connected to the notion of what is ‘normal’ through categories that are culturally given. Thus, allowing differences to be highlighted if expectations are violated, particularly so in cases where differences are of social significance. Consequently, labels are applied to individuals rather than to the issue itself. Further to this, social labels signify a separation of us from them, them being the out-group, which have undesirable attributes and are different to those in the in-group who share similar values, beliefs, and identities. This is how stereotyping is accomplished as all negative characteristics can be applied to the out-group without harm or consequence (Link and Phelan, 2001). An immediate effect of this is status loss for the person connected with the undesirable characteristics, as the link to such characteristics reduces the reputation of the stigmatised. Overall, the differing conceptualisations of stigma taken as a whole suggest that social structures as well as social interaction are central to shaping our understanding of stigma and what it means.

Family structures have changed dramatically in the western world over the past number of decades, there is no doubt that different family forms have gained a certain level of acceptance and those that are divorced are no longer subject to the moral outrage they once encountered. However, contrary to popular belief stigma attached to divorce has not totally disappeared; Gerstel’s (1987) study on stigma and

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divorce showed that while there may have been a decline in the disapproval of divorce as a general category, divorcees were still subject to stigma. Findings suggest that if we understand stigma as referring not just to the realm of public sanctions but rather see it as emerging out of everyday experience, then we can see that those who are divorced continue to be stigmatised (Gerstel, 1987). She asserts that disapproval of divorced individuals persists; highlighted by the fact that such individuals suffer informal, relational sanctions. Such sanctions are evident in a number of relational spheres; research suggests that the perception of stigma can be experienced across various social institutions as well as from interactions in wider society generally.

In the private family setting there is research which indicates that a child's divorce can have negative consequences for intergenerational relationships. Kaufman and Uhlenberg (1998) state that divorce is likely to add stress to relationships with parents due to both, possible disappointments that children have been unsuccessful in marriage, as well as increased pressure in terms of dependency in situations where parents are assisting with the economic fallout of divorce, or in terms of resentment where no such help is proffered. This is particularly the case for daughters' relationships with parents, due to the widely proven drop in economic status that occurs for most women on divorce (Kaufman and Uhlenberg, 1998). Research in the area of intergenerational care suggests the women who are of a lower socio economic status live closely 'enmeshed lives' alongside other family generations. This is thought to be as a consequence of reduced resources since the recession leading to the requirement for informal sources of care and inbuilt in such relationships is the need for reciprocity or mutual obligation (Conlon, Timonen, Carney and Schart, 2014).

Other relational spheres have also been posited as sites in which stigma can be perpetrated, informal social networks and wider communities have often been cited as significant areas where stigma is perceived (Gerstel, 1987; Kurzban and Leary, 2001; Moore, 2011). Studies on this subject note that exclusion from informal social networks was a common experience for many who had divorced; in a number of cases it has been found that people in friend networks as well as those in the wider community seek to maintain a social distance and avoid stigmatised individuals (Link and Phelan, 2001). Rejection from previously held in groups such as 'normal'

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married groups to an outside of the norm separated status can lead to substantially diminished social networks. Kurzban and Leary (2001) maintain that individuals are stigmatised and socially excluded to the extent that they are assumed to pose a threat to others (Kurzban and Leary, 2001). This perception of social threat has been found elsewhere and is similar to what Goffman refers to as 'stigma theory' exemplified in situations where those who are married feel uncomfortable, threatened and act as if divorce is a contagious social disease. Exclusion of divorcees from the social life they once enjoyed constitutes a negative sanction on divorce according to (Gerstel, 1987).

There are a number of ways in which those who have been subject to stigma manage those experiences; research on Canadian mothers living on Welfare highlighted the significant disciplinary strategies of governance that such mothers are subjected to; encompassing surveillance, denial of requests for essential needs and incentives to move into the labour force. Such strategies delivered at the hands of unsympathetic Welfare staff resulted in feelings of bewilderment, humiliation and fear in all of the mothers studied. In order to avoid being subject to such degradation in the future, a number of the mothers felt that escaping the label of Welfare bum was the only way of shaking off the stigma and consequent despicable treatment they associated with Welfare (Power, 2005).

Seccombe, James and Battle Walters (1998) in their study on mother's accounts of the stigmatisation of Welfare recipients in the USA found that the majority of women personally had experienced stigma and discrimination; and while they were of the belief that their use of Welfare was as a result of structural constraints, explanations of individualism were used often to explain other women's use of Welfare. In that individual traits or dispositions such as laziness, irresponsible behaviour, and personal choice were assigned to other women to explain their use of Welfare, such explanations were ones that were legitimised by the media and the larger cultural milieu (Seccombe et al., 1998). Ultimately the study found that women on Welfare distanced themselves from others in receipt of similar payments, physically, emotionally or both; clear distinctions were drawn between 'me and them'. This type of distancing was identified as a coping mechanism for dealing with stigma and was apparent in the "tendency to view oneself as an atypical recipient, disassociating oneself from other recipients" (Seccombe et al, 1998 p.861). Similar

results were posited by Gerstel (1987) who found that divorcees who distanced themselves from similar others were doing so to remove themselves from the tainted status of divorce and the potentially damaging effect that such a status would have.

In contrast however, she also found that a number of divorcees turned to ‘similar others’ after perceived exclusion from their normal married group; with the belief that like attracts like and experienced veterans of divorce could show them ways to cope as spouseless adults through reassurance, advice and encouragement; often, perceived attachment to those in similar situations could help to make sense of dislocated lives and bolster new identities (Gerstel, 1987). Frable, Hoey and Platt (1998) believe that contact with similar others, protects the psychological self from negative cultural messages; as it mitigates such messages and as a result lessens the propensity for negative self-perception that is often associated with the experience of stigma.

Awareness of the existence of stigma or what has been described as a stereotype threat<sup>21</sup> can influence a person’s perception of and response to social smears, which can often only serve to reinforce the stereotype, as well as the prejudice, and discrimination that ensues. Link and Phelan (2001) maintain that once the cultural stereotype is in place it can affect the labelled person in the sense that it becomes part of that individual’s world view, a perception that can have negative consequences; as it can lead to expectation and fear of rejection with consequential strained, uncomfortable social interactions, more restricted social networks, compromised quality of life and low self-esteem with possible congruent effects such as anxiety and depression (Link and Phelan, 2001), as well as deficiency, see also (Zartler, 2014).

As seen previously individuals deal with stigma in a number of ways, some use distancing and disassociation techniques, while others align themselves to those in similar situations. An additional method of circumventing stigma and associated negative self-perception has been identified by May (2008) who looked at how women present a moral self in relation to public norms in situations of divorce and lone motherhood. Goffman (1963) maintains that in order to repair ‘spoiled identity’

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<sup>21</sup> A stereotype threat is where there is an awareness of a stereotype being imposed and the stereotype may become a threat or a challenge when the labelled individual is evaluated in accordance with the stereotype or because they may conform to the stereotype (Steele and Aronson, 1995).

brought about non-conformance to social norms, individuals, in as much as possible align their behaviour with cultural expectations, thus allowing them to present a morally acceptable self (Goffman, 1963). May's research found that the narrators in her study sought exoneration and a way of rebuilding a moral character by espousing themselves as 'good mothers'; declarations such as this allow the mothers to make a claim for a valid social identity. The ethic of care for children is a crucial social norm that parents are expected to follow in most Western countries and by presenting themselves as fulfilling this fundamental cultural expectation, mothers are presenting themselves as morally acceptable despite what has gone before (May, 2008 ; Bradley, 2013). Such behaviour corresponds with Doucet's (2015) model of parental responsibilities, whereby conduct reflects moral responsibilities which are compelled by gendered norms and expectations (Doucet, 2015).

### 3.5 Domestic Violence

Women's economic dependency allows them to be subject to physical, sexual or psychological abuse by their husbands according to (Gordon, 1988). Women have what has been described elsewhere as an asymmetric ability to exit from marriage and this gives husbands considerably more power within marriage (Satz, 2013). For those that do undergo a dissolution of marriage there are numerous ways in which abusers continue to control and harass ex-wives, non-compliance with maintenance orders (Carbone, 1994); not having a voice in legal proceedings as a consequence of unequal bargaining power, often leading to agreements being made in situations of duress, resulting in interests not being protected at the time of separation/divorce (Landrum, 2011) (see Chapter 4 Section 6). Highlighting how the family as a realm of constraint interacts with other social structures to constrict.

The impact of domestic violence on both the physical and psychological wellbeing of women has been widely studied. Studies on the impact of domestic violence on women's mental health suggest that depression, anxiety, lower levels of self-esteem and in some cases post-traumatic stress disorder are all common experiences (Roberts, Lawrence, Williams and Raphael 1998). Many of these effects are due to the on-going cumulative nature of the abuse according to Roberts, Chamberlain and Delfabbro (2014). Moreover, in family situations where domestic abuse does occur women often find themselves with having to deal with the additional burden of

trying to shield and oftentimes protect children from abuse within the home. Hogan and O'Reilly (2007) found that in narratives of experiences of domestic violence a number of mothers spoke about 'sheltering' and 'shielding' children from all forms of domestic abuse.

According to Kearns, Coen and Canavan (2008) there are a number of competing definitions of domestic violence evident in Irish research. The standard definition utilised in Ireland today comes from the Task Force on Domestic Violence set up in 1997 set up to formulate recommendations on the future direction of domestic violence policy in Ireland and defines domestic violence as;

"The use of physical or emotional force or threat of physical force, including sexual violence, in close adult relationships; this includes violence perpetrated by spouse, partner, son, daughter or any other person who is a close blood relation to the victim" (The National Task Force on Violence against Women, 1997).

However it is international documents which arguably provide a more comprehensive definition of domestic violence. The United Nations Declaration on the Elimination of all forms of Violence against Women, (CEDAW) is an example of such and defines domestic violence against women as;

"Gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty" (1993: Article 1 of the Convention) (United Nations, 1993).

More recently there has been an acknowledgement of other areas of abuse that warrant inclusion in such definitions. Kelleher and Associates, and O'Connor (1995) define domestic violence as encompassing mental, physical and sexual violence, actual or intimidated, along with "being made to have sex without giving consent, mental cruelty, isolation from family and friends, deprivation of family income or car, prevented from taking up employment, or attending education or training; deliberate damage to pets, clothes, property or other personal items" (Kelleher and Associates and O'Connor, 1995).

Research undertaken in the UK suggests that 76% of women who have separated from abusive partners suffer post-separation violence. Of these women, 76% were subjected to continual verbal and emotional abuse; 41% were subjected to serious



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threats, (either towards themselves or their children); 23% were subjected to physical violence; 6% were subjected to sexual violence (Humphreys and Thiara, 2002).

Research conducted by the Centre for Social Justice and Community Action in Durham University in Collaboration with Scottish Women's Aid also found abuse to be a persistent issue following separation. Qualitative in-depth interviews with victims' revealed similar experiences in this research; culminating in long lasting fear and trauma explained by the frequency and prolonged nature of abuse suffered, which for many lasted years after separation had occurred (Pain, 2012).

Even though domestic violence occurs across the social spectrum, evidence suggests that families of a low socio economic status are more likely to be affected (Tolman and Rosen, 2001).

The central premise of family law pertains to both the economic and physical protection of the vulnerable. However, other forms of abuse such as all that encompasses emotional abuse is less tangible and therefore more difficult to prove. Paula McGovern of SONAS Housing and Meath Women's Refuge speaking on the launch of the 'Killing me Softly with his Words' (2012) campaign to raise awareness of verbal abuse; which refers to the manner in which some perpetrators gain control over women by using intimidatory tactics such as name-calling, insults, humiliation, threatening comments and mind-games; states that the irony of verbal abuse is that it is the one form that is so hidden, difficult to prove, so minimised in society and yet it is the one that so many women identify as hurting them the most (McGovern, 2012).

In addition to forms of emotional abuse outlined above and one that is particularly pertinent to situations of legal separation and divorce is the issue of court-related abuse and harassment. Defined as the use of ongoing litigation through judicial and quasi-judicial systems to continue to harass and abuse (Vollans, 2010). Perpetrators of abuse may use legal means as a form of on-going harassment; such means can become a tool for abusers to continue their abusive behaviour in a new forum and can be utilised as a means to enact revenge (Jaffe, Crookes and Bala 2005) these situations may include;

- Using the court system improperly through multiple and often disingenuous court applications.

- Using the process to humiliate and traumatise, often utilising personal histories as a weapon.
- Manufacturing evidence or crisis.
- Financial abuse by using the court process as a way to delay maintenance payments and utilising processing time to liquidate assets or cause financial hardship.
- Threatening solicitors as a way of isolating supports.
- Using public servants/services to harass i.e. by making false allegations of child abuse or neglect.

Research by Zeoli, Rivera, Sullivan and Kubiak (2013) highlights the numerous tactics and varied ways in which abusers continue to attempt to control and harass their ex-wives. Emotionally abusive tactics included; undermining the mother's confidence as a parent; playing mind games and verbal degradation. However other forms of emotionally abusive and controlling tactics were more subtle and included court-related abuse and harassment (Zeoli et al., 2013).

While there are protective mechanisms in place to deal with physical abuse, the issue of protection from other forms of abuse are ambiguous. In situations of court-related abuse and harassment an abuser can act with impunity according to Vollans (2010) because there is reluctance by judges to stop them; her research suggests that judges do not exercise their discretion to prevent such abuses of the court process and consequent abuse of ex-wives (Vollans, 2010).

### **3.6 Conclusion**

Divorce has become an area of significant scholarly interest over the past decade, a search of the ISI web of knowledge which encompasses databases from the social sciences and humanities revealed over 8,500 publications that listed divorce as the key topic since the year 2000. Given that large quantity of published material many high quality studies conducted during the last decade do not appear in this review.

The focus of this review has been on feminist perspectives of families being not only realms of choice but also realms of constraint; however there are numerous feminist debates over exactly what the sources of unjust gender hierarchy in society are. Some as seen previously emphasise the family as the cornerstone of gender injustice (Okin, 1989); while others view the structure of work and opportunity as a

significant cause (Millar and Crosse, 2014). Sexual domination and violence have been cited by some as being a fundamental source of such injustice (Bergmann, 1986). While others have cited cultural norms values and expectations as creating and maintaining a unjust gender hierarchy (Williams, 2010). Central to this review is the premise that all of these strands are contributors to gender inequality and these strands combined with State structures which are also heavily influenced by cultural norms, values and expectations are reproducing women's social and economic inequality particularly in cases of marital dissolution and particularly for those who are of a lower socio economic class (Mandell, 2011; Millar and Crosse, 2014).

This review has examined the concept of the gendered nature of family responsibilities in marriage, which takes account of parental responsibilities in totality and particularly in diverse family structures. It has explored the changing nature of maternal responsibility upon divorce which expands to include financial provision as well as care. Review of the economic impact of divorce on mothers and children shows how this additional responsibility is acutely problematic, particularly when State structures such as law and Social Welfare impede economic progression and independence especially for those of a lower socio economic status. Cultural norms, values and expectations embedded in the and psyche of the people which transcend the structures of the State make the experience of marital dissolution all the more distressing, as deviations from that habitus result in social sanctions and isolation; seen in both the literature on stigma and domestic violence.

It is important to deepen our understanding of these sources of subordination as well as the interaction between gender and other axes of social disadvantage and recognise the diverse experiences of women in different circumstances. In-depth biographical narrative interviews and the voice centered relational method of analysis were the chosen methodological approach to fulfil this goal.

Perhaps the most significant development in terms of methodological approaches to research within the humanities has been the advancement of subjective accounts of lived experiences. This approach allows for a never before achieved true reflection of the situation under investigation. While such an approach does to a large extent confirm some of the findings of older studies, it also allows for identification of other factors that may have been previously overlooked. Listening to previously silenced voices of women open up new understandings of historical, cultural and

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social processes. Rather than utilising research as a mechanism of gathering information that relates to historical change, cultural events or the impact of social structures on the lives of individual's; feminist researchers seek to identify the subjective meanings that women assign to events and conditions in their lives, disregarding the traditional objective perspective that has dominated social science research (Chamberlayne, Bornat and Wengraf, 2000)

Sweeney (2010) argues that qualitative studies can provide a much needed insight into the processes and mechanisms underlying observed associations between changes in family structures and outcomes. Furthermore she calls for qualitative studies that provide systematic presentation of procedures used for data collection and analysis, which is exactly what this research aims to do through the application of biographical narrative interviews and the voice centred relational method of data analysis.

## Chapter Four

### Policies and Supports

#### 4.1 Introduction

Family policy and the provision of services have a significant effect on experiences of marital dissolution. Indeed it could be argued that the majority of negative consequences associated with marital dissolution can be moderated in some form or other through the provision of policy and services. Levels of moderation or eradication of negative consequences are wholly dependent on the nature, degree and combination of provisions available. Therefore an exploration of Irish family policy and service provisions that pertain to divorced/separated mothers is warranted to ascertain its value in assisting this growing subset of society.

It would appear, that there is some ambiguity surrounding this area in terms of definitions and meanings, section two therefore encompasses clarification of the definitions and terms that will be utilised in this chapter. Discussions and between country comparisons in relation to policy approaches are generally considered in terms of types of ‘welfare regimes’ or ‘welfare models’ which are rooted in particular historical and institutional circumstances as well as normative ideologies which influence their design (Baker, 2006; Thévenon, 2011). An overview of such categorisations will be posited here to illustrate the differing positions of countries in section three.

Section four provides an overview of the tradition of Irish policy, and recent reforms in this area are discussed in an effort to identify the policy approach to dealing with lone parents; the focus on lone parents is due to the fact that there is no differentiation between categories of lone parents and therefore no specific policy approach to those who have experienced marital dissolution. Section five examines current supports and services available to those parenting alone in Ireland, such services are divided into those which are predominately provided by the State and those which are provided by voluntary/community organisations. Section six explores legal supports and processes involved in separation and divorce. Encompassing this is the courts’ role in dealing with issues of domestic violence, which is examined in section seven of this chapter.

## 4.2 Terms and definitions of this research

There is no consensus on how best to define what family policy is or even what it specifically pertains to. It has been traditionally conceived as deliberate governmental actions taken towards the family (Kamerman and Kahn, 1978); or more precisely what government does to and for children and their families (Kamerman, 2009). In contrast to the traditional narrow view of family being the specific focus of family policy, the alternative has come to view family policy in a much broader sense. For example it is often regarded as a domain, or field, that affects families, fields such as family law, welfare policy, taxation policy and health policy to name but a few. Family policy as an instrument is another alternative conception, used to achieve diverse objectives in different social policy domains like the fact that family policy may be used to achieve labour market objectives as stated by Kamerman, (2009).

Finally and most relevant for this research study is the understanding of family policy as a perspective; this view is not limited to specific fields and is concerned with identifying the impact of policies on families. As this research specifically concentrates on the State's response to mothers experiences of marital dissolution the conception of family policy as a perspective is justified.

Given that this research is based specifically on mothers who are separated/divorced and there is no differentiation in the official categorisation of lone parents in terms of widowed mothers, never married lone parent's or divorced/separated lone parents; this chapter will focus on policies and provisions that pertain to lone parents in absence of policy specifically relating to marital dissolution.

## 4.4 Categorisations of Welfare Regimes

The development of social provision and State support for families in Ireland, as in other countries was slow and piecemeal according to Gauthier (1996) particularly in the period before the Second World War. The first elements of family policy at this time covered a limited fraction of the population and concern was primarily aimed at the most vulnerable in society. However, there were substantial differentiations between countries with respect to the degree of accepted government responsibility, as well as the type and level of support afforded to families. Such diversity arguably

prompted the construction of welfare state typologies to explain cross national variations in state provision according to Baker, (2006).

One of the most notable categorisations of welfare state regimes or typologies was devised by Esping-Andersen (1990) entitled ‘Three Worlds of Welfare Capitalism’ in which he clustered states into groups, to enable organised, logical comparisons between countries (Blum and Rille-Pfeiffer, 2010) from which he developed a threefold typology; the liberal regime, namely the United Kingdom, Canada, the United States, Australia and New Zealand. The conservative or corporatist regime includes countries such as France, Germany and Italy and the social democratic regime evident in Nordic countries. Typologising Ireland was not of concern to Esping-Andersen, up until recently Ireland was believed to display the characteristics of a ‘catholic-corporatist regime’. However, increasingly commentators place Ireland in the ‘neo-liberal’ regime as it is characterised by individual responsibility, means testing and the primacy of the market (Millar, 2008). Even though there is no doubt that Esping-Andersen’s conception of welfare regimes has contributed substantially to comparative welfare state research; there are many who disagree with his specific classifications, with scholars from the feminist tradition being the most vocal.

Feminist analysis of policy emphasises the importance of gender, family and caregiving as explanatory tools in understanding welfare regimes, social policies and their outcomes according to Lewis (1997). Policy approaches are rooted in particular historical and institutional circumstances as well as normative ideologies which influence their design (Baker, 2006; Thévenon, 2011). Traditionally access to income and resources have been gendered as have the very concepts that underpin the examination of social policy; inequality, dependence, need and citizenship (Lewis, 1997). Furthermore, it is argued that welfare states have adopted strategies based on assumed gendered roles; therefore to postulate any regime categorisation without taking account of such fundamental issues is to the forefront of the feminist critique of Esping-Andersen’s ‘three worlds’.

Consequently numerous welfare state models and alternative typologies have been developed to include gender, such as breadwinner models (Lewis and Ostner, 1994). Taking this into account it is reasonable to look at Mirsa, Budig and Moller’s (2006) conceptualisation of welfare state regimes that assume certain roles for women; and their consideration of how variations in approaches to work-family issues have

## Chapter Four: Policies and Supports

resulted in diverse outcomes for mothers in areas such as equity in employment, earnings and poverty (Misra et al., 2006). Given that a number of the negative consequences of divorce for mothers originally derive from a reduction in the household budget, as well as barriers to employment and career advancement, this regime typology is particularly pertinent.

The carer strategy is the first of four welfare state strategies proposed by Misra, Moller and Budig (2007) and is akin to that of the traditional male breadwinner-female caregiver model. Evident in countries such as Luxembourg, the Netherlands and Germany, this strategy emphasises and rewards caring roles, particularly those undertaken by women in the home. The value attributed to such roles is manifest in the policies of the states which include; carer allowances, parental leave, flexitime, part-time employment and in the case of Germany subsidises pension contributions for those who have undertaken long-term care of children i.e. up to ten years (Misra et al., 2007).

The second strategy advanced by the authors' is what they describe as the earner strategy, where both genders "are equally invested in the labour market" (Misra et al 2007 p.808). Such countries include; Canada, the United States and the United Kingdom. The policy intent is essentially to increase women's participation in the labour market. However, work/family imbalances are high with little State support for childcare. Private-sector or informal childcare provision is prominent under this welfare strategy. Even though Ireland is not referred to within this or any group within Misra et al's (2007) conceptualisation of welfare State strategies; it would be my contention that due to the similarities of Ireland's policy approach to work and family to those outlined above, Ireland would also be included in the earner strategy typology.

The choice strategy is Misra et al's (2007) third conceptualisation of a welfare State strategy, where both the caregiving role and or mothers participation in employment are supported. This strategy is indicative of both Belgium and France according to Misra and colleagues. Fundamental to this approach is free choice or *libre choix* in France, whose policies reinforce this strategy; in that access to State-provided childcare, generous parental leave and allowances for the homecare of two or more children is provided (Morgan and Zippel, 2003).



The fourth and final strategy that is proposed is the earner-carer strategy, which is incorporated in certain Nordic countries such as Sweden, Norway and Finland. The premise of which is balance and reconciliation between work and family commitments.

The above categorisations proposed by Misra et al (2007) are derived from Nancy Fraser's model of welfare regime typologies relating to care (Fraser, 1994). Both Fraser's original work and Misra et al's (2007) reconceptualization of that work has in fact been connected to Esping-Andersen's more recent modified work on welfare State regimes; in which he introduced the distinction between familialistic<sup>22</sup> and de-familialising<sup>23</sup> welfare states. Despite such additions to his typologies, Esping-Anderson maintained that his original classification of welfare regimes is rigorous (Esping-Andersen, 1999).

### 4.4 Irish Family Policy

Family policy in Ireland takes the form of a 'loose amalgam' of different areas of policy and does not have an explicit area of policy in its own right. The practice of family policy in Ireland has been dominated by competing sets of ideas between the State and the family and about family structure and family life according to (Clavero, 2001). Traditionally family policy in Ireland has been fashioned by the divergence between two specific paradigms, patriarchal familism and egalitarian individualism (Fahey, 1998).

Minimal State intervention as well as the ideal family life characterised the first stage of development in the tradition of family policy in Ireland. Constitutional preferences dictated the basis of family policy at this time with emphasis on the family unit and family status rather than on the individuals contained within that unit. Reflecting this focus on the family based on marriage were the most prominent set of family related policies; which were comprised of measures specifically directed at the financial support of families with children. Examples of such include; child benefit, introduced in 1944 and initially designed for the alleviation of poverty in larger families i.e. those with three or more children, but extended to all families

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<sup>22</sup> Familialism occurs where policy encourages household responsibility for care according to Misra et al (2006).

<sup>23</sup> De-familialism occurs where caring responsibilities for households are lessened by the State provision of market care.

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in 1964. Child dependent allowances rationalised in 1952 and were intended to compensate for income need associated with rearing children. Child tax allowances were another type of financial support to aid families with the cost of children. Tax allowances for children existed here since the formation of the State, although the amounts of which were subject to significant variation until they were abolished in 1986 and replaced with a flat rate of exemption for low income families in 1989 (Daly and Clavero, 2002).

From approximately the late 1960s there was a shift away from but not a replacement of the private nature and patriarchal structure of the family, with a new emphasis on individual rights evident in the policy measures enacted during this period. The abolition of the Poor Law<sup>24</sup>, the consolidation of social insurance, the introduction of welfare payments for deserted wives and lone mothers as well as the removal of the marriage bar all reflect this new philosophy of individual rights (Clavero, 2001). Although the State had long provided for widows with the introduction of contributory and non-contributory widows pensions in 1945, it was not until the 1970s that there was an acknowledgement of other family forms via the introduction of new allowances (see Chapter 2 Section 4). The transfer of child benefit payment to mothers as opposed to fathers as had traditionally been the case reflected a broadening understanding in the sphere of social policy. The introduction of a family income supplement in 1984 which essentially acted as a subsidy to low wages is a further example of how family policy developed (Daly and Clavero, 2002).

In 1990, all assistance payments for those parenting alone were combined into the Lone Parent's Allowance (LPA). There was no longer differentiation based on marital status or gender and the allowance was available to those parenting alone with dependent children up to the age of 18 (21 if in full-time education). Those in receipt of the LPA were prohibited from co-habiting and the payment was means tested. The renaming of this welfare payment was significant as it removed the prejudicial terms such as deserted and unmarried from the Social Welfare code and desertion no longer had to be proven. In 1997, the name of the benefit was changed

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<sup>24</sup>The most significant development in relation to welfare was the introduction of the Poor Law to Ireland in 1838. 'An act for the more effectual relief of the destitute poor in Ireland' was introduced in April 1838 and was based on the belief that poverty was the fault of individual idleness, therefore relief to able bodied poor should be given in workhouses only and upon entry to such they be furnished with the status of pauper, therefore destitution was the criteria for eligibility.

to the One-Parent Family Payment (OFP) once again reflecting a societal shift in the discourse around those parenting alone (Crosse and Millar, 2015). However, co-habitation was still prohibited and eligibility for those who are separated and divorced is premised on the divorced spouse making and continuing to make appropriate efforts, to obtain maintenance from the other spouse. OFP payment is guaranteed and the recipient is not left in the precarious position of trying to pursue a reluctant ex-spouse for maintenance, according to Shannon (2005).

For years “the assumption that underpinned welfare payments to those parenting alone was that recipients were not connected to the labour market” (McCashin, 2004, p. 181). Reflected in the Irish taxation system whereby, there is a Home Carer’s tax credit for married families who have one partner providing care on a full time basis for dependent children<sup>25</sup>. This ethos reflected the dominance of the male breadwinner model in the overall Irish, and indeed many other European countries’ social policy paradigm (Lewis, 2006). An earnings disregard was introduced in 1994, as part of a pro-employment strategy which incentivised paid employment and OFP recipients were permitted to engage with the labour market should they wish to (Millar, Coen, Bradley and Rau 2011). In 2006, the Department of Social and Family Affairs proposed the introduction of more stringent, compulsory activation proposals for recipients by replacing the OFP with a Parental Allowance until the youngest child reaches seven, at which time the parent would take up employment, education or training.

“The dual concerns of poverty rates amongst one parent families and civil service disquiet about the amount of exchequer funds being spent on the payment prompted the drafting of the proposals” (Millar et al 2007, pp. 122–124). Within this policy discourse there is an underlying assumption that paid work will ultimately lead to social inclusion for lone parents and their child(ren) as paid work will facilitate in removing them from poverty. Furthermore, it is shaped by the notion of ‘helping individuals to help themselves’ through their (re-) integration into the labour force (Millar et al, 2011). Whilst an activation policy has been the focus of policy debates since 2006 it was only introduced in 2014 as a condition of the Troika bailout of

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<sup>25</sup> A tax credit at the standard rate of tax (20%) in the tax years 2014 and 2015 is available for Married Couples or Civil Partners where; one Spouse or Civil Partner (the 'home carer') works in the home caring for one or more dependent persons, i.e. a child for whom they are entitled to child benefit from the Department of Social Protection or other ‘dependants’.

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Ireland in terms of savings to be made in Social Welfare spending and wider reform of Social Welfare (Millar and Crosse, 2014; Crosse and Millar, 2015).

These changes meant that the age threshold of the youngest child be reduced from eighteen to seven over a phased period of years, those recipients who no longer qualified for the OFP would instead claim Jobseeker's Allowance (JA) and must be genuinely seeking work. In July 2014, more than 2,500 OFP recipients were moved to the JA and, come July 2015, all those in receipt of the OFP with a child aged over seven will be moved to JA. However, those with children aged under 14 will be exempt from having to be available for and genuinely seeking full time employment. Under this JA Transitional Arrangement individuals will be obliged to engage with the Department of Social Protection's activation services (Crosse and Millar, 2015; Millar and Crosse, 2015).

What is evident from the above overview is that the development of family policy in Ireland up until the 1990's has been incrementalist, gradual and focused on cash benefits rather than services to assist families purely with the cost of child rearing. It was not really until there was an improvement in the global and national economy, the development of social partnership<sup>26</sup> and arguably the influence of Europe that the government was in a position to implement the significant changes required to keep pace with shifting public perceptions as well as the changing circumstances of the citizens.

Mandel (2011) argues that the impact of work-family policies is conditioned by class. In her study Ireland performed very poorly on parameters of gender inequality in relation to disadvantaged women, highlighting class divisions of gender equality in Ireland. Mandel compared a wide range of country-level indicators of gender inequality in relation to the economic position of women in different class positions and found that Ireland had the lowest score in terms of indicators of female participation rates, amongst the countries studied. Mandel argues variation in family policies among countries or welfare regimes explain variation in gendered outcomes

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<sup>26</sup> The Irish model of social partnership encompassed a tripartite form of consultation and partnership which included government, employers and trade unions which was initiated in 1987 and expanded in 1996 to include a range of representatives from the community and voluntary sector; with the overarching objective of strategy planning to deal with issues that affect the country's social and economic development.

for not only the labour market participation of women but also their performance in the labour market. As such, as Mandel suggests in a subsequent study:

“...the remedies that are appropriate for lower and higher skilled women may not only be different, but sometimes conflict with one another ... while reconciliation policies may contribute to the welfare of all women, it does not follow that the same policies are equally appropriate to all of them” (Mandel 2012, p. 255).

Millar and Crosse (2015) maintain that the current approach to Irish activation policy does not treat all families equally; welfare recipients in a two parent household have work requirements placed on one of the parent's. Whereas, in one parent families the welfare recipient now has work requirements placed on them. This suggests an upholding of the traditional male breadwinner approach to Social Protection for those parents who cohabit or are married and a different one to those parenting alone. This family form is a vulnerable and stigmatised one (see Chapter 2 Section 6) and such an approach runs the risk of further exacerbating the difficulties experienced by lone parent families. Moreover, there is a deafening silence in relation to the 'other' parent not just in relation to the financial responsibility they have for their children but the wider need for society to acknowledge the parental and financial responsibility some but not all lone parents experience in bringing up their children alone (Millar and Crosse, 2015).

The rationale for changes in the area family policy at this time occurred mainly as a consequence of recommendations presented by the Commission on the Family 1998<sup>27</sup>. Key recommendations for the advancement of family policy were identified by the Commission such as; an approach to policy that builds strengths in families, that is preventative and empowering. An approach that supports families in carrying out their functions, one that incentivises marriage and long term stable relationships which encompasses a clear guide to rights and responsibilities for those who are unmarried, as well an emphasis on preventative counselling and mediation services for those who have decided to separate. In relation to lone parents an employment

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<sup>27</sup> The Commission was established by the then Minister for Social Welfare, Proinsias De Rossa in 1995;

“to examine the effects of legislation and policies on families and make recommendations to the Government on proposals which would strengthen the capacity of families to carry out their functions in a changing economic and social environment” Commission on the Family (1998). *Strengthening Families for Life: Final Report of the Commission on the Family to the Minister for Social Community and Family Affairs*, Dublin: office,

led approach to support was proposed, which would require the removal of disincentives to work or education, such as income support arrangements and access to childcare; a stronger focus on maintenance payments incorporating a link between Social Welfare policy and the legal maintenance system was also advised (Commission on the Family, 1998).

### **4.5 Family Support & Service Provision**

Curry (2011) describes the development of social services in Ireland as piecemeal and has outlined a number of factors that determine the type and level of services provided in any given country. Socio-demographic factors, economic factors, party political influences, external influences, the role of the Catholic Church as well as progressions in social policy analysis are all cited factors. Changes in population numbers as well as population composition have significant implications for social service provision in terms of priority given to any particular area. Curry (2011) identifies income maintenance which historically has been the predominant focus of State provision; as well as Housing, education, health and welfare as the principal social services in Ireland.

As in all States, the financial resources available have a substantial influence on the level of social service provision and nowhere is this more obvious than in the case of Ireland. For decades high levels of unemployment characterised the Irish economy; increasing State expenditure in income maintenance while suffering a drop in revenue tax intake reduced the availability of funds for social services. Unprecedented economic growth in the 1990s, led to significant changes in the area of family policy generally and the provision of services in particular (Curry, 2011).

The recent economic downturn has however, resulted in a rapid deterioration of the public finances with the net result being a need to rein in public expenditure particularly in the social services area which appropriates a high proportion of government finances. ‘The Report of the Special Group on Public Service Numbers and Expenditure Programmes’, recommended cost saving measures that amount to €6 billion affecting all parts of the public service (McCarthy et al., 2009). The need to avail of financial assistance from the EU and the International Monetary Fund

(IMF)<sup>28</sup> resulted in conditions that underpinned the National Recovery Plan 2011-2014 which set out the parameters for reductions in public spending as well as revenue raising parameters (Government of Ireland, 2010). Such plans and reports reveal a continuation of public expenditure cutbacks as well as a stalling of progress, a postponement of developments and a lowering of priority status in many areas of provision (Curry, 2011).

#### 4.5.1 Current Supports and Services Available to Lone Parents

Given the extent of the demands on lone parents, it is pertinent to look at current supports available to those parenting alone in Ireland. McCroskey and Meezan (1998) view family-centred services as being divided into three separate types which are designed to serve families in different ways;

**Basic social services;** which primarily encompass child care, health care and income support, I have added housing and education in this category.

Table 2 Basic Social Services Currently Available to Lone Parents

<p><b>Housing</b></p>	<p><b>Rent Supplement</b>  <b>Mortgage Interest Supplement</b>  <b>Local Authority Housing</b>  <b>Housing Assistance Payment (HAP); to be rolled out 2015; allowing recipients to return to work and maintain some assistance towards housing costs.</b></p>
<p><b>Childcare</b></p>	<p>Free Pre-School Year (ECCE), entitles all children to a year of early childhood care and education free of charge; subject to age.</p> <p>Community Childcare Subvention Programme (CCS). Disadvantaged parents and parents in training, education or low paid employment can avail of childcare at reduced rates. The childcare is provided by community-based (not-for-profit) childcare services. (Limited Places).</p> <p>City &amp; County Childcare Committees (CCCs). Provide information to parents on local childcare facilities and information on parent networks.</p> <p>The After-School Childcare (ASCC) is a scheme aimed at qualifying parents with children in primary school who are</p>

<sup>28</sup> The IMF's primary purpose is to ensure the stability of the international monetary system—the system of exchange rates and international payments that enables countries to transact with each other.





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speaking about the recent activation of lone parents (One Family, 2015). While there are a number of schemes to assist those in the rental market, such as those outlined in table two above, no such scheme exists to address the issue of housing need in cases where limited means are available following separation and divorce.

Traditionally the family home was seen as central to the preservation and protection of family unit upon separation and was seen as fundamental in maintaining the unity and security of the family. This view has changed since onset of the ‘Celtic tiger’ which saw a significant increase in the value of property and as a consequence family homes came to be viewed as a considerable financial asset according to Mahon and Moore (2011) with its retention by one or other party no longer being privileged in the family courts. The Affordable Housing Initiative introduced by the Department of the Taoiseach in 2003 under the Sustaining Progress Social Partnership Agreement 2003-2005; allowed those with limited funds to purchase a house from their own resources with assistance from such initiatives on condition that eligibility criteria were satisfied (Department of the Taoiseach, 2003). In June 2011 it was announced that all affordable housing schemes were being stood down due to what was perceived as a significant easing of affordability.

The other two types of family-centered services outlined by McCroskey and Meezan (1998) are categorised as;

***Family support programs***; provide a wide variety of services to counteract stresses, link families together and offer needed assistance.

***Family preservation services***; target families that are facing threats to family functioning and stability (McCroskey and Meezan, 1998)

Table 3 Family Support & Family Preservation Services Aimed at Lone Parents

<b>Family Support</b>	<b>Family Preservation</b>
<b>Advocacy</b>	Family support centres
<b>Income supports</b>	Family resource programmes
<b>Health care</b>	Home visiting programmes
<b>Child care</b>	Counselling services

<b>Family centred work policies</b>	Parent aide services
<b>Parent education</b>	Support groups
<b>Development enhancing education</b>	Services for single parents
<b>Recreation</b>	Family mediation services
<b>Family planning services</b>	
<b>School-linked health and social services</b>	
<b>Information and referral services</b>	

(Crosse and Millar, 2015)

The provision of both family support and family preservation services are provided according to need, a good illustrative example of this is utilised in (Pinkerton et al, 2004).

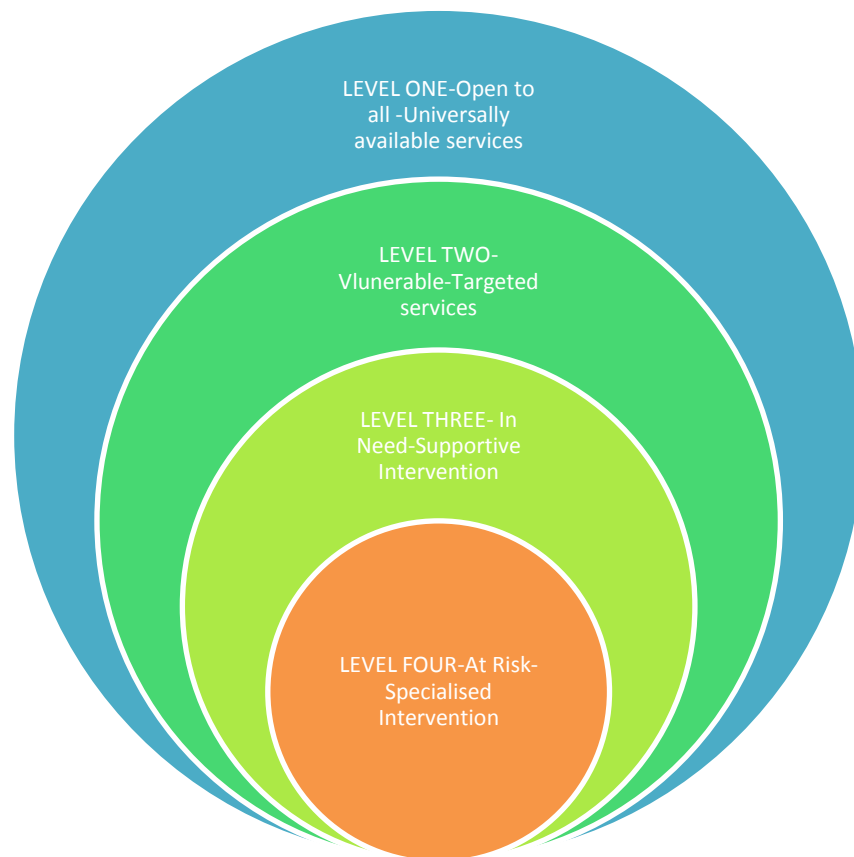


Figure 1 Family Support by Levels of Need and Types of Intervention

(Hardiker et al, 1991; Pinkerton et al, 2004)

Underlying the provision of all statutory services is a commitment to ensuring a customer service ethos throughout all government organisations, the fundamental principle of all customer charters is that they are committed to delivering a high quality customer service. An example of such is the DSP customer charter which states that;

- Customers will be treated with courtesy and respect;
- They will be informed of their rights and entitlements;
- Services will be planned and delivered so that they can be accessed in a way that suits the customer best;
- People's right to privacy will be respected;
- Customers will be consulted in order to establish their needs when developing, delivering and reviewing services (DSP, 2013).

### **4.5.2 Voluntary/Community Supports**

Curry (2011) states that as the role of State services has increased so too has that of the voluntary sector. In fact, many essential services are provided by voluntary organisations and the role of the sector in delivering social services, combating poverty and in community development is growing (Lacey, 1998). It is predominately organisations affiliated with the community and voluntary sector that provide a substantial amount of the specific types of services required by lone parent families. The following is an overview of services provided by community and voluntary groups.

Table 4 Community and Voluntary Services

<b>One Family</b>	<b>Offers a range of supports to all members of one parent families; as well as to professionals working with those parenting alone.</b>
<b>Community Women's Resource Centres</b>	Provide a range of services for individual women, for women's groups and for the community.
<b>Women's Aid</b>	Provides support and information to women and their children who are being physically, emotionally or sexually abused.
<b>Citizens Information</b>	A voluntary network that provides comprehensive information on public services and on the entitlements of citizens in Ireland.
<b>Free Legal Advice Centres (FLAC)</b>	Offer basic, free legal services to the public, in the form of information and advice. Usually attached to local citizen information centres.
<b>St Vincent de Paul (SVP)</b>	Tackle poverty in all its forms through the provision of practical assistance to those in need.
<b>Rainbows</b>	Operates a peer support programme to assist children and young people who have experienced a painful family transition such as death, separation or divorce.
<b>Barnardos</b>	Provides family support services, where the individual needs of each child and family are considered.

### 4.5.3 Commitments to the Development of Family Support

Even though the provision of social services in Ireland has increased and has developed to take account of a multitude of needs, it has always suffered from ad-hoc solutions, resulting in the bureaucratic equivalent of a national patchwork quilt; it may cover the country, but it is miles from being a coherent design according to (Fitzgerald, 2014). There have been explicit commitments to the development of family support services from the 1990's evident in legislative change occurring at that time<sup>29</sup>. In addition the issue of consolidating family supports and services was to the fore of government policy during that same period.

The Family Support Agency Act (2001), provided for the establishment of the Family Support Agency (FSA) in May 2003 which was established by the Minister for Social and Family Affairs in 2003. It transferred to the Department of Community, Equality and Gaeltacht Affairs in 2010 and to the Department of Children and Youth Affairs in 2011. It was established with the principal aim of consolidating the main family support programmes and services introduced by the government since 1997 with the provision of information being a core function of the agency. In addition, the main services provided by the FSA pertained to providing for the running of the Family Resource Centre Programme. The FRC Programme provided Information, advice and support for groups and families at local level and assistance to community groups, which included Grants to voluntary organisations providing marriage, child and bereavement counselling services (The Family Support Agency, 2012).

Recently there has been renewed focus on reform in relation to child and family services in Ireland. On the 1st of January 2014, the Child and Family agency was re-launched as Tusla which represents a significant milestone and a new point of departure in terms of policy and service provision for children and families in Ireland. The agency represents the consolidation of a range of child and family services. This provides new opportunities for integration of expertise and service responses for children and their families. Its vision is to remove fragmentation between all services and provide leadership to all organisations and agencies that

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<sup>29</sup> The Childcare Act 1991, UNCRC, NAPS for example.

provide services to children, young people and families (Tusla, 2014). Despite such provisions advocacy groups maintain that that one-parent families have been placed in the frontline of austerity and the back of the queue for recovery due to the lack of development of joined up policies and supports. (One Family, 2014).

### 4.6 Legal Services

Some of the most essential State services accessed by those experiencing dissolution of marriage are those which pertain to the law. Therefore this section will examine the role of the law in separation and divorce, the processes through which the law operates, as well as pertinent research relating to family law and experiences of such.

Family law in Ireland has three overlapping and related functions;

Definition and alteration of legal status; this is related to family law's function of altering status in certain circumstances, for example in cases of marriage breakdown where a divorce decree relieves spouses of the duty to cohabit<sup>30</sup>.

Resolution of disputes; carried out under court jurisdiction, disputes over maintenance obligations and access rights being the most contentious.

Protection of the vulnerable; Martin states that family law operates in a "paternalistic, patriarchal" way through intervention in an effort to protect the most vulnerable members of the family unit. Two defined protective roles of family law are physical and economic protection (Martin, 2005).

#### 4.6.1 Resolution of disputes

The resolution of disputes that pertain to issues of family law are generally carried out under the jurisdiction of the family courts. Frequently ancillary orders that relate to the resolution of disputes in cases of family law such as, custody and access to children, the payment of maintenance and property rights and are applied for and dealt with most often during the dissolution process. In situations where no dissolution process takes place such orders may be applied for and dealt with on a case by case basis (Coulter, 2007). There are numerous processes and considerations when examining the resolution of disputes, representation, costs and alternative methods of resolution will be examined in turn.

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<sup>30</sup> *Definition and alteration of legal status*; Irish law has, since the formation of the state afforded legal status and protection to families based on marriage, as well as the alteration of such status in the form of judicial separation since 1989 and divorce since 1997.

### 4.6.1.1 Legal Aid

Legal aid is responsible for the provision of legal services for civil law matters where an individual is unable to fund the cost of legal representation from their own resources. Contributions from the client must be made for each application filed with the court and contribution amounts are dependent on means (O'Shea, 2013). There have been significant increases in the demand for legal aid services in recent times, the two main factors driving this increase are an increase in the number satisfying the means test due to reduced income and a greater need for legal services during times of economic stress according to O'Shea, (2013) who cited a press release by the Legal Aid Board in December 2012.

While there is no information on the types of experiences of legal aid in Ireland; research from other jurisdictions suggests that lack of emotion and understanding by legal professionals is a significant feature of the family law court process and that the experiences of the women in situations of marital breakdown were inadequately responded to or even acknowledged by the legal professionals; which serves to exacerbate the already difficult trajectory through the legal process (Roberts et al., 2014).

There are policies in place to ensure proper conduct within the realm of the legal aid. The Law Society of Ireland's guide to good professional conduct for solicitors provides a statement of the accepted principles of good conduct and practice for solicitors (The Law Society of Ireland, 2013). Contained within the guide is a clear expectation that solicitors' should promote and protect fearlessly by all proper and lawful means, the client's best interests and that they have an overriding duty to the court to ensure, in the public interest, that the proper and efficient administration of justice is achieved. However, it is worth noting that the guide does not have the force of law.

### 4.6.1.2 Private Representation-Costs

Privately paid legal representation is the only option for many involved in family law cases. However, the issue of costs pertaining to such representation is a contentious issue. Coulter's (2007) report to Board of the Courts Service highlights extreme variations in costs of litigation between jurisdictions in cases of family law and maintains that the issue of costs in family law is an issue of some complexity and

can be out of proportion with the workload that is involved in cases. Costs are calculated on the basis of particular considerations; however, a final figure cannot be reached until settlement is agreed creating uncertainty for clients. In addition there is a significant amount of ambiguity around legal fees and an absence of exact total costings. This ambiguity extends to the Law Society's information in relation to legal fees, evident in their statement which maintains that; the legislation requires that the actual charges be given, if this is possible. If not, then an estimate must be given, and if that is not possible, the basis of the charges must be given (The Law Society of Ireland, 2013). Reflecting this is Coulter's (2007) recommendation to the board of the Courts Service that the Law Society and the Bar Council should consider whether their guidance on fees is appropriate for family law.

### **4.6.1.3 Family Law Resolution Options**

There are a number of resolution options for family law cases, separation agreements; mediated agreements and collaborative law are alternate ways of resolving family law matters. Separation agreements are legally binding contracts that set out the rights and obligations that each party have to the other. The terms of which must be agreed to by both parties; such terms are often reached by a process of mediation or negotiation through solicitors (Courts Service, 2012g).

Mediation helps couples who have decided to separate to resolve any disputes. The ultimate aim of mediation in such cases is to encourage separating/separated couples to co-operate with each other to work out mutually acceptable arrangements that will be honoured by both parties. Terms of the agreement are drawn up by the neutral mediator and signed by both parties. Such an agreement however, is not legally binding, but may be utilised to form the basis of a legal separation agreement enacted through a solicitor if desired<sup>31</sup>.

The issue of mediation in the context of domestic violence is a contentious problem. Some schools of thought exist as to whether mediation is appropriate in relationships where there is an issue of domestic violence. Some argue that mediation is always inappropriate in situations of domestic violence (Bryan, 1992) and others argue that mediation can be effective in almost any family law case, even those in which

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<sup>31</sup> Relevant legislation that pertains to both separation agreements and mediated agreements is section 8 of the Maintenance of Spouses and Children Act, 1976



domestic violence is a factor (Edwards, Baron and Ferrick 2008). Opposition to the use of mediation in situations of domestic violence centres on the potential for power imbalances and concerns about intimidation both subtle and overt; a history of domestic violence has the potential to create insurmountable power imbalances (Landrum, 2011). In fact, an abuser may use intimidation, e.g., either verbal or nonverbal threats of future violence, as a way to create power imbalances that act to their advantage. Even without actual threats, a victim may feel intimidated to the point that they feel incapable of standing up for his or her interests in the mediation. All of which can place the victim in an impossible situation. Feeling threatened because of unequal bargaining power can have significant ramifications, in the sense that agreements made in situations of duress more than likely will not protect their interests either in the short or long term (Landrum, 2011).

### **4.6.2 Family Court – Contentious Issues**

According to Martin (2005), disputes concerning finances and children, such as guardianship, custody, access and maintenance are often the most contentious issues in cases of relationship breakdowns; which are frequently referred to the family court for resolution. It is worth noting that family law in Ireland lacks a consistent set of underpinning principles as is evident in other areas such as criminal law for example. Consequently wide ranging judicial discretion in many of the family law statutes, has become one of the legal hallmarks of Irish Family Law (Martin, 2005).

#### **4.6.2.1 Finances**

The issue of judicial discretion, particularly discretion that pertains to the distribution of marital assets and ancillary relief has been a subject of much debate since the inception of the Family Law Divorce Act (1996). Ancillary relief orders which can be made in judicial and divorce proceedings are;

- Periodical payment orders;
- Lump sum orders;
- Property adjustment orders;
- Orders for exclusive residence in or for the sale of the family home;
- Miscellaneous ancillary orders under various Acts;
- Orders for the sale of property;
- Financial compensation orders;

- Preservation adjustment orders;
- Succession rights extinguishment orders.

Nevala (2014) states that the Family Law Divorce Act gives the Irish judiciary ‘extensive’ scope in determining what orders to make when applications come before the courts. The belief was that by awarding such broad discretion to the judiciary and avoiding the use of strict guidelines more flexibility could be given to varying circumstances that may arise in individual cases (Crowley, 2007).

### **4.6.2.1.1 Maintenance**

According to the Courts Service, maintenance is financial support paid by a person for the benefit of a dependent spouse/civil partner and/or dependent children. The law requires spouses/partners to maintain each other according to their needs and means. All parents regardless of their marital status are also required to maintain all of their dependent offspring (Courts Service, 2012e).

As previously stated, applications for maintenance are sometimes made as part of other proceedings before the family court such as judicial separations, divorce or dissolution cases. However, applications for maintenance orders are often brought in situations that do not necessitate such proceedings. Most applications for maintenance orders are made in the District Court and can be made with or without legal representation. If the application is successful, the amount set is based on the discretion of the Judge and can be paid directly to the maintenance creditor or through the District Court, which will then be forwarded via the previously agreed method.

Maintenance arrangements made outside of the court are not subject to any limit; those made inside the court are as stated, subject to judicial discretion but within certain parameters. For example the maximum that a District Court can order for maintenance of a child is €150 per week and €500 per week for a spouse/civil partner. Other contributions may also be sought for the birth or death of a child which is subject to a maximum limit of €2,000; or once of lump sum payments for other eventualities up to a maximum of €6,450. If greater amounts are sought for any reason then the Circuit Court or High Court has jurisdiction in such cases (Courts Service, 2012e).

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In instances of non-compliance or payment arrears, proceedings for their recovery must be made by the maintenance creditor in the court where the original maintenance order was made. It is possible to obtain an attachment of earnings order (AOE), which results in the maintenance amount being deducted at source from the debtor's income. Variation of maintenance orders may be issued in situations where the financial circumstances of either party have altered since the inception of previous arrangements. In addition, Section 285 of the Social Welfare (Consolidation) Act (1993) provides that a person shall be liable to maintain their spouse and children in cases of marital dissolution/separation. Under the act the DSP can make an application to the District Court if the 'liable relative' fails or neglects to make the required contribution<sup>32</sup>.

As is obvious from the above outline particularly in the areas of maintenance and property awards for example, judicial discretion is the cornerstone of such regulation; a situation which has been criticised by many. The absence of the rationale underlying such statutory powers, policy aims or prescriptive guidelines according to Crowley (2011) "lends itself to an unguided regime of boundless possibilities; where the policy vacuum that exists must be addressed to allow a more focused and purposeful regulatory process to develop" (Crowley, 2011, p. 248)

In Ireland there are no official figures available on maintenance payments in the State, information available gives the gender distribution of orders made for periodic payments of spousal support, as well as those ordered for maintenance of children. However, there is no record of amounts awarded and given that these orders only pertain to divorce decrees and judicial separations, there is no way of knowing what orders are made outside of these processes. Subsequent applications are not recorded; in addition there are no figures available on non-compliance rates (Mahon and Moore, 2011).

### 4.6.2.1.2 Pensions

Until the mid-1990s there was no way to split pensions following marital breakdown. The Family Law Act, 1995 and the Family Law (Divorce) Act, 1996 were introduced and enabled the Courts to share out pension rights between

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<sup>32</sup> (2) where "*the liable relative*" fails or neglects to contribute, the competent authority may apply to the District Court for an order directing the liable relative to make such contribution towards the benefit or allowance.

separating and divorcing couples (The Pensions Authority, Online ). However, given that family law is based on the premise of judicial discretion there is no mandatory requirement on the judiciary to adjudicate on pensions once the principle of proper provision is met.

### **4.6.2.1.3 Housing**

Traditionally the family home was seen as central to the preservation and protection of family unit upon separation and was seen as fundamental in maintaining the unity and security of the family. This view has changed since onset of the ‘Celtic tiger’ which saw a significant increase in the value of property and as a consequence family homes came to be viewed as a considerable financial asset according to Mahon and Moore (2011) with its retention by one or other party no longer being privileged in the family courts.

The courts view children as being dependent up until the age of 18 and 21 if in full time education, however the changing economic climate and changing nature of familial interactions and relationships has led to an increase in the number of young adults living at home. Census data from 2011 shows that 66% of 19-24 year olds still live with a parent (CSO, 2012). Precedence and practice in the family courts have extended the concept of ‘dependent children’ according to Mahon and Moore (2011), who state that precedence has shown that it is permissible for the courts to take into account the continuing parent/child relationship even when the children are technically adults. As with all family law decisions orders made are dependent on judges’ discretion and the concept of proper provision, taking the needs of all parties into consideration however, this does not guarantee that such relationships will be taken into account.

### **4.6.2.2 Children**

In addition to financial resolutions, issues of custody and particularly access are by far the most common cases that the family courts have to deal with. Even though the majority of separating couples do manage to make arrangements for themselves, disputes over custody and access form a large element of work in the Family Law Courts (Mahon and Moore, 2011).

The Guardianship of Infants Act, which was passed in 1964 and came into force in 1967 governs issues of custody and access, and was the first piece of legislation to give mothers an equal say in all decisions relating to the upbringing of their children. Prior to the inception of this act, fathers had sole rights in child rearing matters (Galligan, 1999). The main consideration in the act pertains to the welfare of the child, section 4 states that the welfare of the child is ‘the first and paramount’ consideration. The definition of the term welfare given in section 2 of the act encompasses the religious, moral, physical, intellectual and Social Welfare of the child, with consideration given to the wishes of the child.

In Ireland there is an evolving awareness of children’s rights in regards to access to their parents in cases of separation and divorce, as is highlighted in the UN Convention on the rights of the child (UNCRC) (United Nations, 1989) and more recently there has been increased recognition of fathers’ rights to have contact with their children, as seen in the Convention on Contact concerning children, adopted by the Council of Europe in 2004, and came into force in May of 2005<sup>33</sup>.

### **4.6.2.2.1 Guardianship**

Under current Irish law the natural mother of a child is automatically a guardian of that child. However, fathers have automatic guardianship if they are married to the child’s mother prior to the birth of the child. Guardianship means the rights and duties of parents in respect of the upbringing of their children; essentially this status sanctions a parent’s right to have a say in all major decisions affecting a child’s upbringing (Courts Service, 2012d).

### **4.6.2.2.2 Custody**

Custody is the right of a parent to exercise physical care and control in terms of the upbringing of their child on a daily basis. The married parents of a child are automatically joint custodians of their child as is the case with guardianship. As previously outlined, parents can decide on custody arrangements for their offspring in situations of separation or divorce; assisted if necessary through the utilisation of mediation or collaborative law. If however this process fails to reach a joint

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<sup>33</sup> The Convention on Contact concerning children has yet to be ratified by Ireland.

consensus an application must be made to the family court for a final decision (Courts Service, 2012b).

As with determining financial provision, there are no factors that are formally provided to the judiciary in relation to the making of custody orders in Ireland and each case is dependent on individual circumstances. Currently it is normally the case that while custody of children is joint, residential care is more likely to be undertaken by the mother in the majority of cases. In a recent family law reporting project conducted by Coulter (2009), it was reported that out of 168 cases examined 48 in total were awarded sole custody of children<sup>34</sup>. Findings show that the basis for awarding sole custody orders was ‘in the best interest of the child’ and was generally due to the unfitness of one of the parents and in some cases the order was due to non-resident parents not exercising previously court ordered access to the children (Coulter, 2009). These findings were replicated in Mahon and Moore’s (2011) study of separation and divorce agreements made in the Family Law Circuit Courts of Ireland and their implications for parent-child contact and family lives.

### 4.6.2.2.3 Access

Access is contact between a child and its parent or other relative with whom the child does not live. Contact can mean physical contact i.e. the right to visit or contact by other means such as electronic communication for example. As with other issues, agreed informal arrangements may be made in cases of separation or divorce or in situations of non-cohabitation. In instances where no such agreement can be reached, either parent can apply to the family court for a decision. The right to apply for access is permitted for persons related to the child by blood or adoption, legislated through The Children Act 1997, such an application must be made to the District Court where, if granted can then proceed with the process of applying for access (Courts Service, 2012a).

As previously stated it is generally the case that children reside primarily with one parent (usually the mother), while the second non-residential parent (usually the father) has access to the children. While issues of custody and access are normally dealt with at the time of separation and/or divorce a number of cases are often

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<sup>34</sup> In 38 cases sole custody was awarded to mothers with the remaining 10 being awarded to fathers.

## Chapter Four: Policies and Supports

returned to the courts for resolution particularly in cases where arrangements are not being adhered to.

There have been a number of posited reasons for on-going disputes over access to children; Smart and May (2004) found that disputes over finances in terms of settlements given and child maintenance payments in particular were inextricably linked to disputes over access. These findings concur with more recent research, which found that financial settlements and maintenance payments (or lack thereof) have implications for the way in which parents manage custody, access and contact (Mahon and Moore, 2011). In addition problems of access have been linked to disputes over relationships in terms of blame and recrimination, new relationships and normative expectations of family life (Smart and May, 2004). Research by Tinder (2007) shows that more complex issues underlie disputes over access, such as reliability and adherence to access arrangements, children's reactions to access, as well as parenting competence and quality (Tinder, 2007).

It seems that by focusing on the principal of the best interests of the child, the family courts disregard all other issues, which may be difficult for parents to deal with. It may be the case that people's expectations of family law are somewhat fallacious, in that the courts cannot solve their problems or offer vindication or blame which is a problem, particularly when they feel that fairness, rights and justice do not prevail (Smart and May, 2004).

The Children and Families Relationship Act (2015) is the most recent attempt by the Irish government to provide legal clarity on parental rights and responsibilities in situations of diverse parenting. Contained within this act is a clearly defined set of standards that outline the duties and responsibilities of both parents underpinned by the principle of the best interests of the child. Under S 5 each guardian has the following responsibilities in respect of the child:

- (a) To nurture the child's physical, psychological, emotional, intellectual, social and other personal development; and
- (b) To ensure the child is properly maintained and supported and is provided with necessary medical care, food, clothing, accommodation and access to appropriate education.

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In addition this statute proposes a series of options to ensure parental compliance with access orders; which are designed to become progressively more onerous if a parent persistently refuses to comply with court orders. Under part 9 S (2 d) the court has the power to enact;

(d) a provision directing the respondent or the applicant or both, to do anything that the court considers appropriate in the circumstances that is intended to ensure compliance with the custody or access order made;

In addition S (5) of this part maintains that;

Where a guardian or parent who has a right to spend time with the child by way of a custody or access order fails, without reasonable notice to another guardian or parent, to exercise that right the court may, on application by that other guardian or parent, make an order requiring the first-mentioned guardian or parent to reimburse to the second mentioned guardian or parent any necessary expenses actually incurred by that guardian or parent as a result of the failure of the first-mentioned guardian or parent to exercise that right.

### **4.7 Protection of the vulnerable**

Protection of the vulnerable pertains to both economic protections as outlined above, with the ultimate aim of providing financial protection for dependent family members as well as physical protections.

For decades the issue of domestic violence was neglected and viewed by Church and State as part of the private sphere of family life. Despite attempts in the late 19<sup>th</sup> century to have domestic violence recognised as a crime, victims had relatively few rights until the mid-1970's (McKiernan and McWilliams, 1997). Prior to 1976 the only course of action open to victims was to pursue perpetrators through the initiation of criminal proceedings via complaints made to the Gardaí or through the system of civil law in courts higher than that of the district court (Kearns et al., 2008). The Family Law (Maintenance of Spouses and Child) Act 1976, was the first piece of legislation that afforded some protection to victims of domestic violence, in that, women could avail of barring orders for three months, however, the temporary nature of the order, implementation deficits and protracted waiting periods were a significant cause for concern. The Family Law (Maintenance of Spouses and Children Act) 1981, served to address these issues by extending the length of barring



orders to a maximum of twelve months and introduced protection orders. However, issues of implementation by the judiciary and failure to recognise domestic violence as anything other than physical violence meant that difficulties remained.

The Judicial Separation and Family Law Reform Act (1989) was the first piece of legislation that facilitated a legal breaking of marriage ties. It allowed for a Judicial separation to be granted on the grounds of unreasonable behaviour (among other grounds) and gave powers to the judiciary that enabled them to order an offending spouse out of the marital home and provided for the transfer of ownership of the family home (Kearns et al., 2008). Growing awareness of the issue of domestic violence in the 1990's attributed to campaigning by women's organisations, as well as the prevalence of high profile cases such as the Kilkenny Incest Case<sup>35</sup> paved the way for the introduction of the Domestic Violence Bill 1995 which was passed into law in 1996.

Physical protection in family law cases operate through the provisions of The Domestic Violence Act 1996, which gave increased powers to the Gardaí to arrest without warrant, allowed for legal/judicial hearings to be held simultaneously with hearings for other orders i.e. custody, access, maintenance, childcare and conduct leading to the loss of the family home. In addition it provided direct protection for spouses/civil partners/cohabitees and/or children as well as parents, parents of children in common and others living together whose physical or psychological safety or welfare are at risk. In such instances the courts have the power to grant;

### **4.7.1 Protection order**

This is an interim safety order enacted until such time as the court makes a decision on a particular case.

### **4.7.2 Safety order**

Prohibits the respondent from engaging in violence or threats of violence, being in the vicinity of the applicant's home (in cases where the respondent does not reside with the applicant) which can be enforced for up to five years.

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<sup>35</sup> The Kilkenny incest case was the first time many Irish people became aware of the nature and problem of child abuse and neglect in Ireland. It was the first time a spotlight was placed on how Irish authorities handled the problem of child abuse, and it highlighted inherent failures in the system.

### 4.7.3 Interim barring order

Is a temporary barring order issued in cases where there is thought to be immediate risk to the applicant; a hearing must take place within eight working days of the granting of such an order.

### 4.7.4 Barring order

A barring order requires the respondent to leave and stay away from the family home and may contain terms prohibiting the respondent from engaging in threatening behaviours. Such orders can be made for three year duration (Courts Service, 2012c).

### 4.7.5 Domestic Violence in Ireland

In 2002 the Domestic Violence (Amendment Act) was passed to deal with an issue of unconstitutionality where provisions contained within the 1996 Act allowed the granting of an interim barring order in the absence of or without notification to the respondent. The 2002 Act served to rectify this while allowing for protection orders to be issued in these circumstances (Kearns et al., 2008).

The National Task Force on Violence against Women was established in 1996, reflecting a somewhat changing attitude to the issue of domestic violence in Ireland; in terms of institutional developments to deal with the prevalence of the problem. Recommendations made included calls for an integrated, holistic approach to providing services for both victims and perpetrators of domestic violence; which encompassed health services, Gardaí, accommodation and outreach services as well as a focus on policy development (The National Task Force on Violence against Women, 1997).

Women's Aid estimates that one in five women in Ireland who have been in a relationship have been abused by a current or former partner; with one in seven women experiencing severe physical, sexual or emotional abuse from a partner at some point in their lives according to Watson and Parsons, (2005); which amounts to approximately 214, 000 women in Ireland that have been severely abused by a partner. Although it is thought that the figures are much higher with no accurate figure being achievable due to the amount of unreported cases.

According to a report developed jointly by UNICEF, the Body Shop International and the Secretariat for the United Nations Secretary-General, Behind Closed Doors,

hundreds of millions of children globally are exposed to domestic violence in the home on an annual basis. Their statistics show that the estimated number of children exposed to domestic violence in the Republic of Ireland ranges between 8,000 and 42,000 (UNICEF, 2006). The Womens Aid Helpline annual figures for 2008 show that there were 1,829 specific incidents of child abuse disclosed by callers to the help line. This figure is thought to be a mere fraction of the reality. The very nature of domestic violence induces secrecy, making figures ambiguous. The National Crime Councils report on The National Study of Domestic Abuse 2005 states that approximately 214,000 women and 88,000 men in Ireland have been severely abused by a partner at some point in their lives. Those with children are three times more likely to suffer abuse than those without children (Watson and Parsons, 2005). Such figures highlight the amount of children potentially involved in abusive situations.

Research from Women's Aid, a leading national organisation that has been working in Ireland for forty years to help stop domestic violence against women and children; suggests that issues of domestic abuse in relationships can often continue long after the relationship has ended. In a report carried out by the National Crime Council in conjunction with the ESRI figures showed that 40% of victims who disclosed being severely abused said that the abuse continued after the relationship had ended (Watson and Parsons, 2005).

17% of callers to the Women's Aid National Freephone Helpline in 2012 disclosed that they were abused by an ex-spouse or partner. This figure jumps to 49% in their One to One Service. The types of abuse disclosed after the relationship has ended included, physical and sexual assaults, stalking, harassed by phone calls, text messages or social networks, publicly humiliating the woman, and injury to her new partner, home and property (Women's Aid, 2012).

### **4.8 Conclusion**

The dominant concern of family policy until the 1990s was how to assist families with the cost of children, essentially to support the family founded on marriage (Daly and Clavero, 2002). Family policy objectives in Ireland over the last couple of decades have however shifted quite substantially in line with a constantly changing social and economic environment. Assistance with the cost of child rearing is still very much a focus of government concern, care, the reduction of child poverty,

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avoidance of financial disincentives to employment, children's rights and welfare, the reconciliation of work and family life as well as the enhancement of family functioning and well-being of its individual members are all evidently foci of the Irish policy profile in recent years. What is also evident is the expansion of cash payments to serve a wide range of family circumstances, in a move away from the breadwinner model of support. However, fiscal pressure as a consequence of the current economic recession has exerted a significant influence on the level of such payments, as well as the targeting of such payments to fit with a new paradigm shift towards activation (Fahey and Nixon, 2014).

Exploration of the Irish policy approach to those parenting alone reveals different aspects of the relationship between women and the State, particularly in terms of shifting rights and obligations of earning and caring responsibilities; it is apparent that the Irish social policy approach to lone parents is moving from a situation where citizenship was conceptualised as a set of rights, where women's rights were allocated on the basis of care work, to a situation where citizenship is conceptualised as duties and participation (Skevik, 2005). But such duties in terms of family responsibilities are still overwhelmingly gender-differentiated and responsibilities have been amplified to include not only care as was traditionally the case but also financial provision, highlighting the continuance of the States gender regime.

As with the development of family policy in Ireland the development of service provision has also been piecemeal, formed on an ad hoc basis often in response to crisis. Services available to lone parents are divided into two groups, those that are provided by the State and those that are predominately provided by the community and voluntary sector. While there is a diverse amount of services available, fragmentation and substantial changes to welfare policy in recent times have resulted in significant gaps in provision, such issues have been heralded by some as a sustained attack on lone parents (One Family, 2014).

## Chapter Five

### Methodology

#### 5.1 Introduction

The purpose of this chapter is to outline the proposed methodological approach to investigating both the experiences of Irish mothers who have faced marital breakdown and their perspectives on support services; in order to ascertain the value of Irish social policy and service provision in this area. Firstly the rationale, aims and objectives of the proposed study form the basis of the chapter with a view to placing this research in context. This allows for justification of the proposed methodological approach and will assist in explaining the relationship between the research questions and the intended choice of method. Secondly the study design is presented encompassing debates around qualitative versus quantitative approaches to research, the research paradigm, the theoretical framework outlining the ontological, epistemological positions taken and consequent methodological approach chosen. Following this and in keeping with the chosen methodological approach is a section on reflexivity. An overview of the study population, sampling method and interviews is provided, which includes justifications for decisions made. Descriptions on the process of analysis undertaken, issues around evaluating qualitative research and ethical considerations, complete the chapter.

#### 5.2 Rationale, Aims and Objectives

There is a large multi-disciplinary body of research that has looked at the effects of divorce on families through their life course and although there are at times substantial differences of opinion as to the extent, severity and duration of associated problems, there is little doubt that marital dissolution does generally constitute negative consequences for families in some form or other. The accumulated research suggests that such a transition has the potential to create considerable turmoil in people's lives. This suggests that there may be ample opportunities for intervention efforts that could potentially offset some of those negative processes. The main objectives of family policy are to support and strengthen all family types, as stated by One Family (2010), however very little is known as to whether such objectives

are actually being met through service provision and policy in Ireland in this instance.

**Research Objectives:**

- Explore Irish mothers experiences of marital dissolution
- Consider their perspectives on what their needs are
- Examine the provision of services in this area
- Examine the Irish social policy response to mothers in this situation
- Assess whether these mothers needs are being met by the services and policy responses identified
- Make recommendations based on the research findings

### 5.3 Designing the study

There were a number of considerations taken into account when designing an appropriate methodology to answer the objectives of the study, all of which are addressed in this section. Firstly, initial consideration focuses on the general research paradigm underpinning this research, with attention given to the issues involved in contemplating the use of quantitative and qualitative methodologies. The issue of reflexivity in terms of how it pertains to this research is considered, followed by the rationale for, and descriptions of, specific methods chosen to answer the research objectives. Finally the ethical practices used in this research project and the limitations of the study are examined.

### 5.4 Qualitative Methodology

Peirce (2008) attributes the growing tendency toward the use of qualitative methods to the belief that it is “best suited to the study, understanding and complexities of social life”, he goes on to highlight how qualitative methods’ unique capacity is to learn and understand underlying values and social meanings of individuals or groups, thus allowing the researcher to see the ‘world through their eyes’, by “identifying the interpretive lens that the subject’s adopt and consequently the wider social context that frames that view” (Peirce, 2008, p.45). Bryman (2008) provides concrete features of qualitative methods; he highlights the perspective of the

## Chapter Five: Methodology

participant as being the point of orientation, the use of words over measurement when presenting an analysis of society, the emergence of concepts and theoretical elaboration out of data collection, as well as the tendency to focus on process, that being events over time and the interconnections therein and highlights the generation of rich, meaningful data as opposed to hard, unambiguous data.

Hartley and Muhit (2003) argue that qualitative methods are better for investigating subjective meanings, understanding attitudes and beliefs as well as unravelling the dynamics of the wider social context. They go on to say that quantitative methods on the other hand “have their strength in identifying universalities and making statistical or probabilistic generalisations or in determining the correlation between two measurable phenomena” (Hartley and Muhit 2003, p.02). This is notably unsuitable for the research questions under investigation, therefore there is substantial justification for choosing a solely qualitative approach for this investigation, particularly when you take into consideration the fact that “superiority is dependent on an appropriate relationship between the research questions and the methodology” (Hartley and Muhit, 2003, p.02). Sale, Lohfeld and Brazil (2002) contribute to the rationalisation of single method use in sociological investigations. It is their assertion that the paradigms upon which methods are based have a different view of reality and therefore a different view of the phenomenon under investigation.

## 5.5 Theoretical Framework

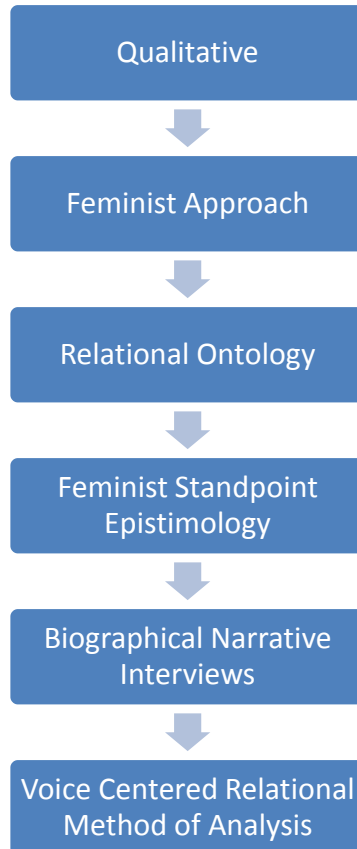


Figure 2 Theoretical Framework

### 5.5.1 Paradigm

As the paradigm or worldview of the researcher influences the research design and application, it is an important consideration in the research process. Guba and Lincoln (1994) define a paradigm “as the basic belief system or worldview that guides the investigator” (Guba and Lincoln, 1994, p.105). Ultimately it is important that researchers are clear about their own beliefs and assumptions; Heidegger argues that one cannot stand outside the pre-understandings of one’s experience, what is sought is determined by what we believe can be known (Heidegger, 1962). This is



particularly relevant in the case of this research due to the researchers own experience of marital dissolution (see section 7.1). This paradigm or set of beliefs are broken down into three aspects; they have ontology, which is the researcher's beliefs on the nature of the reality being studied. Secondly each paradigm has an epistemology, that is, the relationship between the inquirer and the known, in other words how knowledge is gained. Thirdly, each paradigm contains some assumptions about methods, in that such beliefs inform the researcher's choices about methods and interpretations (Guba and Lincoln, 1994). All research is interpretive according to Denzin and Lincoln (2000), it is guided by a set of beliefs and feelings about the world and how it should be understood and studied. Each interpretive paradigm encompasses a specific set of demands on the researcher, including the questions that may be asked and interpretations of answers given (Denzin and Lincoln, 2000). In addition to highlighting the researcher's position, Doucet and Mauthner (2002) argue for a 'robust' concept of reflexivity that goes beyond the usual calls for researcher location. This reflexivity includes reflecting on social as well as political and institutional location and involves transparency and accountability about the theoretical, epistemological, and ontological assumptions that inform and influence our knowledge construction, examination of such is contained within sections 5 and 6 of this chapter.

Guba (1990) states that both qualitative and quantitative methods are based on a particular paradigm, a patterned set of assumptions concerning ontology, epistemology and methodology, therefore they inherently do not study the same phenomena. The quantitative paradigm it is argued is based on positivism, which simply put regards the scientific method to be a superior approach to investigation. In terms of ontology, the belief is that objective reality is independent of human perception and the epistemological position is essentially what amounts to non-influence on or by the phenomenon under investigation (Guba and Lincoln, 1994; Denzin and Lincoln, 1994).

In contrast the qualitative paradigm is based both on interpretivism and constructivism where ontologically there are 'multiple realities and multiple truths' which are continuously altering. Epistemologically, reality cannot be objective as it is cognitively embedded and investigation is based on interaction that is set within context (Guba and Lincoln, 1994; Berger and Luckman, 1966; Smith, 1983).

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Two major writers are linked with the early development of ideas which are now associated with interpretivist qualitative research. Immanuel Kant, who wrote in the eighteenth century and proposed that knowledge of the world is based on understanding, knowledge and knowing transcend empirical enquiry, therefore emphasis and value need to be placed on human interpretation of the world (Ritchie, Lewis, McNaughton Nicholls and Ormston 2014). Wilhelm Dilthey is another key contributor to the development of interpretivist thinking who wrote in the nineteenth century and emphasised the importance of understanding and of studying people's lived experiences' which occur within a particular historical and social context. Ultimately he was of the belief that social research should explore 'lived experiences' in order to reveal the connections between the social, cultural and historical aspects of people's lives and to see the context in which particular actions take place according to Ormston, Spencer, Barnard and Snape (2014).

Table 5 Key Aspects of the Interpretivist/Constructivist Paradigm

**• Knowledge is produced by exploring and understanding the social world of the people being studied, focusing on their meanings and interpretations. (Social constructionist traditions emphasise the socially constructed nature of those meanings.)**

**• Researchers also construct meanings and interpretations based on those of participants.**

**• The research process is considered to be largely inductive in the sense that interpretation is grounded in the data, though it is also recognised that observations are 'theory-laden' because they are mediated by ideas and assumptions.**

**• Reality is affected by the research process, facts and values are not distinct, and objective value-free research is impossible. Some researchers may aim to be transparent about their assumptions and attempt to adopt a neutral position; others embrace subjectivity and become more personally engaged in the research.**

**• The methods used in the natural sciences are not appropriate for studying the social world because the social world is not governed by law-like regularities; rather, it is mediated through meaning and human agency.**

**•Social reality cannot be captured or portrayed ‘accurately’ because there are different (and possibly competing) perceptions and understandings, though some researchers still aim to ‘represent’ participants’ meanings as faithfully as possible (knowledge is provisional and fallibilistic, consensus theory of truth).**

(Ormston et al., 2014).

### 5.5.2 A Feminist Approach

As a perspective of the interpretive paradigm; this study is underpinned by a feminist approach to the research process, far from the original meaning of feminist research as being ‘on women, by women for women’ (Roberts, 1981), the research process in this instance takes account of advanced features of the approach . Feminist research practice regards an awareness of gender issues that utilises self- awareness, subjective experience and reflexivity, a rejection of hierarchal power relations within interviews as well as an overall emphasis on ethical issues and support for the expression and validation on women’s experiences as fundamental goals of the practice (Middleton, 2010).

The onset of what Merrill and West (2009) refer to as ‘second wave feminism’ contributed quite extensively to the study of women and women’s experiences. Inspired by the work of the Chicago school<sup>36</sup> and the writings of C. Wright Mills, feminist researchers challenged social science’s knowledge about history, society and culture which had been garnered from what they termed ‘androcentric assumptions of society’ as well as conventional assumptions about research relationships and methods (Chase 2008 pp.61-62), in an attempt to move away from the superior/subordinate hierarchal nature of conducting research. Ultimately the examination of issues such as equity, power, social structure, agency, self-definition and their interrelations will be enhanced by a feminist approach to research according to Denzin & Lincoln (1998).

Listening to previously silenced voices of women opened up new understandings of historical, cultural and social processes. Rather than utilising research as a mechanism of gathering information that relates to historical change, cultural events

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<sup>36</sup> The “Chicago School” refers to a specific group of sociologists at the University of Chicago during the first half of this century. Their way of thinking about social relations was heavily qualitative, rigorous in data analysis, and focused on the city as a social laboratory.

or the impact of social structures on the lives of individual's; feminist researchers sought to identify the subjective meanings that women assigned to events and conditions in their lives, disregarding the traditional objective perspective that had dominated social science research. At a basic level and central to a feminist perspective is the view that researching accounts of women are not just about redressing an imbalance in the making and telling of history but are a means of identifying possible continuities with women's oppression in the present (Chamberlayne, et al 2000). Fundamentally this research aims to explore if and how interactional, social, cultural and historical conditions mediate women's stories as Marx observed, men and women "make their own history but not...under conditions that they have chosen for themselves; rather on terms immediately existing, given and handed down to them" (Marx 1852 cited in Denzin, 1989, p.10).

### **5.5.3 Relational Ontology**

With this in mind I have chosen to take a relational ontological position to this research; a relational ontology posits the notion of "selves in relation", where human beings are viewed as being situated or embedded in a complex web of intimate and larger social relations as well as in cultural and social structures (Gilligan, 1982), where they are seen as being interdependent rather than independent. This is in direct contrast to the ontological image that has dominated in liberal political thought and the Western philosophical tradition, according to Mauthner (1998) which is that of a "separate, self-sufficient, independent, rational self or individual" (Mauthner, 1998 p.335). Relational literature highlights the nature of relationships with others as well as with the self, and considers the way that cultural factors press upon, and influence relationships. This ontological approach emphasises the importance of contextual analysis of societal processes, as it conceives human existence in the context of societal and personal relationships. This is particularly pertinent for this research as it explores the effect of both social and cultural structures on social and intimate relationships as well as on women's perceptions of themselves.

It is important to note that a relational ontological view does not assume universality, it is located in the local everyday world of diverse people and their values and beliefs, and it is located in a world of specific material needs as well as a world of psychological and social needs. Relational ontology seeks to address real people and their concerns in terms of their situatedness within that world; it does not argue that

there is one universal truth; rather it suggests that there are many truths. Somers (1998) describes relational ontology as an understanding of reality which takes the basic units of social analysis to be neither individual entities nor structural wholes, but the relational process of interaction between and among identities (Somers, 1998 pp. 766-767). It is an approach which conceives of these entities as embedded in time and constituted (not merely engaged) in relationships. History is a causal participant in the construction of knowledge according to Somers (1998), without which theory cannot explain the world. Relational ontology maintains that identities are constituted and not merely constrained in variable relationships.

### **5.5.4 Feminist Standpoint Epistemology**

This research is grounded in feminist standpoint epistemology which places women at the centre of the research process; where women's concrete experiences provide the starting point from which to build knowledge. Fundamentally, granting authentic expression to women's experiences and to the knowledge that women have developed as a result provides us with a lens through which larger societal issues can be examined (Brooks, 2007). Standpoint theory first emerged in the 1970's as a feminist critical theory about relations between the production of knowledge and the practices of power, and is built on the ideology of Hegel and subsequently Marx which suggests that individual's daily activities or material, lived experience, structures their understanding of the social world and is based on the central premise that knowledge develops in a complicated and contradictory way from lived experiences and social historical context (Harding, 2004). Feminist scholars working within a number of disciplines; such as Dorothy Smith, Nancy Hartsock, Hilary Rose, Sandra Harding, Patricia Hill Collins, Alison Jaggar and Donna Haraway; have advocated taking women's lived experiences, as the beginning of scientific enquiry (Naples and Gurr, 2014). Feminist standpoint scholars emphasise the need to begin with women's lives, as they themselves experience them, in order to achieve a true and authentic understanding of what life is like for women in particular situations. By making women's concrete experiences the point of entry for research and scholarship, as well as exposing the rich array of new knowledge contained within women's experiences, feminist standpoint researchers begin to fill in the gaps on the subject of women in many disciplines (Brooks, 2007).

Brooks argues that women have a unique ‘mode of seeing’ or what feminist standpoint scholars refer to as a cultivated double consciousness; which is a heightened awareness of the dominant worldview of society as well as their own minority perspective. The belief here is that women develop a double consciousness as they attempt to conform to particular social roles and expectations; while others rely on it to protect themselves and ensure survival. Being attentive and attuned to other perspectives, attitudes and behaviours allows women to see and understand certain features of reality that may be otherwise obscured, and through this, social inequalities and injustices may be diagnosed (Brooks, 2007). Each group will have its own critical insights about nature and the larger social order to contribute to the collection of human knowledge according to Harding (2004).

It is my contention that adopting a feminist standpoint epistemological approach to this research will uncover not just individual knowledge on experiences of marital dissolution; but also perspectives on the individual, social, structural and cultural reality of marital dissolution in Ireland from the viewpoint of those that live that reality on a daily basis.

### **5.6 Methodology**

This study will employ qualitative research methods, as its strength is its ability to provide complex textual descriptions of how people experience a given research issue, and provides information about the human side of an issue according to Mack, Woodsong, MacQueen, Guest and Namey (2005). In light of the fact that this research aims to identify both the experiences and the needs of mothers who have undergone dissolution of marriage, this approach is most fitting. Having looked at many forms of qualitative methods, biographical narrative research stood out as being most appropriate. Biographical studies of individual citizens are a valuable means of exploring the conditions of life in changing societies and can highlight the experiences and problems of transitions from one social situation to another as stated by Chamberlayne, Rustin and Wengraf (2002).

#### **5.6.1 Biographical Narrative Interviews**

Biographical research or biographical sociology is somewhat undefined and encompasses terms such as narrative, biography, life history and life story which are increasing in popularity and are to a certain extent seen as an alternate research

genre. The defining feature of such research and a contributing factor to its rise in popularity is summed up nicely by Shantz (2009) who states that biographical studies are ‘not simply the study of individual life, but offer a unique approach to understanding individual-societal relations’ in a move away from traditional structure-agency dichotomies. Other contributing factors to the rising popularity of biographical research processes have been attributed to their aptness for exploring subjective and cultural formations and tracing interconnections between the personal and the social (Jones, 2003).

More controversially this method of research has been seen by others as ways to promote ‘methodological pluralism rather than methodological monism’ see (Dhunpath, 2000) to somewhat challenge traditional conceptions of epistemology. However a point to note is that the epistemological significance of biographical narratives is often criticised, along with many other elements such as the belief that biography abdicates sociology’s main roles in, and for, helping people understand their society (Gans, 1999 cited in Shantz, 2009). In fact it is fair to say that Gans is stringent in his opposition to sociological research based on biography. He believes that biography is ‘too ordinary to become part of any sociological cannon’ and belies the loss of researcher distance and detachment going as far as to maintain that such practices result in loss of validity and reliability which is essentially the cornerstone of methodological convention (Gans, 1999 cited in Shantz p.122). Despite the strong opposition put forward by this view there are those who strongly advocate the use of biographical research for precisely the same reasons that it is opposed (Shantz, 2009).

Biographical researchers are of the view that individuals have great insights into their own situations and societies and can assist sociologists in developing an understanding of that situation whatever it might be. In relation to Gans’ claim that biography is ‘too ordinary’ the question has to be asked is it not the underlying ordinary processes of everyday life that is often the subject of investigation or the alteration of such as a result of an experience? In terms of the loss of distance and detachment there are some that argue that a self-reflexive critique allows researchers to look beyond our tacit knowledge to gain deeper understanding of the reality (Shantz, 2009). Such work communicates issues of identity, belonging, knowledge and voice in ways that have previously been largely inaccessible. Such issues require

understanding at the level of the personal if there is ever to be a wider understanding at the level of society. This view is reflected in what C Wright Mills termed the sociological imagination, the vivid awareness of the relationship between experience and society. He notably wrote that ‘the problems of social science, when adequately formulated, must include both troubles and issues, both biography and history, and the range of their intricate relations’ (Mills, 1959). It was his contention that unless sociology worked at the level of biography then it does not and cannot work at the level of structure.

Biography has a somewhat long and illustrious history as a literary genre which can be traced as far back as the fourth century evidenced in the works of Augustine for example. However, it was not really until the first part of the twentieth century that biography was viewed from a social scientific perspective. Thomas and Znaniecki’s (1918-1920) *The Polish Peasant* is cited throughout the literature as being the first significant sociological use of life history (Chase 2008, p. 59; Chamberlayne et al 2000, p.03; Merrill and West 2009, p.22; Riessman, 2008, p.14). In fact this work among others such as those produced by; Burgess, Blumer and Hughes<sup>37</sup> has been attributed with having considerable influence in the development of the Chicago School of Sociology (Lutters and Ackerman, 1996). The emergence of the Chicago School signalled what amounts to a paradigm change, mainly due to the belief that social science, in its *longues durées*<sup>38</sup> of positivism, determinism and social constructionism, had become detached from lived realities (Chamberlayne et al, 2000).

Despite the view that complete personal narratives offered the perfect type of sociological material (Chase, 2008); the 1940s/50s saw the marginalisation of the life history method by mainstream American sociology in favour of more positivist methods that produced more definite conclusions by way of quantitative hypothesis testing, underpinned by a concern with problems of measurement, validity and reliability (Denzin, 1989). There were those however, that sought to maintain a humanistic set of values in sociology, including the desire to create a more socially just world evidenced in the writings of (Mills, 1959) and (Berger and Luckmann, 1966). Arguably such commitment was a significant source of inspiration for many

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<sup>37</sup> See Lutters and Ackerman, 1996 for details.

<sup>38</sup> Meaning Long Term.



researchers and in no small part contributed to a resurgence of interest in the biographical method. Chase (2008) maintains that the liberation movements of the 1960s and 1970s are also purported to have reinvigorated the life history method of which the feminist movement was an integral part.

Biography based research is one such method that achieves this, it is a methodology for exploring experiences through the use of biographic narrative interviews, Chamberlayne et al (2002) state that difficult transitions are experienced by an individual or family in singular ways and are only fully understandable if long-term trends, dynamics, macro-history and the context of the society are taken account of.

### **5.6.2 Voice Centred Relational Method**

The origins of the voice centred relational method (VCRM) are rooted in the discipline of psychology; this approach to data analysis was developed over a number a years by Lyn Brown, Carol Gilligan and colleagues in the Harvard Graduate School of Education in response to an awareness that the prominence placed on quantitative methods was limiting what could be learned about human experience, to what could be ascertained statistically and was also viewed as a solution to ‘a growing dissatisfaction with the nature of coding schemes typically being used at the time to analyse qualitative data’ which essentially were reducing complex psychic processes to single static categories (Gilligan, Spencer, Weinberg and Bertsch, 2003; Byrne, Canavan and Millar, 2004).

Gilligan (1982) argued that women’s voices are habitually muted in traditional research studies, due to the fact that they do not adhere to traditional theories of human development; the reason for this she posits is because women define their lives as relational, where essentially women gain their sense of self from their relationships. Conversely she states that men see themselves as autonomous, detached from others and view relationships as an expression of dependence; consequently she argues that the authentic voices of women are seldom heeded because of the aberrant disregard that the male-voiced world has to this idea of women’s sense of self being defined by relationships.

In an effort to amplify the muted voices of research participants the Listening Guide was developed, initially as a method of analysis in Gilligan’s first book, *In a Different Voice*; where three studies are presented that demonstrate the effectiveness

of the method and was later undertaken in collaboration with the Harvard Project on Women's Psychology and Girl's Development (Gilligan, 1982; Brown and Gilligan, 1993; Taylor, Gilligan and Sullivan, 1995). The Listening Guide is according to Gilligan (1993) a method of psychological analysis that draws on voice, resonance, and relationship as ports of entry into the human psyche. The assertion is that there is a collectivity of different voices that compose the voice of any given person, which are embodied in culture as well as in relationships with oneself and others. At a more basic level Gilligan among others maintain that a multiplicity of voices are an expression of the layered nature of the psyche and the Listening Guide method provides a way of systematically attending to the many voices embedded in a person's expressed experience (Gilligan et al., 2003), and is therefore a voice centered approach (Mauthner and Doucet, 1998).

The method holds at its core the idea of relational ontology, despite the emphasis of a relational approach to access the multiplicity of voices inevitably inherent in individual experiences, many feminist qualitative researchers have identified difficulties involved in hearing and theorising the muted voices of women's lives in private domains (Edwards and Ribbens, 1991; Gilligan, 1982; Mauthner and Doucet, 1998); in order to address this difficulty VCRM places significant prominence on researcher reflexivity, particularly in terms of the impact of the researcher's social location and personal history on responses to participant's stories and experiences (Mauthner and Doucet, 1998). According to Byrne et al (2004) VCRM also utilises a "relational approach to the process of research inquiry, defined by paying attention to who is listening as well as who is speaking" (Byrne et al, 2004 p.22), where not only differences are acknowledged but also theoretical, institutional and epistemological influences on researcher practice are transparent.

The fact that the VCRM approach explores individuals' narrative accounts in terms of their relationships to themselves, their relationships to the people around them and their relationships to the broader social, structural and cultural contexts in which they live (Mauthner and Doucet, 1998), and takes account of researcher reflexivity it inevitably lends itself to adaptation to suit a variety of topics across a diverse range of disciplines. For example Mauthner (1994) and Doucet (1995a) adapted the original version developed in Harvard University to reflect their own

interdisciplinary backgrounds with a particular focus on developing the method to include a sociological focus (Mauthner and Doucet, 1998).

Indeed there have been numerous studies conducted utilising many variations of the VCR method of analysis, the breadth and variety of such studies concur with Mauthner and Doucet's (1998) assertion that VCRM is designed to be adaptable to "individual interpretations, understandings and versions of it" (Mauthner and Doucet, 1998 p.10). In addition to such studies, VCRM has also been utilised in a range of diverse disciplinary doctoral theses, for example Byrne (2000), examined single women's identities in contemporary Irish society. Coble (2006) looked at the reality of reform in high school science classrooms, Finch (2009) conducted a qualitative study of practice assessors' experiences of assessing marginal or failing social work students, Kuntze (2009) investigated the way exotic dancers experience, construct and understand their lives, Potter (2009) looked at the experiences of women and professionals in relation to drug assisted sexual assault in the UK, Conlon (2010) utilised the VCR method to analyse data from her research that pertained to women concealing pregnancy in Ireland, Middleton (2010) interpreted teenage pregnancy narratives, Golding (2011) examined the lived experience of egg share donors in the UK, and Turner (2011) considered the voices of preschool aged children experiencing homelessness in LA.

Thus far this section has highlighted the efficacy of the VCR method in revealing the multiplicity of voices naturally inherent in any given narrative; the following section will detail how this is translated into concrete methods of data analysis. First of all the basic materials needed to utilise the VCR method are coloured pencils, recordings and verbatim transcripts of interviews; Mauthner and Doucet's (1998) adaptation of the method on which this analysis is based revolves around three to four readings of the interview text, each time listening to and highlighting particular aspects of the narrative, which facilitates each transcript being considered from a number of different perspectives. It is this detailed and time consuming analysis that distinguishes VCRM from other methods of qualitative analysis according to Paliadelis and Cruickshank (2008).

**Reading One; *Reading for the plot and our responses to the narrative***

The first reading is comprised of two elements; first the transcript is read for the overall story being told by the participant, focusing on main events, sub plots, protagonists and relationships; recurring words, images, metaphors and contradictions in the narrative are noted at this stage. This reading is common to many other methods of qualitative analysis used to interpret interview transcripts, where the whole story is considered (Gilligan, 1982; Brown and Gilligan, 1993; Mauthner and Doucet, 1998; Paliadelis and Cruickshank, 2008; Byrne, Canavan and Millar, 2009).

The second element of the first reading pertains to the reader's response to the narrative; where the researcher's intellectual and emotional perceptions and reactions are documented through the utilisation of a reflective journal; the idea is to make explicit the researchers own background, history and experiences in relation to the participant. This allows for the examination of assumptions and views that might affect our understanding or interpretation of the participants words (Brown and Gilligan, 1993; Mauthner and Doucet, 1998), highlighting the emphasis placed on researcher reflexivity in this method of analysis.

**Reading Two; *Reading for the different voices of the participant***

The second reading of the transcript focuses on how the participant represents themselves in the narrative, when, where and how the participant uses personal pronouns such as 'I', 'we' and 'you' when speaking about themselves are considered. The concept here is that by tracing the 'different voices' of the participant the reader/listener can identify changes in how the participant perceives and experiences themselves and enables the social location and sense of agency of the participant to be located. Ultimately time spent carefully listening to the participant creates a space between their way of speaking and seeing and our own, so we can discover how they speak of themselves before we can speak of them (Brown and Gilligan, 1992; Mauthner and Doucet, 1998; Byrne et al., 2004).

**Reading Three; *Reading for relationships***

Mauthner and Doucet (1998) point out that the first two readings are the 'staples' of this method, which would always be applied when using the VCR method of data analysis, readings three and four are often adapted to suit particular research topics.

However, Mauthner and Doucet's version of readings three and four are particularly suitable for this specific study and are therefore applied as per their design.

The third reading changes focus from the participant to their inter-personal relationships and is dedicated to listening to how the participants speak about their relationships with others; such as their [ex] partners, relatives, children and friends as well as the broader social networks within which they occupy; what may be particularly significant for this study are the ways in which such relationships may be enabling or constraining.

### **Reading Four; *placing people within cultural contexts and social structures***

This reading involves placing the participants' accounts and experiences within broader social, political, cultural and structural contexts (Mauthner and Doucet, 1998); ultimately to familiarise the researcher with the contextual norms and values that exist within their lived environment and to gain an understanding of the participants' views/reflections on the social structures and institutions that they inevitably interact with. Reading for how the participant experiences societal and cultural frameworks illuminates possible constraining or enabling characteristics of such that may be personal or public issues.

The question of the response of Irish social policy in meeting the needs of the participants can also be answered through the utilisation of biographical narrative interviews and VCRM. This approach allows for individual experiences to be examined and consequent relevant policy areas investigated. This is achieved through a focus on individual life journeys and the connection between these and larger social contexts which are at the core of the proposed research project. The social context of the experiences of the individuals' under investigation may reflect national changes to normative conceptions of the family and the weakening of power structures such as the Roman Catholic Church, as well as it could be argued the decline in patriarchal authority within the family unit. How such changes have influenced the national policy approach to divorced mothers and examination of the effects of such policy on families who have experienced separation or divorce is possible through the research approach adopted in this study.

Traditionally social policy has been designed to "provide a basic platform of goods and services such as income, maintenance, health and education" (Chamberlayne, et

al, 2002 p. 279), and even though family policy in Ireland has changed substantially in recent years as previously stated, it will be informative to ascertain how effectual Irish social policy actually is, taking individual experiences, social context and broader processes into account achieved through reading four of the analysis.

### 5.6.2.1 Critical Overview VCRM

As with all approaches to data analysis in the qualitative field, power and the ethical interpretation of data are issues of central concern (Byrne et al., 2009). The VCR method specifically focuses on ensuring that the voices of the women are central to the interpretation of data. In addition, the method acknowledges the potential for bias or dominant research interests to influence the selection and exclusion of data and attempts to reduce these issues by emphasising a reflexive approach to the analysis (Mauthner and Doucet, 1998; Mauthner and Doucet, 2003).

The time consuming nature of this method of analysis has been acknowledged elsewhere (Mauthner and Doucet, 1998). In order for this analysis to fit within the constraints of a PhD timeframe it was decided that the analysis would consist of the four readings only and the consequent themes that emerged from those readings would be considered. No interaction with the participants occurred after the interviews due to both time constraints and the sensitive nature of the topic under investigation. The possibility of adapting the original VCR method of analysis to suit specific projects and constraints has been acknowledged by other authors (Brown and Gilligan, 1992; Mauthner and Doucet, 1998; Byrne et al., 2004).

## 5.7 Reflexivity

An interpretivist approach to the research as well as a feminist standpoint epistemological position, in depth biographical interviews and the VCR method of analysis is utilised in an effort to inductively develop insight based on the participant's views of the situation under investigation. Embedded within this approach is the recognition of the impact of the researchers own background and experiences; which highlights the need for a system of reflexivity where the importance of self-awareness, cultural awareness and ownership of one's own perspective is emphasised (Patton, 2002). The importance of being reflexive is widely acknowledged within the qualitative social science research community and there is widespread recognition that interpretation of data is a reflexive exercise

through which meanings are made rather than found (Mauthner and Doucet, 1998; Byrne et al., 2004).

What has been termed the reflexive turn has emphasised the value of being reflexive in qualitative research, yet there is a dearth of information on how to actually achieve this. The VCR method has such reflexive elements built into the analysis process. The reader response element of the first reading allows the researcher to read for themselves in the text. Placing themselves, their background, history and experiences in relation to the respondent, listening for how they are responding emotionally and intellectually to the participant, allows us to retain some grasp over the blurred boundary between the participant's narrative and our interpretation (Mauthner and Doucet, 2003). This process is evidenced through the production of a reflective journal<sup>39</sup> written following completion of each transcript, cataloguing my emotional and intellectual responses to each of the participant's narratives and while my responses may have altered following the analysis process<sup>40</sup> (Doucet and Mauthner, 2008); the journal provides my immediate responses to the narratives. In addition, in order to illuminate any bias that may be inherent in my subconscious I produced a vignette for each of the participants<sup>41</sup> following each interview to summarise their stories and wrote a reflexive account of my own biography and experiences pertinent to this research. Surprisingly this was a task which I found extremely difficult, laying bare my own life story for others to see had the effect of appreciating all the women's contributions to this research even more than I had done so initially.

### 5.7.1 My Reflexive Account

The direction that my analysis took is ultimately based on what makes most sense to me, underlying this is my own particular subjectivity and how I locate myself temporally to the research topic. In order to communicate my subjectivity and highlight how the turn to reflexivity has created an awareness of self (a must have in any good qualitative research study), it is necessary to consider the thoughts and

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<sup>39</sup> Reflective journals on all of the study participants are contained within appendix one of the appendices section at the end of this thesis.

<sup>40</sup> Highlighting the need for constant reflexive writing on the part of the researcher to chart and document how relations between researchers and their subjects are always in ontological flux and subject to endless interpretation (Doucet and Mauthner, 2008).

<sup>41</sup> Vignettes are also contained within appendix one of the appendices section.

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experiences that have shaped my position in this research, the most effective way to do this is in my opinion to begin with some pertinent auto/biographical details.

I was born in 1970's Ireland into a typically homogenous traditional middle class family with a self-employed father, stay at home mother and four siblings, where religion was an essential element of our daily lives, we didn't eat meat on Fridays, went to mass on Sundays as well as on all Church holidays and the parish priest was the ultimate authority figure on all things religious and otherwise; it seems almost unreal now looking back on it but absolutely everyone in the community was the same. In fact I can say to the best of my knowledge that out of approximately 200 students in the local primary school there was not one separated or single parent family that I was consciously aware of; any whispers of such were usually confined to after mass on Sundays where the gossips were out in force and stories of morally repugnant mothers who failed to keep their marriages together were the scandal of the parish; that said such happenings were a rare occurrence in small town Ireland at that time.

It wasn't really until we moved to England in the late eighties that a whole new world opened up to me, I became aware for the first time of the existence of an array of cultural and familial diversity; there, in a large urban environment separated, divorced, blended and single parent families were almost the norm, in fact my 'traditional family' (family based on marriage) situation was somewhat unusual.

Returning to Ireland in the early nineties all be it to a different part of the country revealed a noticeable change in both the composition of and attitude to the 'normal family' many of my peers were in situations that did not conform to the traditional family model; it was at this time that my own family situation changed, my parents separated in 1992 and I suppose inevitably significant changes did occur in terms of finances, moving house, routines for example, but I have to say that despite the upheaval I don't recall it having a massive effect on me personally, although it's probably worth pointing out that unusually I went to live with my father while the rest of my siblings stayed with my mother, it was the only possible scenario as far as I was concerned as I was extremely close to my father. Given that divorce was not permitted in Ireland at that time and judicial separations were somewhat ambiguous, there were no legal proceedings of any description undertaken and details were worked out on an ad hoc basis, and that was the way it was done until we were old



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enough to organise things to suit ourselves. Interestingly my parents are still not legally separated or divorced twenty three years later, that is not to say that things were not strained they absolutely were on occasion, probably more so for my siblings in all honesty.

This account is an endeavour to deliberate on how growing up in a separated family has subjectively shaped my perspective and while there is no doubt that my somewhat unusual experiences have contributed to my outlook; this is not the only reason for my interest in this research topic.

Moving forward to the present day and feasibly the most influential aspect of my personal biography affecting the subjectivity of my research is my own experience of relationship breakdown and the consequent outcomes. It is important to clarify that I was never married and therefore never legally separated or divorced; I was however in a long term relationship which lasted for ten years until I was twenty seven, we were engaged with the intention of getting married, a house, a mortgage, two incomes from good jobs and best of all a little boy who was three years old at the time of our separation. I learned first-hand the chaos that can occur as a result of a relationship breakdown, house sold, a move to the other side of the country, not only the loss of one income but two, due to the fact that there was no way I could continue to work the hours I had been doing and pay for childcare and rent and bills. So here I was with a child depending on me, essentially left with half of the proceeds of the house sale which didn't last long and so began the arduous task of stumbling my way through the Social Welfare system which I had absolutely no knowledge of but which eventually I managed to surmount.

I have to admit that my ex-partner was at that time good for paying maintenance and maintaining access visits which were worked out between us amicably. After a lot of soul searching I decided the only way I could be truly financially independent was to up skill and so I returned to education eleven years after completing my leaving certificate. Having completed a certificate course in Applied Social Studies (to test the water so to speak), I applied for university and completed a BA in Psychology, Sociology and Politics Throughout this period I met with many mothers in similar positions i.e. never married lone parents, through work experience programmes and voluntary work; many it has to be said in states of isolation, confusion and deprivation and I began to wonder if their situations had been legalised would they

have fared better; if they had been married and had the protection of the law for example and so the idea for this research was born.

The purpose of this narrative is I suppose threefold, first of all it is to present as honestly as possible an account of my own subjectivity; Plummer, (2001) maintains that the social researcher is not a mere medium through which knowledge is discovered; they can also be viewed as a ‘constructor’ of ‘knowledge’. We need to look at how the researcher’s personal and social worlds lead to these constructions (Plummer, 2001, p.206).

Secondly this narrative endeavours to draw attention to the fact that my experiences have enabled me to develop a level of understanding with the mothers participating in this research that I wouldn’t have been able to achieve otherwise and thirdly I have chosen to write this reflective piece as a narrative account to gain some kind of comprehension of what it is like for the mothers to subject themselves to such introspection for the purposes of this study; “for how can one theorise or interpret, If there is no familiarity with what it all means to the participant themselves” (Plummer, 2001, p.37).

Mauthner and Doucet (2003) maintain that ‘while reflexivity in terms of illuminating the personal biography of the researcher, as well as our emotional and intellectual responses to narratives is important; just as important is how we are influenced by our epistemological, ontological and theoretical approaches to the research. Making clear these influences (as outlined above) enhances the transparency of our interpretation of participants’ accounts’ (Mauthner and Doucet, 2003, p.22).

### **5.8 Sampling and Study Population**

Participants for this study were accessed using purposive sampling; more specifically the snowballing sampling technique was employed as it is extremely appropriate for highly qualitative, exploratory studies and can be utilised to seek out participants who were otherwise difficult to locate, which was the case in this instance. Atkinson and Flint (2001) defines the snowball as the process of accumulation of referrals, which has been utilised quite extensively within the qualitative research paradigm. If the aim of the study is explorative and descriptive then snowball sampling offers practical advantages, the real promise of snowball sampling lies in its ability to uncover aspects of social experience often hidden from view.

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This research sought 15 mothers to participate in the study; participants were required to be mothers who were of Irish nationality, English speaking and who were legally separated under the Judicial Separation and Family Law Reform Act 1989 or divorced under the Family Law (Divorce) Act 1996 and had children of primary school age at the time of separation/divorce. Due to the agreed parameters of the study exclusion criteria included; non-national mothers, non-English speaking mothers, those that are not legally separated or divorced under current Irish law and those that did not have children in primary school at the time of separation/divorce.

Every country's inherent experience of a particular phenomenon is different, and therefore in order to account for tacit knowledge and examine the relatively new occurrence of divorce in Ireland from this perspective it was necessary for me to include only mothers of Irish nationality in this study. While an investigation into father's, children's or extended family's experiences of marital dissolution would have been equally worthwhile; the rationale behind the choice of specifically looking at mothers is due to previous research which suggests that it is normally the case in Ireland that while custody of children is joint, residential care is more likely to be undertaken by the mother in the majority of marital dissolution cases (Coulter, 2009). In addition, those with younger children are more susceptible to disadvantage, than those with older children (Del Boca, 2003), hence the requirement for participants with primary school aged children.

The labour intensive nature and required depth of the research is a legitimate justification for the use of a small sample size. Furthermore, the sizes of non-probabilistic purposive samples generally rely on the concept of saturation according to Guest, Bunce & Johnson (2006). This refers to the point at which no new information or themes are observed in the data. Their research postulates that for most research projects where the aim is to understand experiences among a group of relatively homogeneous individuals' 15 participants is more than sufficient. Particularly given that this study is exploratory in nature and the intent is to be conceptually generative rather than definitive, to indicate rather than conclude, to formulate propositions rather than set out to verify them (Crouch and McKenzie, 2006).

## 5.9 Access

Initial contact was made via a personal network approach, the first participant was a friend of a friend type of scenario and although I did not know this person directly, I got the distinct impression that the word of mouth assurances given was significant in securing initial contact with her as well as with all of the women interviewed. Referrals from each participant were assisted by a request for research participants information sheet which was distributed to each interviewee to be passed on to other potential interviewees, this information gave a broad outline of the study<sup>42</sup>, these were followed up with phone calls (for which permission was given) and although every women I spoke to was extremely interested in the research, there were a number who did not want to take part in the study, reasons given included; not wanting to relive their experiences, the belief that nobody would be interested in their struggles, the belief that despite good intentions, it wouldn't change anything.

For those that were willing to participate, a more detailed information sheet was sent by email, outlining the purpose of the study, what participation would involve, advantages and disadvantages of taking part and their rights as participants<sup>43</sup>. Upon receipt of the email a follow up call was made two weeks later to ensure that all aspects were clear, to answer any remaining questions and to organise an interview date and time. All interviews took place at a time and location of the participants own choosing. However, there were difficulties with this process, there were a couple of participants who requested phone interviews reasons being that they did not want to meet me in person, they wanted to be able to speak to me when a situation presented itself that they were alone, whenever that might be. For others, problems with childcare and work led to rescheduling on a number of occasions. Many did not want to meet near their homes so plans were made to meet in hotels, coffee shops.

## 5.10 Participants

The participants that chose to take part in this study are of differing ages ranging from mid-twenties to late sixties with differing amounts of children and are from different parts of the country. Some had a legal separation but had not divorced,

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<sup>42</sup> The request for research participants is contained within appendix two of the appendices section.

<sup>43</sup> The information sheet sent to the participants is contained within appendix three of the appendices section.

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while others had both a legal separation and a divorce decree. All had married, separated and divorced at different times over the past few decades.

Table 6 Details of Interview Participants

Pseudonym	Marriage Year	Separation/ Divorce Year	Amount of Children	Those of Primary School Age
Ann	1979	2006/2010	Five	One
Avril	1998	2001/2005	Two	Two
Betty	1991	1998 Divorce	Two	One
Chloe	2000	2009 Legal Separation	One	One
Diane	1997	2003/2007	Two	One
Fay	1998	2007/2011	Two	One
Gina	1995	1997/2003	One	One
Grace	1978	1995/2002	Five	Five
Ivy	1970	1978/1997	Three	Two
Jackie	Unknown	2008 Legal Separation	Three	Three
Kate	1980	1991 Legal Separation	Three	Three
Liz	1987	1996/2000	One	One

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Sandy	2000	2009 Legal Separation	Two	One
Sasha	1999	2004/2009	Four	Two
Steph	1999	2008/2013	Three	Three

Noy (2007) maintains that the snowball sampling method can generate a unique type of social knowledge. It can be argued that the interpersonal relations that are central to snowballing also form research accounts (Browne, 2005). This was certainly the case in this research, the sampling technique employed resulted in generating a sample that were all in similar positions in terms of economic status following marital breakdown . The economic status of the participants in table seven shows that two thirds of the women interviewed are dependent on Social Welfare for some or all of their income since separation despite none of them being dependent on Social Welfare assistance prior to marriage. Table seven below also shows that only one of the participants continued to work full time for the duration of her marriage, three worked part-time for some or all of their marriage and eleven of the fifteen women interviewed were homemakers during marriage.

Even though it had not been the initial intention of the study, the sampling technique selected individuals on the basis of social networks and therefore culminated in a sample of the population that were similar to one another, confirming the assertions of both Gerstel, (1987) and Frable et al, (1998) that like attracts like and attachment to those in similar situations is common among those who may be socially dislocated due to their circumstances.

Table 7 Economic Status of the Participants

<b>Before Marriage</b>	<b>During Marriage</b>	<b>After Separation</b>
<b>10 Full-Time Employment</b>	10 Homemakers	10 DSP Payment = 5 of who were PT employed 1 student 4 full DSP Payment
<b>4 Professionals</b>	3 Part-Time Employment  1 professional Full-Time Employment	4 Full-Time Employment  1 of whom was-professional
<b>1 Unknown</b>	Homemaker	1 Homemaker (remarried)

The sampling technique in this case resulted in generating organic, in depth knowledge about mothers who had both the experience of marital dissolution and the experience of being situated at the lower end of the economic stratum and all that that entails. For many, the experience of economic poverty was a significant feature in their daily lives and was evident in some of the meetings I had with the women. Even though financial constraints are looked at in depth in the findings chapters I think they are worth noting here also.

Two particular interviews brought the issue of economic poverty visually to the fore; one participant had organised for me to meet her in her home for the interview, a lovely warm friendly woman who was delighted to participate in the study and while her home was beautifully decorated and spotlessly clean the first thing that struck me was how cold it was. After initial introductions she suggested that I keep my jacket on due to the fact that she had no oil to heat the house and would light the fire only when the children were home. The second thing that struck me was the distress she displayed when asking me if I took milk in my tea, having seen the milk carton on the counter with only a drop in the bottom of the container, I immediately said that I did not take milk; her relief was palpable. As I was about to leave I produced some

cakes that I had brought as a thank you, she enveloped me in a hug that took my breath away and said that her children would be so happy that evening.

The second interview was held in a café away from the participant's home, as I said previously all interviews were organised at a time and place that suited the participants. Having selected a table the waitress came to take our order, she ordered a glass of tap water with lowered eyes. Explaining that as she was here for me and my study, lunch was on me, tears came to her eyes and a profusion of thanks followed after she had finished her soup and sandwich.

### 5.11 Interviews

All interviews were conducted following a similar format;<sup>44</sup> two pilot interviews based on this format were conducted in an effort to ensure its proficiency in addressing the core research questions pertaining to this study. Interviews lasted between forty five minutes and an hour and a half; timings were dependent on the participants themselves in terms of finishing when they felt they had nothing else to say. Interviews were recorded and transcribed verbatim by me. The nature of in depth biographical interviews produces a large volume of transcript material which had to be organised in some manner in order to be analysed. The NVivo computer software programme was utilised as a data management tool to successfully achieve this. Qualitative data analysis is a fundamentally, subjective interpretive process according to Mauthner and Doucet (1998), therefore the utilisation of NVivo as means of data management only is justified. In addition the use of NVivo allows examination of the research trail.<sup>45</sup> Once all the transcripts were imported analysis could begin.

### 5.12 Analysis and Presentation of Findings

I have adopted a somewhat unique approach to utilising the VCR method of analysis to meet the aims and objectives of this research and maintain that this approach constitutes a new development in the use of VCRM in the analysis of sociological research.

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<sup>44</sup> See appendix five for interview format.

<sup>45</sup> Tables presenting the analysis trail taken from the NVivo file are contained in appendix six of the appendices.



Firstly I have chosen to outline the analysis in terms of layers, given that the intention of the VCR method is to identify a multiplicity of voices, I have conceived each reading as illuminating layers of experiences within each transcript.

### ***Layer One***

As per section 5.6.2 the process of analysis began with reading for the overall story being told by the participants. The first reading of each transcript was focused on identifying sub plots, protagonists, instances of events and experiences. In addition, participants views on what is needed to make the process of marital dissolution easier were also a focus of reading at this stage.

According to Mattingly and Lawlor (2000) *“Stories have plots. They have a beginning, middle and end, so that while they unfold in time, the order is more than mere sequence but reveal a sense of the whole”*.

Consistent with this view, the stories told by the women in this study do indeed adhere to this sequence, in terms of stories relating to before the onset of separation, stories of happenings that occurred during the period of separation until the legalities of dissolution were finalised and stories of experiences that ensued following the legalisation of separation, right up until the present day<sup>46</sup>. Given the stories told adhered to an expected sequence of beginning, middle and end this was an obvious way to divide the transcripts; before (the onset of separation), during (the period of separation until the legalities of dissolution were finalised) and after (legalities were finalised). With the natural division of the transcripts finalised, I then proceeded to divide up each transcript into each of these stages.

Given the vast amount of data that the VCR method generated, it was incumbent on me to find an approach that presents the findings in such a way that remains true to the voices of the participants, one that ensures that the methodological considerations which guided the research design and the analysis of the data are observed, and in a way that fits within the constraints of a doctoral thesis.

In an attempt to ‘reveal a sense of the whole’, what is presented in the first findings chapter are the collective stories of the participants which consistently appear

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<sup>46</sup> These different stages became known as the three stages of the separation experience.

throughout the three stages and are ones which are, in as far as possible representative of the experiences of the sample as a whole.

Shared stories of *intimidation, uncertainty; responsibility* and being *constrained* appear consistently throughout the three stages and are therefore presented here in an effort to portray the experiences of Irish mothers who have experienced marital breakdown. All four story types were referred to by all of the participants during the course of their narratives; the majority of whom had encountered all such experiences throughout all three stages.

### ***Layer Two***

The second layer of the analysis focused on the use of language throughout each transcript. Tracing the use of personal pronouns such as 'I', 'We', 'You', and 'They' in each stage of the separation experience facilitated an examination of how the women perceived themselves in relation to the broader context in which they live. This depth of analysis allowed us to see how the women locate themselves in their worlds.

### ***Layer Three***

The third layer of the analysis examined the participants' relationships both personal and those which occurred in the wider community as service clients. These relationships were perceived as enabling and constraining and were identified as such, providing further insight into how the participants' located themselves in the wider milieu. Both the second and third layers of analysis represents an attempt to hear the person voice their sense of agency, while also deciphering the social location of the women who are speaking and is an endeavour to stay, as far as it is possible, with the participants multi-layered voices, views and perspectives rather than simply and quickly slotting their words into either our own ways of understanding the world or into the categories of the literature in this area (Mauthner and Doucet, 1998).

### ***Layer Four***

The fourth layer of analysis considered the perceived impact of broader social, political, structural and cultural contexts on the participants' experiences and was themed according to social institutions, social structures and culture. This allowed for an examination of how structural and ideological forces were perceived in

participant's accounts, which produced stories of difference<sup>47</sup> which highlight how such forces were professed as generally constraining and very much seen as public socially located ills rather than private/ personal troubles.

Upon completion of the VCRM analysis I then proceeded to write up each of the themes that emerged from the four readings under each of the three stages of the separation experience. This was extremely time consuming and produced a document of over two hundred pages in length. However, this process allowed the main stories to be revealed. Amalgamating the individual narratives into a single document under the headings of the four VCRM readings and conducting a thematic analysis allowed for a thorough examination of the themes; from which collective experiences across the three stages of the separation experience emerged. It was these collective experiences that formed the basis of stories told evidenced in the final findings chapters (see C6).

The second and third readings of the VCR method provided authentication for the stories told. Examining the language used by the participants and their perceptions of their relationships validated the stories of intimidation, constraint, responsibility and uncertainty.

In addressing the first set of objectives in this research, how do Irish mothers experience separation and divorce, consider their perspectives on what their needs are and examine the provision of services in this area, readings two and three had a dual function. The first was to provide further insight into the participants' perception of themselves in relation to the wider environment in which they occupy, which was required to meet these objectives and the second function was that these readings were used as a reflexive process to authenticate the stories told. Both the language used by the participants and the focus on their relationships validated the stories of intimidation, constraint, uncertainty and responsibility identified by the thematic analysis.

Readings two and three also provided further insight into how the participants' located themselves in the wider milieu, which was fundamental in addressing other objectives of this research specifically the question of the effectiveness of Irish social policy in meeting the needs of the participants. In addition by focussing on the

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<sup>47</sup> Stories of difference are contained within Chapter 7 Section 4.1

perceived impact of broader social, political, structural and cultural contexts on the participants' experiences and specifically examining experiences pertaining to social institutions, social structures and culture reading four of the VCRM provided a unique insight into the effects of a homogenous society, such as that which exists in Ireland.

This approach allowed for individual experiences to be examined and consequent relevant policy areas investigated. This was achieved through a focus on individual life journeys and the connection between these and larger social contexts. The social and cultural context of the experiences of the individual's under investigation reflect national changes to normative conceptions of the family and the weakening of power structures such as the Roman Catholic church as well as it could be argued the decline in patriarchal authority within the family unit. Connected to these changes in a broader sense are processes of globalisation, marketization and the development of the individualisation of society. Highlighting not only life transitions at an individual and familial level but also what amounts to societal transformation in general.

Taking individual experiences, social context and broader processes into account this thesis is unique in demonstrating how reading four of the VCR method has much to contribute to an analysis, particularly in homogenous societies where social, political and structural contexts have a significant effect on the development of policy and the provision of services and consequently how these have an effect on experiences. Reading four of the VCR method is often billed as an option (Middleton, 2010) and focus generally pertains to the first two readings or the 'staples' of the method (Mauthner and Doucet, 1998). However this research demonstrates the value of reading four and contributes to the development of the VCR method of analysis for sociological research by advocating the use of reading four to examine the cultural and structural dimensions of lived experiences.

As previously stated, staying true to the voices of the participants is a central objective of this research; in keeping with this view, as well as with the theoretical framework which emphasises the voices of the participants; it was decided that verbatim quotations would form a fundamental part of the findings chapters. There are primarily two reasons for utilising verbatim quotations; the first being gleaned from feminist standpoint epistemology; whereby in order to understand what life is like for women in certain situations we must start with how such lives are

experienced by the women themselves and given that people's own spoken words often make more of an impact in conveying life experiences than any narrative a researcher can write according to Corden and Sainsbury (2006) using quotations to portray the realities of those experiences was an obvious choice. Secondly given the emotive topic under investigation it was imperative that the findings were presented in a way that represented the depth of feeling portrayed by the women. It is my belief that any descriptive words that I could use to portray such feelings would be inadequate, therefore participants own words are utilised in an attempt to offer readers a greater depth of understanding.

The process of choosing which spoken words to include is often a challenging task. The quotations in this research were chosen for the purposes of illustration and to represent (in as far as possible) the balance of feeling in the overall group. This type of inclusive approach to presenting findings is common in highly qualitative studies, particularly where narrative or biographical research is utilised as a method of enquiry (Corden and Sainsbury, 2006) and was deemed to be most fitting for this study.

### 5.13 Evaluating Qualitative Research

Validity, reliability, objectivity and generalisability are imperative for measuring the success of a research process, although such terms are associated with quantitative research methods along with certain preoccupations with measurement, causality, generalisation and replication. Such concerns are however meaningless within qualitative research paradigms. There are those that have suggested that qualitative research should be judged or evaluated according to different criteria than that which are used by quantitative researchers. Guba and Lincoln (1994) propose that an alternative to reliability and validity should be used to assess qualitative research; namely trustworthiness and authenticity. Trustworthiness in their view is comprised of four criteria each of which has an equivalent criterion in quantitative research.

1. **Credibility** – parallels internal validity – i.e. how believable are the findings?
2. **Transferability** – parallels external validity – i.e. do the findings apply to other contexts?

3. **Dependability** – parallels reliability – i.e. are the findings likely to apply at other times?
4. **Conformability** – parallels objectivity – i.e. has the investigator allowed their values to intrude to a high degree?

While the above are legitimate criteria for assessing qualitative research, the issue of quality assessment in qualitative research has become a contested issue according to Bryman (2008). Therefore it is important that I identify a method of assessment that fits within the paradigm and consequent approach to the research which I have outlined previously. To this end I propose that this study be legitimised by criteria which are meaningful to those for whose benefit the research was intended, namely the participants of the study and all women in similar situations. Keeping their voices at the centre of the research process I would advocate the use of Yardley’s (2000) four criteria for assessing qualitative research, which are not in the form of rigid rules or prescriptions, but are open to flexible interpretation.

Table 8 Characteristics of Good Qualitative Research

<p>Sensitivity to Context</p> <p><b>Sensitivity to the social context in which the research is conducted, participants’ perspectives, as well as to relevant theoretical positions and ethical issues.</b></p>
<p>Commitment and Rigour</p> <p><b>Substantial engagement with the subject matter; methodological competence and skill; through data collection; depth and breadth of analysis.</b></p>
<p>Transparency and Coherence</p> <p><b>Transparent methods and data presentation; fit between theory and method; emphasis on reflexivity.</b></p>
<p>Impact and Importance</p> <p><b>Importance of having an impact on the field of study, the community on which the research is conducted and for any practitioners’ working within that specific community.</b></p>

Adapted from (Yardley, 2000 ).

All such criteria are inherent in the study design of this research; the feminist approach, the epistemological position of feminist standpoint, biographical narrative interviews, as well as the VCR method of analysis take account of all of the above criteria. In relation to the issue of generalisability; this study is exploratory in nature and therefore does not claim to be generalisable to the whole population. My findings are knowingly based on a small number of cases and I cannot claim universal truths, rather the intent was to gain new insights into Irish mothers' experiences of marital dissolution, which has been successfully achieved.

### **5.14 Ethical Considerations**

As with any research there were a number of ethical considerations to take into account before during and after completion of this study. In no particular order, issues around power relations, consent, privacy and confidentiality as well as risk or harm to participants' were all matters that needed to be contemplated throughout the course of the research study. Further to this I considered both selectivity and interpretation of data obtained to be a fundamental consideration, accurate, contextual, fair representation of participants was an obvious consideration in terms of ethical responsibility to the participants of the study.

In order to sufficiently address some of these issues among others; this study is underpinned by a feminist approach to the research process, which is also reflected in the choice of methodology and data analysis outlined above. Issues around power relations in research have long been the subject of discussion, traditionally an objective perspective to conducting research predominated social science research characterised by researcher distance and orientation which was hierarchal in nature where a superior/ subordinate relationship existed (Bryman, 2008). In contrast, research from a feminist perspective promotes the breaking down of traditional researcher/research boundaries. The practice of reflexivity enhances this as well as the notion of sharing experiences at particular moments. However, this type of relationship cannot be totally equal; the issue of informed consent for example highlights and somewhat reinforces power differences and the differential relationship between the researcher and the researched. Regardless, informed

consent was necessary to ensure agreement but more importantly to protect the participant throughout the course of the research<sup>48</sup>.

Given the emotive nature of this research it was anticipated that in order to prevent harm, distress or upset, the participants' right to withdraw from the research at any time without reason was significant in adopting a non-exploitative attitude to participants, which was reiterated when required. In relation to a participant becoming distressed during the interview process the protocol was to stop the data collection and give the participant some time out, if they were in a position to continue with the data collection, I would ask them if they were comfortable/happy to proceed. I would also suggest to the participant that they contact their GP or another health professional to discuss the matter.

There was one particular incident where this protocol had to be implemented; approximately 40 minutes into the interview, having spoken about her first experience of marital breakdown, the participant began to speak about her second marriage and issues she had experienced with abuse, alcoholism and separation in terms of having to separate rather than wanting to separate. Seeing her distress at this stage I told her that we would leave in there and terminated the interview. As she was alone in the house at the time, waiting for her daughter, I offered to wait with her and proceeded to make her a cup of tea. Tea in hand she began to apologise for her distress, making clear that absolutely no apology was necessary; I offered her a list of possible sources of help. Even though she insisted she was fine and that it was a long time ago, I waited until her daughter arrived, by that stage we were taking about everyday things such as children and the price of shopping for example. So I know that by the time I left she was okay. But that experience was a source of distress for me, in the sense that the reality is that such experiences can have a traumatic long lasting effect on people and I was not really prepared for the strength of emotion shown, no matter how many books or journal articles I had read. Thankfully a debriefing session with my supervisor put things in perspective for me and gave me the tools to deal with that and move forward.

Issues around privacy and confidentiality were a source of distress for some participants, given the detailed often intimate material revealed in narrative

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<sup>48</sup> An example of the consent form used in this study is contained within appendix four of the appendices section.



interviews it was essential that anonymity was respected from the very start of the study. To ensure this was the case all participants were given pseudonyms<sup>49</sup> for names, locations or any other possible identifying features; moreover I as the researcher was the only person who had access to any identifying information that pertained to the participants. Further concern in this area relates to delving into areas unanticipated at the outset. Given the non-exploitative nature of this project and the feminist standpoint from which I was working, I believed that as part of my ethical responsibility to my participants I would not report any information that has been given in confidence (except for issues of child protection, which were clearly stated in the participant information sheet).

In terms of ethical responsibility in relation to fair representation of participant's stories; this was done to the best of my ability, I was at all times conscious of my responsibility to report participants stories accurately, fairly and within the context in which they were articulated and this was ultimately achieved through the utilisation of departmental resources to assist me in best practice, particularly those of my supervisor and graduate research committee.

In order to ensure that all ethical issues were identified and protocols were sufficient in dealing with such issues; an in depth analysis of all possible ethical concerns and consequent procedural protocol were submitted to the NUI Galway Research Ethics Committee seeking approval for the research. Approval was granted before the commencement of the interviews.

### 5.15 Conclusion

In conclusion this chapter has outlined the proposed methodological approach to investigating the primary research question and associated objectives of this study which seeks to explore experiences of mothers who have undergone marital dissolution. A discussion on the research paradigm as well as the ontological and epistemological position of the researcher, provided a backdrop and justification for the application of a qualitative methodological approach to the research; which utilises in depth biographical narrative interviews and the VCR method of analysis,

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<sup>49</sup> Pseudonyms were applied to each of the participants, there was no system for choosing pseudonyms and they were principally based on being far removed from the participant's names.

## Chapter Five: Methodology

both of which have been presented as the most appropriate means of exploring the core research questions outlined above.

Given the nature of marital dissolution a methodology that supports ‘research into the lived experiences of individuals, facilitates understanding in both the inner and outer worlds of historically evolving persons in historically evolving situations as well as the interactivity between the two’ (Wengraf, 2011) is required to fill the gaps in existing knowledge in this area. This focus on how people themselves describe their lives, which is presented in an integrated and contextualised way, is warranted as to date there been little Irish research in this area.

## Chapter Six

### Findings – Stories Told

#### 6.1 Introduction

As previously mentioned the amount of data generated through the interview process was vast; fifteen biographical narrative interviews which lasted between forty five and ninety minutes which produced almost five hundred pages of transcript; as such a decision had to be made on how best to present the data. Following long deliberations and numerous consultations, including one with Natasha Mauthner who in conjunction with Andrea Doucet is credited with developing the VCR method for use in sociological research; it was decided to present the findings in the form of common stories told. This type of approach has been utilised in other doctoral theses, for example see (Finch, 2009) and was immediately appealing, so much so that the idea of presenting the findings as stories told endured throughout the doctoral process, particularly when it became obvious that the majority of the participants had presented narratives that contained similar experiences which persisted across what became known as the three stages of the separation experience. These stages are before separation, during the legal separation process and after the legal process. Stories of *intimidation*, *uncertainty*, *responsibility* and being *constrained* appear consistently throughout the three stages of the individual analysis; and are therefore presented here in an effort to portray the experiences of Irish mothers who have experienced marital breakdown. All four story types were referred to by all of the participants during the course of their narratives; the majority of whom had encountered all such experiences throughout all three stages.

#### 6.2 Stories of Intimidation

Stories of intimidation permeate all stages of the separation experience for the majority of the women in this group and manifest through many different forms and stem from a number of different sources. This section explores participant's experiences of intimidation throughout all three stages of the separation experience. In the period before separation, intimidation spoken about refers solely to that which

is perpetrated by (ex) husbands during the marital relationship. All participants who spoke about experiencing intimidation at this stage talk about how intimidatory behaviour was an undertone of abuse suffered.

Participant's experiences of intimidation during the period of separation until the legalities of dissolution were finalised still pertained to the behaviour of ex-husbands; however such behaviour at this stage was more indirect and ambiguous rather than the direct form seen in the period before separation. Threats of taking children away from mothers were the most common form of intimidation at this stage, according to the participants. In addition, to being intimidated by ex-husbands during this period, a number of participants spoke about experiencing intimidation through their dealings with certain social services, the family law courts, mediation provided by the State and the Department of Social Protection (DSP) were all referred to as intimidatory in some form or another and had the effect of creating feelings of shame, guilt and fear in many of the women. In the period after legalities of dissolution were finalised references to intimidation experienced refer once again to that instigated by ex-husbands; a number of the women speak about ways in which ex-husbands persist in trying to intimidate and while problems with social services still remain and are evident in stories of uncertainty, responsibility and constraint, stories of intimidation talked about at this stage pertain solely to the intimidatory behaviour of ex-husbands.

### **6.2.1 Intimidation Before Separation**

Prior to the onset of separation two thirds of the women spoke about suffering abuse in their marital relationships; the abuse manifested in different ways; encompassing physical, emotional, verbal and economic abuse, which generally occurred in more than one form and to varying degrees. The undertone of the abuse suffered regardless of type, was in most cases permeated with some form of intimidation whether through aggression, verbal demoralisation or the incitement of fear. Diane for example in the lead up to her separation suffered numerous and persistent intimidating, emotional put downs from her husband; whereby he incessantly branded her as being psychologically abnormal due to the depression that she suffered.

*“I had been hospitalised the year before for a depressive episode, so it was kind of like you know you’re a lunatic an there was a lot of emotional ... blackmail and emotional sort of put downs and you know all of that” ... (Diane)*

Many of the participants stated that this type of emotional intimidation experienced before separation was, they thought, harder to endure than physical abuse.

*“but I was a worthless heap and you know the usual stuff.... now he never beat me up or anything like that, but there was times that I wished he would, so that I had something to show someone”... (Kate)*

A couple of participants referred to accessing the services of the court during this period, which pertained to participants seeking protection from spousal abuse; neither of whom are satisfied with the outcome. Ann spoke of conditions attached to the barring order that allowed her husband access to the property, however her living arrangements were unique in the sense that her mother in law lived in a granny flat attached to the family home.

*“I would’ve, I would’ve been asked would I allow him to visit his mother because, obviously she was an older lady ... so obviously I wouldn’t like to stop a son visiting his mother,... so he was allowed come into the side of the house, go in, leave, but of course obviously that didn’t happen” ... (Ann)*

Sandy refers to her experience in the court, she sought a barring order but was granted a protection order, she explained that she had to remain in the house with her husband after the papers were served, despite the possible threat that this posed to her safety.

*“She (the judge) eh granted me a protection order.. I was looking for a barring order and she told me I wasn’t hurt badly enough ... they told me they were afraid to give me the papers for me to produce them, the judge had stated that the guards would come that evening and issue them to my ex-husband, my husband at the time at his front door... and the guards came with the paperwork and when you think about it, they left me in the house with him”... (Sandy)*

### **6.2.2 Intimidation During the Legal Separation Process**

Direct intimidation perpetrated by (ex) husbands morphed into different forms following marital separation, where it became more indirect and ambiguous, the

nature of which meant that the perpetrators were irreproachable; a number of the women spoke about how the methods used to intimidate could not be proven as such and had to be endured. Subsequent to separation the majority of intimidatory measures used by (ex) husbands consisted of verbal threats; many of the women spoke about being threatened that children would be taken away from the family home. Indeed, in a couple of cases (ex) husbands went further than verbally threatening; and utilised elements of the legal process to make progress on such threats, which heightened the level of fear felt by the mothers.

Jackie for instance as a result a complaint made by her husband to the family court was served with a S.47 of the Childcare Act<sup>50</sup> which requires children's services to investigate homes/parents where children are reported to be 'at risk'.

*"I was in Spain with the children and I got a text Tiofaidh àr là (our day will come) and I came home from holidays and there was a letter waiting and it was saying that he had decided to get a section forty seven ... that they had some reason to believe that the children were not being taken care of properly" ... (Jackie)*

Jackie goes on to explain that she believes such legislation is being misused...

*"but it's a tool, a section forty seven is used as a tool that it's if you know, if we get a good section forty seven i.e. that woman's a bitch right and you're a wonderful father right... it's a tool and it shouldn't be let you know" ... (Jackie)*

Other mothers also found themselves at the centre of social services investigations into child neglect. While they were not subject to a S.47; they were investigated for possible child neglect following complaints made by ex-husbands and in one case by the family of an ex-husband. Sandy speaks about coming under the investigation of social services; complaints made were initiated by her (ex) husband and followed some weeks later by another complaint via her (ex) mother in law. Sandy stated that she received information on the identity of the complainants directly from the social worker designated to investigate her family.

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<sup>50</sup> The main legislation governing the care and protection of children is the Child Care Act, 1991. It places a statutory duty on every Health Service Executive (HSE) to 'promote the welfare of children in its area who are not receiving adequate care and protection.' In addition, it strengthens the powers of the HSE to provide childcare and family support services. It enables the immediate intervention of HSE or An Garda Síochána where children are in danger. It enables the Courts to place children who have been abused or who are at risk in the care of or under the supervision of the HSE

*“Like when he tried to take the children from me, he then involved social services, because he didn’t get what he wanted, to get the children taken off me, he contacted social services and told them I was a bad mother... (Sandy)*

She went on to explain that despite such complaints the social worker assigned to her case was satisfied that the children were not at risk and advised her to expect more complaints of that nature, that this was normal in cases of separation.

*“now she came down they were very, very nice a lady social worker... so she took a report and said as far as I’m concerned your case is closed, you have nothing to hide and she said I wish you the best of luck but this is normal, she said don’t be worried this is normal and she seemed very sure that it wouldn’t be the only one, the complaint, you know it was from his side... and true, true to the woman’s word, six weeks later another letter came from his mother”... (Sandy)*

One participant spoke of how she was intimidated by legal means, in the form of legal letters constantly being sent to her home on behalf of her ex-husband. Liz experienced this type of intimidation for a number of years during her separation; but did not clarify exactly what was contained within the letters, except to say that they were threatening.

*“but it was, for the following few years, it was, it was, I had a lot of legal letters, dirty letters, I would call them, threatening letters from his solicitors you know saying things like that you know that, you know just dirty tricks”... (Liz)*

Stories of intimidation during this period also revealed other types of intimidation experienced in addition to that instigated by (ex) husbands. Feeling intimidated by particular State institutions was firmly etched in the minds of the participants and was an issue that many of them spoke about. The family law courts, mediation and the Department of Social Protection (DSP) were all specifically referred to as being intimidatory.

The intimidatory nature of the family law courts was particularly memorable for some of the women and created feelings of fear and pressure, Steph describes her experience.

*“then the judge said we’ll hear it in chambers, so he brought me into the chambers, there was him, there was the judge, there was Tony [ex-husband], there was the court clerk was a man and the eh Tony’s solicitor who was a man... so there was me and four men you know and*

*you know the judge said what he had to say, I mean I could hardly say two words.. it was such an intimidating situation!"... (Steph)*

Some were so intimidated in court that they spoke of being frightened and shaky; Grace's statement exemplifies the general reaction of the group when referring to their experiences of the family court.

*"the courts are, I mean it is.. I had never been in a court in my life you know yea and I mean jeany to be there and you feel like Jesus as if you've done something significantly wrong dyaknow".... (Grace)*

It was not only in the family law courts that participants experienced intimidation; those that opted for other forms of legal resolution had similar experiences; a number of the women referred to the futility of mediation as a means to resolution, for some it was too expensive, others were of the view that agrimony had progressed to far for it to be successful and in Diane's case the intimidation was too great for it to have a successful outcome.

*"I didn't find the mediation very good at all ... as I said he was very angry so, he got his point across and I just kind of sat there, I was very I suppose undermined. So we pulled outta the mediation cause it just ... we weren't getting anywhere, you know".... (Diane)*

Other social institutions were also referred to in relation to this issue. Experiences involving the DSP were particularly singled out as being intimidatory. Many of the women interviewed had no experience of dealing with the DSP until after separation had occurred. Narratives were littered with references to difficulties encountered, many of which will be dealt with later in the chapter under the other types of stories told (see stories of uncertainty, responsibility and constraint). In terms of experiences pertaining to the DSP during this period, many spoke of how they felt intimidated by the attitudes of the DSP representatives.

Words such as belittled, degrading and shame litter narratives pertaining to the DSP; those that had no previous experience of dealing with the system of Social Welfare spoke of the difficulties they had dealing with the DSP.

*"and I didn't really know where and there was absolutely no help only absolute abuse from Social Welfare, is all I can say, you know, 'you don't look badly off to me' was one an I thought well thank you very much, but actually I have no money and dyaknow and the children are going be hungry by tomorrow and they just, they don't care, it was*



*really horrible, it was really awful, I just, it really was the worst time of my life you know” ... (Fay).*

This story of intimidation was not specific to one participant, a number of the women spoke about having similar experiences...

*“I remember going in ... Social Welfare office and I felt so belittled, so belittled because I was going in for, for a payment and you know the woman that was there like this woman was in her... probably in her forties, she made me feel it too let me tell you, you know... I think the younger ones are much more, much more respectful of you but by Jesus I didn't feel that you know” ... (Steph)*

### **6.2.3 Intimidation After Legalities of Dissolution are Finalised**

After the finalisation of legal separation/divorce, stories of intimidation once again become specific to the behaviour of ex-husbands; whilst issues persisted in relation to certain social services, intimidation during this period focused, according to a number of the participants, on ex-husbands attempts to ‘annoy’ former spouses; such behaviours were reported as being persistent up to the present day in some cases; the reasons for which remain unclear as no explanation was forthcoming.

For Jackie the intimidation that occurred in the period after separation legalities were finalised, manifests in different ways; doing things to make her think she was losing her mind was the main feature of intimidatory behaviour perpetrated by her ex-husband that she reported. She believed that he was engaged in acts designed to make her think she was going a bit mad.

*“He came into the house when I wasn't here, when I was working and moved stuff around the place and took stuff; now I got the locks changed and that stopped, but what would happen at night time was when I was here on my own and I had no kids here my hall door was being left open at night time; so ide come down and the front door would be wide open and I changed the locks immediately, you know I nearly died, I didn't know what was happening, but I think that was all sort of make me think I was going a bit mad or something”... (Jackie)*

She goes on to say that intimidatory behaviour is a constant issue despite being separated for a number of years. She talks about being subject to court orders if her ex is unsatisfied with any situation, in addition to having issues with maintenance payments in terms of him not paying the ordered amount.

*“I feel like now I’m on the other side of it but it’s four, nearly five years... you know but anytime you know he’ll go in and get a court order, or anytime he can’t pay... it’s just you know it’s tiring” ... (Jackie)*

Sandy also reports experiencing ongoing intimidation, despite the fact that she has been separated for a number of years. She talks about how she believes her parenting skills are constantly being scrutinised and how she has to offset any possible comeback from her ex-husband by being over cautious when it comes to parenting her children.

*“Mary had an incident an she fell and she fell out in the back garden and she had a bruise on her right leg and I said to him, because he was taking them for a weekend away and I said she’s after falling, told him the story ... I got a phone call from the solicitor’s on the Tuesday, the Wednesday after stating that he was reporting me for child neglect... so basically if the children are sick I have to take them to the doctor; I said to the GP this isn’t fair I’m being totally scrutinised, I’m being watched... because you’re just a mammy” ... (Sandy).*

Constant and varied forms of intimidation are still a feature of her relationship with her ex-husband; Sandy speaks about not knowing what he might do next, putting the house up for sale, despite the fact that there is a separation agreement in place that states she and her children are to stay in the house until the youngest is of age is an example of the ongoing intimidation reportedly used by her ex-husband.

*“Oh my god, to turn the corner and find a for sale sign up in my garden and I’m going.. I didn’t have that when I left here this morning...my house was up for sale when I came back one day from town, yea, I rang the auctioneer and said excuse me I said I have a sign in my garden and they said yea, yea we’re under instruction from (ex-husband), I’m sorry I said that’s a family home, I said you’ve no right to put the house up for sale ... yea but he’s still trying to... all these things being done, yea; constant, you never know, you never know with him” (Sandy)*

For Grace the possible consequences of her ex-husbands refusal to continue paying the mortgage was intimidating for her, knowing that the one security she felt she had was a home for herself and her five small children (as part of her separation agreement). This threat over the family home is not particular to Grace but occurred in a number of cases and seemed to be a significant source of anxiety for the women, long after legalities were ruled on by the family courts.

*“the only places we would be housed in if we were to lose the house is horrendous areas, I mean in Dublin, like it would’ve been awful areas*

*dyaknow that would've accommodated us at the time and I said you know, think of your kids, five kids, young kids being brought into that; well this is what you wanted, [laughs] it wasn't what I wanted, I had wanted just a lovely husband and a nice life, it certainly wasn't what I wanted"... (Grace)*

Indeed, an underlying fear of actualisation of threats made and the possible consequent effects permeated all stories of intimidation. So convincing was the level of intimidation that many of the mothers truly believed that threats could be carried out.

For Grace the possibility that she and her kids may be made homeless and dependant on the housing authority created a significant amount of fear.

*"oh, panic it was horrendous, it was absolutely, that was the worst, it was worse than separating you know, it was actually cause it's real what am I going to do, what am I going to do"! ... (Grace)*

Other participants reported being threatened with losing their children and spoke about how the consistent repetitive nature of such threats has convinced them that such threats could still be realised. The reporting of some of the women for child neglect has added weight to such fears.

*"I was petrified the children would be taken off me, because if you're told something for so long you'll think that I'll happen... it was eh very fiery cause if I said boo to him he'd have me reported... to the guards or to social services"... (Sandy)*

### **6.3 Stories of being Constrained**

Stories of constraint pervade all stages of the separation experience; for all participants in some form or another and to varying degrees. This section exemplifies those stories and explores participant's perceptions of how they were constrained throughout the three stages of the separation experience. In the period before separation a number of the women spoke about the experience of knowing that their relationships could not be redeemed, but stayed put regardless. Three areas of constraint were posited as explanations for this; firstly some felt that they would be unable to manage on their own with the children and consequently remained in the relationship for longer; secondly the view that they would be perceived negatively by wider society in terms of having failed in their marriage or being

associated with the label of lone parent kept them in their marriages for an extended period. Thirdly despite some attempts to leave abusive marriages services accessed during this period were limited in their ability to support the participants and as a consequence the women in these instances were particularly constrained in the ability to leave their marriages.

In the second stage of the separation experience; during separation until the legalities of dissolution are finalised there is a significant increase in stories of constraint. According to the women there were a number of experiences throughout this stage that had a constraining effect. This section explores how the women perceived themselves to be constrained by the courts and legal process, by their changed financial circumstances in terms of income and debt, by Social Welfare, work, by their housing situations, by issues pertaining to family as well as by public perceptions and systems of government.

In the period after legalities of dissolution are finalised there is one substantial and persistent constraint that the women speak about; that being the issue of finances. This section will look at participants continuing problems in this area and will explore their views on Social Welfare, debt and maintenance all of which have been posited as constraining elements in financial agency.

### **6.3.1 Constraint Before Separation**

In the period before separation participants spoke of how they felt constrained by the consequent effects of abuse suffered, as well as by the prevailing negative public perceptions of lone mother families. Demoralisation as a consequence of abuse had the effect of triggering apprehension and self-doubting behaviour, which for some delayed the inevitable separation, as they had no confidence in their own abilities to provide for and rear their families.

*“yea I would’ve kept going back really till ...hopefully just get the kids a little bit older, till eventually I ... I ’de be able to get out I suppose really”.*  
(Ann)

For others it was the perceived negative public perceptions of lone mother households that had a constraining effect. The worry of how they would be perceived by society as a separated mother was deterred them from leaving.

*“You know what are people going to think of me that was a big thing, you know isn’t it awful to when you actually think that way, that’s only like fourteen years ago, Jesus it’s not like I’m seventy or eighty or whatever, you know you ‘de be thinking about what are people going to think now like...”*  
(Betty)

Services assisting women who have experienced domestic violence featured prominently in the narratives pertaining to the use of voluntary and charitable services during this period. Those who discussed this were positive about the services; however, in some cases participants highlighted the limitations of such services;

For example, Ann had utilised the services of a domestic violence shelter on a number of occasions and was grateful for somewhere to go, however she felt that such services did not address the issue of long term need for women in her situation.

*“yea, I mean like (name of shelter) was brilliant for short term, but it didn’t have a long term solution”* (Ann)

Similarly Gina identified the limitations of services which she experienced when trying to leave her relationship; ill health forced her to return to her abusive marriage as there was no one to care for her son, faced with the decision to have him taken into care or return home, she returned home.

*“I actually left the house and went into one of these shelters for battered women inside in Waterford, I spent a week inside in there,; while I was there I got very sick with kidney problems and I was told that if I ended up going into hospital, which I was told I going to have to do; if I left the child he would’ve been taken off me and put into care. So I was left with absolutely no options, there was no way round it, it was either give up my child or go back to an abusive relationship, so I had no choice I had to go back. So myself and my one and a half year old child ended up back where we just came out of, because there was no help and no way out of it”...*  
(Gina)

### **6.3.2 Constraint During the Legal Separation Process**

After the onset of separation stories of constraint in the women’s narratives increase significantly; stories of being constrained by the courts and the legal process, by finances and debt, by Social Welfare, by work, by housing, by family issues and public perceptions as well as by systems of government highlight the inhibiting effect that separation can have on women in this situation, which is evident

throughout this section. Stories of constraint affected through the courts and the legal process were numerous. Constraints spoken about include; costs incurred, orders made as part of judicial separations particularly in terms of how issues such as housing and maintenance were dealt with, were perceived as constraining for some, perceptions of an inequity of treatment approach to women/mothers within the court room, were all perceived by a number of the women as having a constraining effect.

The cost incurred to obtain legal resolution to separation was an issue of constraint for some in that expenses ran to thousands of euro. In addition, many perceived certain expenses to be unnecessary and draining, paying for services not actually being utilised was a big issue for a few of the participants. Chloe negotiated her own separation agreement in an attempt to avoid the expense but she stated that despite her efforts it still cost a significant amount for the return she received;

*“like my solicitor never gave fiddle... he just drafted, like I would go to my solicitor, this is what we’ve agreed and eh the solicitor drafted that up and that was the bill at the end of it and I have to say now I found my solicitor brilliant to deal with, but god it was expensive for what he actually produced.... the drafting of that agreement cost me seven and a half thousand”.... (Chloe)*

Paying for legal services that were not utilised through no fault of her own was an issue for Grace as well as for a number of others, cases being adjourned and still having to pay expenses for barristers and solicitors was a source of contention.

*“So anyway we did, we went, the divorce came up in June and we went to the courts but we weren’t called that time which I thought was an awful joke cause you have to still pay for everything, your solicitor, barrister an all for that day in court”... (Grace)*

Orders made as part of a judicial separation agreement while satisfactory for some, for others they had a constraining effect; the main issues that emerged here pertained to housing and maintenance. Housing was a big issue for participants and orders made varied depending on circumstances. Given the weight that this issue was given by the participants it is important to provide an overview on judgements made in relation to the family home. For ease of reading rulings are presented in table form below.

<b>RULINGS MADE</b>	<b>PARTICIPANTS</b>
No Houses to Rule on Council Homes, Participants allowed to remain.	Avril, Gina, Ivy Betty, Diane, Sasha
Home Equity to be divided Equally	Ann and Chloe
Participants' remaining in the home until youngest child comes of age with a percentage share to be paid at that time.	Grace and Jackie
Percentage share paid and participant to leave immediately.	Liz
Percentage Share of property portfolio with responsibility for mortgage repayments (2 houses)	Steph
Awarded Family home with responsibility for mortgage repayments.	Fay

Table 9 Family Home - Judgements Made

Generally the constraining factor of settlements pertaining to the family home was that judges were thought to have been out of touch with reality and did not take account of the fact that children are much older leaving home now than they were in the past;

*“the property seems to be decided that if you can buy him out, buy him out, if not it's sold when the kids are eighteen, now that needs to be looked at as well cause nobody's leaving home at eighteen anymore... I just don't think kids are leaving, it's proven in all the papers kids are living in houses in their thirties right, so if the family home doesn't break up then they have a home to go to, if a family you know the parents break up then at eighteen they have nowhere to go”... (Jackie)*

This view in relation to judges being out of touch with reality manifested in other ways; in some cases houses were ordered to be sold and equity was to be divided equally between both parties, as well as the case where one participant was given a percentage share. In these instances there was the view that consideration was not given to the reduced market value of the homes as a consequence of the property crash that had occurred in Ireland. Leaving these women in a situation where they could not afford to purchase another home at that time and therefore were significantly constrained as a consequence.

*“We moved back home with my parents because I had no choice I couldn’t afford.. like that was, when that money finally came through a year later is when the bubble burst as they say in the market, I couldn’t afford to buy a house, so what I did, I converted the attic at home so I have half a house upstairs”... (Liz)*

Issues surrounding access and custody were also prominent in narratives relating to court orders made. This issue was understandably quite complex; some mothers were awarded sole custody and some were awarded joint custody. Issues of access were also quite complex for both the mothers and children, particularly in situations where fathers did not adhere to access arrangements and consequently had no contact with their children, or did so sporadically. Again in order to make it easier to conceptualise the experiences of the participants an overview of custody and access occurrences are outlined below. A point to note is that all fathers were given access to children in the legal proceedings; what is presented below in terms of access are participant’s accounts of fathers’ adherence to access arrangements, the lack of which was constraining for the mothers and will be dealt with later in the chapter in stories of responsibility.

Table 10 Custody and Access Judgements and Adherence

<b>Participant Name</b>	<b>Custody</b>	<b>Fathers Access</b>
<b>Ann</b>	Sole Custody	No access
<b>Avril</b>	Sole Custody	Sporadic at first – No access
<b>Betty</b>	Joint Custody	No access - Sporadic
<b>Chloe</b>	Joint Custody	Full access
<b>Diane</b>	Joint Custody	Full access
<b>Fay</b>	Sole Custody	Sporadic at first – No access
<b>Gina</b>	Sole Custody	No access
<b>Grace</b>	Joint Custody	No access
<b>Ivy</b>	Unknown	Sporadic
<b>Jackie</b>	Joint Custody	Full access
<b>Kate</b>	Joint Custody	Sporadic at first – No access
<b>Liz</b>	Sole Custody	Sporadic at first – No access
<b>Sandy</b>	Joint Custody	Full access
<b>Sasha</b>	Joint Custody	No access
<b>Steph</b>	Joint Custody	Full access



One concern for some of the mothers in terms of being constrained by the courts in terms of access was the issue of supervised access or lack thereof. This was an issue for Steph who had concerns over recent allegations of child abuse made against her ex-husband in the past. The lack of an available service to facilitate supervised access meant that the courts were constrained in terms of what they could order and Steph was constrained due to the fact that the order was for unsupervised access as a consequence.

*“there was another thing as well actually that I, I found a problem was eh supervised access, cause at that time I wanted supervised access but my solicitors were saying that there was no such service and even the judge said at the time, he said it’s not tenable, he said ide love to be able to offer it to you but, but it’s not, not available... you know that for me was, it was unacceptable, imagine.”* (Steph)

Maintenance was a substantial issue in terms of orders made and this theme will be comprehensively explored in the stories of financial constraints later in the chapter. In addition, a lack of perceived effective representation through the legal process was a major constraint for a number of the women interviewed, the majority of those who had legal aid<sup>51</sup> representation found it to be inadequate and deficient; a number of the women spoke about how in their view legal aid did not represent them appropriately.

*“But no the legal aid never fought, fought my case for me, she basically just sat there and just said the odd bit and never, you know... I had no one, I had no one on my side, I had a legal aid solicitor who sat there and didn’t really say much... I had no say, I had no voice, no”... (Liz)*

Regardless of the adequacy of legal representation, Grace found herself with no representation at all, when her case came to court as her free legal aid solicitor failed to turn up in court.

*“it’s a long wait for free legal aid as well, terrible long wait and I remember twice when I had to go with free legal aid they never turned up, they just didn’t turn up on the day... in the court, they just weren’t there yea”... (Grace)*

The issue of not being appropriately represented was not the only perceived constraint raised in relation to the courts; the attitudes displayed towards the mothers

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<sup>51</sup> Legal Aid is the provision of legal advice and services on matters of civil law to those unable to fund such services from their own resources.

in the court room, in terms of what the women regarded to be inequity of treatment to women/ mothers had for many hindered subsequent progression; in terms of having to abide by court rulings that they felt were unfair. There were numerous references to decisions being made on perceived judge's bias.

*“the judicial system, the courts, the judges to em advocate for the children, not... I mean judge [...] is apparently he is very much pro the dads and, and the dads getting access, which is fair enough but he should be pro the children, the children should be at the centre of his decisions not me or [ex-husband] and that was, that was, it was so biased, it was so biased towards, towards, towards [ex-husband]” (Steph)*

The general view was that in the legal process there was no regard for the importance of mothers role in society in caring for their children and this is articulated by Sandy in the context of how she perceived her ex-husband was viewed in comparison to her –the stay at home mother- in the legal system; this view will be given greater consideration in stories of difference in the next findings chapter.

*“no, no, no he was always the one that was looked after, because I was only a mammy, he had a title he was a position... he wasn't just a daddy, if you know what I mean he was a, he's a professional so his title, his profession went as a teacher... where I was just a mammy”... (Sandy)*

In fact many of the participants spoke about what they saw as inequity in the system in terms of an unequal balance in settlement orders. The general feeling for those that spoke about their court experiences was that the system had no regard for them, their children or their individual situations; and had an attitude of indifference to fathers' responsibilities; whereby in situations of divorce fathers have rights but many feel that they do not have to live up the obligations that such rights are based on;

*“it did dawn on me that you know I had done something very stupid in getting married, you know that like you were told that it was best to have children be born to married parents and they have more protection, they don't but what you are doing is you are giving the father greater rights and that's great in a scenario which has equal obligations, but they don't, they're given those rights without the obligations, you know because the obligations aren't enforced”... (Chloe)*

A number of the participants spoke about the intimidatory nature of the court experience. For many the power dynamics were an issue; whereby all male legal

professionals were intimidating for mothers within the confines of the court, particularly for those who had legal aid representation, leading to feelings of powerlessness and constraint. One participant believed that the power dynamics in her situation was evidence of corruption;

*“yea oh they were there was a little boys club, my husband admitted to me that his barrister who he’s friends with, he’s friends with the psychologist and he’s friends with the auctioneer, he sold our house, he like he openly admitted to me that there’s a little boys club there and that they all knew each other and he said, he admitted to me that psychologist was given a substantial amount of money, he didn’t tell me how much but he was given a substantial amount of money to attend court that day ,but like he openly admitted a lot of stuff to me... but as I said the system it was just, it was so corrupt and you know”... (Liz)*

One of the most prevalent issues to emerge was the constraining financial circumstances that the participants found themselves in following marital breakdown; this encompassed issues pertaining to maintenance, Social Welfare, work and other financial problems. Many of the women had what is widely referred to as a dependent status, prior to marital breakdown whereby they were financially dependent on their spouses, which traditionally was a feature of the Irish family, commonly known as the breadwinner model. The majority of participants adhered to this traditional structure.

*“I didn’t have a bank account, I didn’t have access to money unless he gave me money, I didn’t realise this was happening it happened slowly over the time we were together. I can’t explain it really... I feel very foolish, I am quite a strong woman but at the time I had been at home with the kids for ten years at that stage... I had nothing of my own, I had no, no money of my own I had no bank account, I had no, you know just sort of... anyway”... (Jackie)*

Even though on reflection many of the women stated that they were constrained substantially by virtue of their being financially dependent on their husbands, becoming dependent on the State following separation was a trauma for some.

*“it’s like you’re, you’re, I would never go on Social Welfare if I had a choice you know I would never have wanted to go on Social Welfare. I feel that there’s a lot of mothers that have to go there that would rather die ... but they have no choice”... (Ann)*

Regardless of whether the women experienced a change in their dependant status or were financially independent; all of them following their separation found

themselves having to become the main financial provider for the family. This was primarily due to issues over maintenance payments, which were a significant source of financial constraint for the majority of the women interviewed and was by far the most substantial issue talked about by the participants throughout the course of their narratives.

All but two of the mothers had orders for maintenance issued at some stage following separation, some as part of the process of legal separation and some in the form of separate maintenance orders; amounts awarded seemed to be dependent on individual circumstances and judge’s discretion. Again for clarity purposes the following is an overview of the participant’s situations in regards to maintenance; the table below is an attempt to highlight the individual experiences of the women.

Table 11 Maintenance Orders Made and Payment Frequency

<b>Participant Name</b>	<b>Order Made</b>	<b>Weekly Amount</b>	<b>Payments Made</b>
Ann	Legal Separation	€100 – 2 Children	Sporadic - None
Avril	Legal Separation	€150 – 2 Children	Sporadic - None
Betty	Legal Separation	€20 - 2 Children	Sporadic - None
Chloe	Legal Separation	€50 + Half Childcare	Sporadic
Diane	Maintenance Order	€165 – 2 Children	Paid- None
Fay	Legal Separation	€100 – 2 Children	None
Gina	Maintenance Order	€30 – 1 Child	Sporadic - None
Grace	Legal Separation	Mortgage Payment- 5 Children	Paid - None
Ivy	Not Specified	Not Specified – 3 Children	Sporadic – None depending on ex-husbands discretion
Jackie	Maintenance Order	€65 – 3 Children and half expenses i.e. Christmas, School.	Weekly amount Paid Half expenses - Sporadic
Kate	Maintenance Order	Not Specified- 3 Children	Paid- None
Liz	Legal Separation	No Order for Maintenance – 1 Child	None
Sandy	Legal Separation	Mortgage Payment- 2	Paid

		Children	
Sasha	Legal Separation	Not Specified – 3 Children	None – <sup>52</sup> AOE ordered 6 years after Separation.
Steph	Legal Separation	€130 – 3 Children	Sporadic

Regardless of orders made however, the majority of participants as is evident in Table eleven had issues with receiving payments some were sporadic in nature, petering out and eventually ceasing, some never received any payment and some ex-husbands went to extreme lengths to avoid making payments according to a number of the participants. The non-payment of maintenance placed immense financial constraints on mothers, some of the women never received any maintenance, from the day the agreements were signed.

*“Maintenance of €100 per week written in, onto the separation order, which I never saw one single penny of, ever” ... (Fay)*

Diane’s story is more indicative of the collective experience, where payments were made initially or sporadically and then for reasons unknown stopped completely.

*“so when he stopped paying the maintenance three years ago and as I said part of that maintenance was money he owed me from the year before, my, my, our income went down by €200euro a week, it’s €800 a month”... (Diane)*

She explained how her ex-husband is failing to pay maintenance for their two special needs children as he is working ‘off the books’ and as such does not have an income to declare to the courts this type of experience was not specific to Diane.

*“all of a sudden he was laid off work, he was working for a friend and the friend was putting him through the books an all of a sudden he was still working for the friend, but the friend stopped putting him through the books...Dean is a plumber of course, one of the easiest ones to work under the table that you can possibly get; like he, reckons he’s been working damn all for the last three years cause it’s three years since... it’s bullshit like ... absolute crap, absolute nonsense, I mean you know... it’s just rubbish like, absolute rubbish”... (Diane)*

<sup>52</sup>In cases where a spouse fails to comply with a court order and does not pay the amount awarded, an attachment of earnings order can be sought from the court, if the person is in employment or on a private pension. This order results in the maintenance amount being deducted at source by the spouse's employer.

Being dependent on (ex) husbands also brought financial constraints for those that had to apply for State assistance. In addition, to the emotional burden suffered as seen in stories of intimidation; many spoke about finding themselves in a situation where they were barely surviving. The general consensus was that while Social Welfare payments are sufficient to survive on; there is no way of financing anything other than the bare essentials, which was articulated as a constant source of worry for the mothers many of whom stated that they were battling to pay for anything over and above the bare necessities.

*“there was no concessions given like, for sick children, for the house, the freezing house, the damp house, you know there was no such thing as you’ve no turf in the shed, tough luck, you know you get your money, whenever, now saying that when the lone parent did come in, it’s not substantial, but it is, it’ll do like, you know, you can survive on it, you can, but I mean you can just forget about having a social life or having new clothes ever again, or anything like that ... (Fay)*

Aside from attitudes encountered and difficulties in making ends meet, the added burden of rules and regulations embedded in the Social Welfare system were a topic of many experiences of constraint; such rules and regulations encompass; procedures, in terms of the repetitive nature of application processes and the constant demands to submit the same documentation over and over. The slowness of the system was another constraint where mothers were waiting anything between six months and three years for a full payment, surviving on basic supplementary payments in the interim. Rules regarding income thresholds and maintenance payments created problems for a number of the participants; given that the OFP is a means tested payment all income is taken into account and payments are adjusted accordingly.

*“yea and Social Welfare actually took €16.99 off me for all those years out of my... maintenance, so I wasn’t even getting the €50 maintenance, if you know what I mean. I was means tested.... So I was struggling like, but actually they (Social Welfare) did admit an error maybe, what a year and a half ago, that they actually took too much off me, that I should’ve been getting the €50... the full whack and they said that they had actually wronged me and that they would rectify it but they never did” ... (Ann)*

In other cases mothers were being means tested solely on the basis that orders for maintenance existed regardless of the fact that no maintenance was being paid. This

was a significant constraint for many as they were effectively being penalised twice; receiving no maintenance in the first instance and a reduction in Social Welfare payment in the second.

*“the Social Welfare, initially, you see when I applied for lone parents I had to send off my papers, my separation and divorce... my maintenance was so high, I was rich on paper so all they saw was that I was getting this big maintenance; I was over three years waiting on lone parents, three years... I wasn't getting any payment you see”... (Avril)*

Given the above outlined financial constraints placed on mothers, many found themselves in a situation where participating in some form of employment was necessary to make ends meet. However, the opportunity to work was challenging, particularly as many of the mothers worked solely in the home prior to separation and while some had qualifications and experience in the workplace prior to marriage, many did not, childcare was also a significant barrier for many. Due to such constraints and barriers, many of the mothers found themselves working in low paid, low skilled jobs, placing further burdens on the shoulders of the mothers.

*“I got a job in a, in crèche in the morning time that I could take Amy with me, so that was brilliant, it was ideal and then the boys were just in local school beside, so I went in at half nine they went to school at nine, I was off at half one, they waited at the school till I was over, so it was brilliant and now that worked out fine and the £40 a week was brutal money but the fact that I could take Mary with me and it was beside the school was, made, more than made up for the money” ... (Grace)*

However, it was not just those on low incomes that were constrained by their employment situations, one professional working mother spoke of barriers in her workplace. Her ability to fulfil her working obligations was questioned following her separation and as a consequence she was made redundant;

*“I suppose around the time that John moved out and the knowledge became public, I mean I was made redundant; the company I worked for, I was a consultant and I suppose it's a very pressurised environment and they charged a lot for our services and it was, it was felt that you know as a single mother that I couldn't be flexible with my hours and I would be running to the crèche and they wanted no part in that. So, I was made redundant and I got a payoff.... it was assumed that I couldn't be flexible ..., because you know I was no longer married and was effectively a single mother”... (Chloe)*

Despite the effort of the mothers to work for their own self-worth and to meet their financial obligations, the problem of servicing debt was a consistent source of constraint for most. Debt which, for many stemmed from loans taken out during their marriages that had to be continually serviced long after separation and to the present day in many cases;

*“I consolidated everything in the first year of marriage into one loan in the credit union and his loan then was basically added to my loan, so it was my, I was guarantor, nothing came from the courts but when I dealt with the credit union I was the guarantor so I had to take on the debt and that’s just how that came about...I’m still thirty grand to them, dyaknow still, it just seems never ending, you know an I pay my... I pay a €160 a week to them and I’m still going to be years paying them back” ... (Avril)*

The only ameliorating factor on the issue of debt and making ends meet was the propensity of the credit union to assist those in difficulty. Many of the women spoke about utilising the services of the credit union to make up the shortfall in income on a regular basis, to consolidate and pay long standing debts and to pay mortgage arrears in Fay’s case.

*“now the credit union were very, very, very good, oh my god they were so good, not a bank in the country would’ve touched me, the credit union did and they gave me €45,000 obviously they took the deeds of the house like, they gave me €45,000 to pay off the bank an get them off my back” ... (Fay)*

In tandem with constraints faced as a consequence of separation there were other issues encountered by participants that were also constraining, dealing with family issues, in terms of the welfare of their children as well as meeting responsibilities in relation to the care of relatives and negotiating relationships with in-laws are all situations referred to by some of the mothers in this study. Avril’s story is an example of added pressures participants had to face in the normal course of day to day life.

*“my dad got sick he was diagnosed on my birthday, I brought him to the hospital, brought him out to the doctor and the doctor was waiting and the doctor said to him straight out he said Tony have you a will made... but*



*anyway, we were there and he was kind of, he was up to Luke's<sup>53</sup> after that the you know for treatment and stuff like that"... (Avril)*

Accessing public health services was an issue for Jackie; rules around needing parental permission from both mother and father when trying to access services for her child, resulted in Jackie having to obtain a court order to get consent from the child's father as he refused to give his permission.

*"so basically then Craig had a few behavioural issues in school; it was actually the social worker said to me, that he might've a touch of ADD you know attention hyperactive... so she suggested we go, but he had refused to, you had to have two... parental permission from two parents and he refused, I had to go to court to get that in the end" ... (Jackie)*

Other stories of constraint during this period pertain to societal perceptions of single mothers; it was not only public perceptions that had a somewhat constraining effect but also perceptions articulated by family as well as the subjective perceptions of the participants themselves that inhibited agency.

*"I mean I suppose that I was embarrassed that my marriage had broken down; it's very hard to tell people cause you, you know you'd feel like you were a failure, so I was kind of, didn't want anyone to know, god look her marriage is gone or whatever.... you'd be thinking god here I am now on my own, Jesus who's going to want me now kind of job, you know I'm a single mother with two kids, you know the thoughts"... (Betty)*

### **6.3.3 Constraint After the Legalities of Dissolution are Finalised**

Many of the stories of constraint persist long after separation had occurred; constraints still remain in terms of financial worries as a consequence of remaining debt, consistent issues with maintenance and issues with Social Welfare. The problem of servicing debt is of ongoing concern for the majority of mothers, many borrow to make up the shortfall in income and consequently find themselves having added to their debt burden, weekly payments made to service such debt is having a significant effect on their ability to provide for their children.

*"but when he stopped paying the maintenance he kept telling me he was going to pay the maintenance, for a year and a half till it suddenly fuckin dawned on me that... so obviously the money that I was getting from the*

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<sup>53</sup> St. Luke's Hospital, Dublin, is a hospital which has specialised in treating cancer patients from throughout Ireland.

*carers allowance wasn't enough to meet the bills, but he was going to sort it out! So I thought oh well there's no point in cutting back, I was a fool really, sure he was going to sort it out, sort it out, so I borrowed loads a money from the credit union an [tut] so I've all these debts now to fuckin pay; but that's not his fault, I should've realised straight away. But the money I get doesn't, doesn't actually really cover... (Diane)*

The issue of non-payment of maintenance is not just a concern for Diane, but for nearly all of the mothers interviewed problems with enforcement, is a major source of distress and will be looked at in more detail in stories of responsibility. The fact that income is significantly reduced as a direct consequence of not receiving maintenance places considerable constraint on mothers.

*“but yea financially it is, is huge, yea trying to you know do everything I suppose dyaknow and I mean clothe your children you know keep them in sport you know... but it was other things, there was never you know like that, house if the electricity, if anything goes wrong with your plumbing or electricity or any... you are, oh you are snookered dyaknow there is nothing in place”... (Grace)*

Avril is six years without maintenance and has to persist with court appearances just so the non-payment is recognised; she speaks about having to go to court again.

*“now seemingly from their records I haven't been paid since 2006, I think it's 2006 it was random, yea six years... and I have to go into court again and I will go into court again you know”... (Avril)*

Problems with debt and lack of maintenance are further augmented by persistent difficulties pertaining to Social Welfare payments; recent changes in the qualifying age criteria for the OFP will place further constraints on mothers<sup>54</sup>. For Ann these changes mean she will have to work more hours to qualify for another Social Welfare payment;

*“I am on the one parent family which I have to come off now because Clare will be eighteen ... yea... this month and I have to try and apply hopefully I can apply for the FIS so now I have to do extra hours, I have to be on nineteen hours I was only doing fourteen because with the family, one parent family I was allowed do the fourteen now I need to get the extra five” ... (Ann)*

A number of the women spoke about how the system of Social Protection was causing significant constraints for them in other ways, in terms of dealing with the

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<sup>54</sup> Changes to OFP introduced in Budget 2012 stipulate that there will be a gradual reduction in the qualifying age limit of the youngest child on that payment until 2015 when all children over the age of seven will no longer qualify for OFP.

procedures of the system, many of which were found to be daunting and hindering. For Diane, her ex-husband's false claim for the back to school clothing and footwear allowance was a major hassle in the sense that she could not claim the allowance as a result and was told to inform the DSP of the false claims he had made.

*"I got a phone call from the back to school allowance people, saying that, that school allowance had been paid on behalf of those children and I said it couldn't be like, they live with me, how is that possible? And so anyway she checked on the computer and she said your ex-husband is claiming for them on the dole, they put the responsibility for telling the dole on me! And again like, how do you make that call?" (Diane)*

Gina speaks about how the Social Protection system is constraining in general and not conducive to her needs; the issues she highlights here are symptomatic of the experiences of participants in general.

*"at least if you are in a two parent family usually you can manage to do something, but not when you're in a lone parent family and of course you are not allowed to cohabitate so... you're not allowed to move anyone else in that can help you.. I'm in a council house now for the last ten years, but I'm in no position to buy it, because when you don't have a steady income, you can't get a mortgage, you're left in limbo, you're left in limbo the whole time... So you're dammed really no matter what you do, so ... yea it's still just me and him" ... (Gina)*

A number of the women spoke about ongoing confusion over exactly what entitlements were which was a cause of concern for some, particularly where they ended up owing money to the DSP as was Avril's situation and in other cases they did not pursue possible entitlements due to fear of drawing attention to themselves. Avril's situation seemed to be particularly complicated as she owes money to the DSP.

*"I tried to come off the lone parents and they advised me not to, these are the girls on the phone, now in Social Welfare I owe Social Welfare €17,000 , now go figure, because while I was working I wasn't entitled, so they want all their money back... So I have a bill of seventeen thousand with them, they are taking €30 a week off me, they take that out of the Social Welfare payment and then FIS is given me€99" ... (Avril)*

For others dealing with the DSP is perceived as being so daunting they choose not to engage with them or deal with them at all if they can. Diane highlights this when she states;

*“But I stay away from them; but the thought of going through all that is just horrible like ... horrible, an now with the way they’re cutting people off, I’m kind of nearly afraid to draw attention, even though we’re entitled to everything we’re getting, we’re not getting nothing that we’re not entitled to, I’m still nearly afraid to draw attention to the situation”.*  
(Diane)

In addition, to persistent financial constraints and worries, many of the participants still require legal resolutions for a number of issues, indicating that while separations and in some cases divorce might be resolved officially in the courts, there remains underlying issues that require attention placing additional limits on participants. Obtaining passports<sup>55</sup> was identified as an issue for some of the participants.

For Sandy the task of taking her children on holiday resulted in having to go back to court to resolve a dispute over children’s passports.

*“ oh the legal aid crowd broke my heart and even to go and get, I wanted to get passports for the children, my parents wanted to take us on holidays and he wouldn’t sign the paperwork, I’m a whole year trying to get him to sign the paperwork for the passports, so we had to go down the line of court”...* (Sandy)

In Kate’s case it was a lack of legal resolution over pension rights that have constrained her ability to progress.

*“You can’t actually claim the pension rights in the divorce settlement. The judge can order that you can have the pension but if the judge doesn’t do that and you’re divorced you’re screwed; so, so I decided not to get a divorce until I was in a situation where I wouldn’t get a widows pension anyway; like with somebody else”...* (Kate)

In addition to the pension protection issue Kate spoke about difficulty in getting a protection order against her ex-husband years after separation. As evident in a number of cases in stories of intimidation, finalising legalities of separation does not necessarily mean that intimidation ceases.

*“the legal system, not good, not good, when I went in for the protection order for instance, the judge right, she sat there going you’re years separated, what are you looking for a protection order now for”...* (Kate)

One participant Ivy, spoke about lack of support she believed she received from the Gardaí when it came to enforcing a barring order against her ex-husband.

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<sup>55</sup> In Ireland there is a legal requirement that both formally married parents signatures are required in order for a passport to be issued to a minor. If there is a refusal of consent by one parent the applicant must apply to the District Court for a court order which will allow the Passport Office to issue the passport without that consent.

*“no, the law didn’t help me that time, now the inspector said if he had got one of the female cops they would’ve just taken him, he was getting ones he knew! It was one who flew over the cuckoos. I was banging my head against a wall, I was getting help nowhere, he should’ve been taken immediately”... (Ivy)*

## **6.4 Stories of Uncertainty**

Stories of uncertainty infiltrate all of the participant’s narratives in one form or another in some or all of the three stages of the separation experience. Before the onset of separation some participants spoke about feeling uncertainty in terms of self-belief and ability to manage without the presence of husbands, (similar to that seen in stories of constraint). The second stage of the separation experience sees a considerable increase in narratives of uncertainty. The experience of separation for many was an unknown entity, uncertainty over the legal process, the costs, the possible judgements were all issues spoken about in relation to this stage. In some cases judgements made created more uncertainty, particularly in relation to housing and the possible displacement of families in the future. Once again the issue of finances dominated narratives, servicing debt and problems with enforcement of maintenance payments were referred to as creating significant financial uncertainty at this stage and proposed changes to Social Welfare payments for lone parents in particular added to that uncertainty.

In the period after legalities of dissolution were finalised the persistence of financial uncertainty is prominent, again continuing non-payment of maintenance created anxiety over on-going battles into the future; consequently many of the women maintained that financial uncertainty will remain, causing concern over the mothers ability to provide for children. In addition some spoke about the consequent effects of acrimony over issues such as maintenance; which were according to them creating and maintaining strained relationships with ex-husbands, putting added pressure on mothers.

### **6.4.1 Uncertainty Before Separation**

As presented initially in stories of constraint, abuse suffered had an immense impact on participant’s ability to trust their own judgement, self-doubt played a big role in

creating uncertainty over the best decisions to make in regards to the feasibility of marriages. Uncertainty over ability to cope with the practicalities of marital dissolution was also a concern for many during this period.

*“I really felt that the biggest kind of problem I was going have was financially, you know that it was going be... I think that’s probably the hardest thing how am I going to cope on my own, how am I going to, to support these children” ... (Sasha)*

Not having sufficient support created uncertainty around leaving abusive marriages; which meant that for some they had to remain in the marriage longer than they may have done had supports been available;

*“I had to yea.. to be honest with you I probably ... if there was a way out ... if there was enough support, I would have gone years ago. But I was stuck... I was caged.. imprisoned in it I couldn’t get out ; and he would’ve been a very sociable person, he would’ve gone out plenty, he would’ve drank plenty, he would’ve ... you know seen many women but I would’ve just had to say ok I don’t see this, I can’t get out of this, I have to wait until”.. [long pause] (Ann)*

#### **6.4.2 Uncertainty During the Legal Separation Process**

The period after separation was beset with uncertainty for all the participants; the process of separation was an unknown entity and the ambiguous nature of such remained constant throughout the course of separation and beyond. In the initial stages, there was uncertainty around how to actually go about initiating proceedings, many of the women spoke about there being a distinct lack of information in the initial stages of separation in particular. Subsequent to obtaining representation, both the obscure nature of costs involved as well as the ambiguous nature of precedent in terms of rulings in the family courts were major causes of concern.

Chloe’s experience highlights both of these issues and is presented here to highlight shared uncertainties faced by the mothers in relation to both the obscure nature of costs involved...

*“But, the thing about, you know the legal process is it’s about the only thing you’ll ever do in your life where you’re entering into something, not knowing how much this is going to cost you... You know, they are obliged to provide with you know an estimate ... and that estimate was between like three and I think was it €25,000 that’s a big range” ... (Chloe)*

... as well as the ambiguous nature of precedent in cases of family law ...

*“...it’s a complete unknown when you go into that court room and anything could happen ... you have absolutely no idea what your rights are, what you’re likely to be left with, what kind of maintenance you’re likely to be granted, what kind of access he’s likely to be granted, you know you’ve nothing, you’ve no framework” ... (Chloe)*

This lack of knowledge fuelled uncertainty over possible judgments and outcomes and created a situation where individual experiences retold to the participants became the only source of information available to many of the mothers;

*“I know like eh a lot of people kept saying to me don’t be worried you won’t lose your home no judge is going to put you out with five children ... but actually I found, yes the judges do put you out with five children and they don’t take into consideration your health, how strong you are to keep going, where you’re going to live, I mean you get €160,000 it sounds like a lot, believe you me it wasn’t a lot when I had to try and buy a roof.. you know” ... (Ann)*

Uncertainty around possible judgements was exasperated by a perception that some judges were predisposed to rule certain ways and a lot depended on the judge’s mood on a particular day;

*“you know it depends on their personalities, the judges, , like you know if the judge is in good humour, it’s not even, not even humour, there’s a judge in, in the circuit court and he’s known as the 50:50 judge.... right, that you know that’s what he normally rules, so each case is not seen individually by him, right and there’s other judges ... she’s you know known for this and be careful with that and she’s very pro man or very pro woman.. It’s, it’s a nightmare”... (Jackie)*

Uncertainty pertaining to the legal process was borne out of incomprehension in many cases; lack of knowledge and experience of such situations created significant levels of anxiety for some of the participants, mothers spoke about not understanding what was actually occurring within the confines of the court in particular.

*“the only time you get to speak to your solicitor is when you go to court and like you’d have had a couple of little consultations initially but that’s it and you just know your next court date and you don’t see the solicitor until that date, unless there’s a letter from the other side and you really don’t know what’s going on” ... (Sasha)*

It was not just the legal process that evoked feelings of uncertainty; uncertainty over housing was a significant cause of concern for many of the mothers as a consequence of both orders made and circumstances beyond the control of the participants. Cases where mothers were bought out of properties created significant difficulties as money awarded was insufficient to purchase elsewhere due to the onset of the economic recession as seen in previous stories of constraint and mothers found themselves in a situation of catch twenty two; they had too much money to be eligible for any form of housing assistance programme and yet not enough to purchase a property without assistance.

Ann for example had five children (four of whom were in their late teens) living with her at the time then her house was ordered to be sold by the court and she found that she was unable to provide a home for all of them; she rented two rooms in a shared house for herself and her eleven year old child, in the hope that property prices would reduce in the future.

*“Yea, two rooms in a house and tried...I was paying less of course €450 which I could...I couldn't manage but I had to manage....so I would borrow from the credit union to keep me going, and try an pay a bit back....try and borrow again... April unfortunately moved in with her boyfriend because obviously at that time I really didn't have much to offer them. Ide nowhere to put them... Tracy lived with her boyfriend, and Jill and John rented, tried to rent themselves an actually John went into a mobile home” ... (Ann)*

She then described the substandard conditions that they had to endure in the property;

*“the house was freezing there was no heat...Clare was sick a lot in the house...but, and we had to share obviously with the lady that owned the house and she was you know...sociable woman so she would party and have stuff but "d still have to stay there with Clare”... (Ann)*

The fear of families being displaced created a real sense of uncertainty for the future for many of the women, even in cases where they were allowed to stay in the family home until children reached specified ages and whilst that was not for many years in most situations, this type of anxiety was palpable. Others had no choice but to move in with extended family as a result of there being no alternative.

*“I was lucky that you know we, we moved back home with my parents because I had no choice I couldn't afford ... when that money finally came*



*through a year later is when the bubble burst as they say in the market, I couldn't afford to buy a house"... (Liz)*

As evident in stories of constraint, financial uncertainty was a consistent theme throughout the narratives. The long standing commitment to servicing debt makes the possibility of future financial security less certain for many. Problems with receiving maintenance and lack of enforcement by the courts were an incessant source of angst for the participants with no solution for the foreseeable future, making their ability to maintain their homes and families a constant uncertainty; a substantial number of participants referred to their experiences of non-enforcement of maintenance payments.

*"as I found out afterwards there is no follow up, they could award you what they like, you know to be paid, for the husband to pay or father of the children and there is no real follow up to that, they're told that this is what, this is the order and they have to pay it into the courts or whatever but if they don't you have to wait till, you have to take them back to court yourself".... (Grace)*

Changes in assistance payments such as those pertaining to education are also perceived to be a significant barrier to progression and ability to secure a more positive future for both the women and their children. Those availing of educational opportunities now find themselves in precarious situations as a consequence of recent changes to system of assistance in terms of OFP payments.

*"yea but still I mean it's, it's very good you know, I could do anything now, I could do anything now you know so then I thought if I'm ever going to do a job, if I'm ever going to get a, a degree now is the time to do it because when you have your Social Welfare payment your maintenance fees are paid for"<sup>56</sup>... so my youngest is seven, when my youngest is seven and he is.. in two years' time I lose that payment, I lose that family income, that's going to be a significant blow to me.... , yea so I know I'll lose it in two years' time, so at least I'll have two years of my degree done and I'll look at it again... (Steph)*

### **6.4.3 Uncertainty After Legalities of Dissolution are Finalised**

Uncertainty for the future dominated the thoughts of a number of the women when speaking about their present circumstances; once again financial uncertainty was a

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<sup>56</sup> Upcoming changes to welfare assistance payments were flagged in 2012. The impact that such changes would have on other assistance payments was unknown at the time of interviews, creating uncertainty in this area.

prevailing worry, non-payment of maintenance generating apprehension over the probability of continuing battles over this issue.

*“I mean this is still happening and I don’t think it’s ever going to stop really, he’s supposed to pay maintenance until the child finishes his education, and so he could have another four years of maintenance payments ahead of him. That’s another four years of me chasing money through the courts for the sake of what is now €38 a week; [sighs] ... (Gina)*

The issue of strained relationships with ex-husbands was remarked upon in terms of the future being far from uncertain; continuing battles has led to a recognition that the environment in which they operate is incessantly charged and stressful for many. Some have continuing legal battles over different issues; others still wrestle with the consequences of an acrimonious separation.

*“we don’t, we avoid each other, we don’t... I don’t talk to him, I won’t be left on my own with him, you know I just avoid him now... I mean there’s another Confirmation coming up now, that’s going to be an hour of hell, sitting beside each other, you know everyone else thinks he’s the most generous man on the planet, he’s not... (Jackie)*

For others there is no closure, a couple of the participants have not and will not for the foreseeable future be applying for divorce for different reasons.

*“No, no there’s no closure and he won’t divorce me... I’m still his spouse, but no he won’t divorce he can’t afford it ... (Sandy)*

Worry over being able to continue to provide for children, physically and emotionally is creating a real fear for the future in the minds of some of the women. For Diane who has two children with special needs the future is particularly uncertain.

*“ I got into a panic kind of at the beginning of this year about just life in general and no end to the shite and you know Liam’s starting to develop now, now, he’s almost fourteen and as I said he’s in nappies an all that I started to kind of freak out in my own head like. How am I going to be able to look after an adult? It’s one thing looking after your child, it’s a different thing entirely emotionally looking after an adult with special needs; I thought oh Jesus” [whispers] ... (Diane)*

## 6.5 Stories of Responsibility

Narratives of responsibility are articulated throughout all stages of all of the participants' separation experiences. In the period before separation the majority of mothers had full responsibility for the care of the family unit. This role was more intense for those who had experience of domestic violence and abuse. Throughout the second stage of the separation experience the majority of the women spoke about the fact that in addition to the responsibility for caring for the family, they now had the added role of dealing with the fall out of the separation, trying to ensure the maintenance of children's paternal relationships, as well as becoming financially responsible for the household. For many the added responsibility of being sole financial provider was made more difficult by the lack of enforcement of maintenance and by the fact that the onus was on mothers to pursue maintenance as well as by the regulations surrounding maintenance and Social Welfare payments.

Stories pertaining to the period after legalities of separation were finalised and experiences right up to the present day see no change in the stories of responsibility. Mothers speak about still being responsible for the care of children and all of what that entails, for facilitating paternal relationships and the continuing issue of still being responsible for financially maintaining children in the majority of cases.

### 6.5.1 Stories of Responsibility Before Separation

Before the onset of separation mothers speak about their caring roles and how in all cases they were generally solely responsible for the care of the family unit. In situations of abuse within the home those roles took on the added dimension of protection; in terms of mothers protecting children from witnessing, being subject to and being affected by the occurrence of abuse.

*“unfortunately he seen a lot, a lot of the violence which could've been helped, I tried to protect him from it ... his father.. he was very unpredictable, so it was very hard to.. to know... so that's why my son seen eh some of it, not all of it but he would've seen some of it” (Liz)*

### 6.5.2 Responsibility During the Legal Separation Process

Numerous mothers spoke about the fact that the responsibility for keeping the family going was placed on their shoulders following separation and is a situation that seems to have continued; responsibilities spoken about encompassed financial provision, meeting physical and emotional needs of their families as well as maintaining day to day functions of the family unit. Subsequent to separation, responsibilities became more intense according to the majority of the women; having sole responsibility for the day to day care of children without any back up was a big issue for mothers; having to do everything alone without even a token offer of help from ex-husbands was arduous.

*“you know having to deal with having sole responsibility for five, you know for your children you know cause he was no back up, he, he wanted to make it harder for me kind of thing so he wouldn't, he never took them, he never, he'd no input into their lives, he wouldn't, there was no help at all like even collect them from school and nothing” ... (Grace)*

In addition to the everyday care of children mothers had the extra burden of dealing with issues over and above those associated with daily life; such as sick children and resettling elsewhere for example; as well as managing problems arising from the fall out of separation, trying to emotionally support children was a difficult problem that all mothers had to contend with in some form or another.

*“I think that there's so many things you know, you're trying to mind them, you're trying to mind their emotions, you're trying to mind their being, you're trying not to damage them too much, you're also trying you know you fight with their father because for what, for what they should be doing ... (Sasha)*

Aside from handling all such issues the majority of mothers found themselves in situations of having to simultaneously sacrifice their own emotions for the sake of their children's relationships with their fathers. Consistently having to endure slights to their children as well as to themselves in order to facilitate and encourage paternal relationships, highlights how mother's responsibilities were all inclusive when it came to caring for the well-being of their children.

*“Haley was four, Haley was distraught, she had been extremely close to her dad and he'd come.. he, he was supposed to take them out we'll say.. they'd*

*be sittin in their coats waiting, he'd arrive, then he'd say I'm not takin ye after all I'm busy and Haley would hang on to his leg and cry and he said to her ... He turned around to her one day and he said if ya don't stop crying I'll never come back... now to this day Haley will be twenty seven in February she still cannot cry in public... So those kinda horrendous things, things that are said to kids that are babies that never leave them, dyaknow, what I mean" .... (Kate)*

Going out of their way to facilitate access visits, engaging in encounters that they would prefer to avoid and facilitating fathers to ensure the continuation of the paternal relationship were all reported by mothers.

*"my biggest thing was I knew that he wouldn't come and see the kids unless I put him up, so I used to allow him to come in to stay so he'd spend time with the kids and that's what I done for years". (Avril)*

Being responsible for the overall care of children, ensuring that all physical and emotional needs are met, negotiating paternal relationships and dealing with all other issues that arise during the course of daily life, were considerable burdens for the mothers to shoulder; as indicated by the participants. Compounding such burdens is the added obligation of being financially responsible for the household. As seen in stories of constraint and uncertainty the role of financial provider has in most instances been transferred to mothers. Stories of financial responsibility illustrate the women's belief that the State has deposited this added weight on them, through their non-intervention approach to maintenance enforcement; by placing responsibility for pursuing maintenance firmly at their door; as well as through stringent conditions attached to receiving State financial assistance that is dependent on women demonstrating non receipt of maintenance, encumbering them further in the form of an onus of proof.

Stories of financial responsibility highlighted a quagmire in relation to maintenance payments and Social Welfare as already seen in stories of constraint. Social Welfare payments are in the main, based on a means test and legal agreements pertaining to maintenance are counted as means, therefore those in possession of a legal agreement but not receipt of maintenance are charged with the responsibility of proving they are not in receipt of maintenance. This was an impossible task for

many, as there was a significant reluctance by ex-husbands to leave any form of concrete evidence pertaining to maintenance.

*“Maintenance ... I never got any of... then, it was always going to stand against me no matter what I applied for; but they’re saying ‘but sure aren’t you getting a hundred euro a week off your husband?’ I’m thinking well actually I’m not ... well then that’s ok, that’s fine, you have to get him now to put in writing that he’s not giving you a €100 a week, and I said, I can only ask him; so I asked him [laughs] and that didn’t exactly work and he says not at all, sure look it if they ask me I’ll just say I’m given you cash”...* (Fay)

The States non-intervention approach to maintenance enforcement was a significant issue highlighted by the majority of participants. Many faced the problem of having an agreement for maintenance set down by the courts that was not enforced. The majority of women found themselves in situations where maintenance payments had stopped and the only recourse open to them was to initiate further proceedings to have payments enforced. The fact that women were made responsible for pursuit of maintenance was for some beyond endurance.

*“I don’t understand why, why, why the government don’t follow these men, I just don’t understand it like, because it shouldn’t be the responsibility of the ex-wife who’s rearing the children...why, why should we have to put in that situation! ... I mean why aren’t these people being followed like, why aren’t they being properly monitored, why aren’t they being chased down and we shouldn’t have to do it, I shouldn’t have to do that, I’ve more to be doing”...* (Diane)

Even in cases where women did pursue payment the arduous nature of the procedures involved, such as serving summonses<sup>57</sup>, seeking and paying for representation and the long waiting period for a hearing makes the whole process difficult.

*“I had to go back into court several times looking for maintenance, just for him to pay it and it’s costing me every time in solicitor’s fees, that’s an awful... I mean I’m sure you’re hearing that all the time maintenance is a huge issue for women”...* (Steph)

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<sup>57</sup> Serving summonses was particularly difficult for those who had experienced abuse in their marriages and although there are agencies that specialise in such tasks, the cost was excessive; leaving some women intensely vulnerable.

Given the difficulties that the women have to endure to pursue maintenance, many had come to the conclusion that there was no point in taking the matter further as the chances of a successful outcome had been and are minimal.

*“you’ve no accountability really, they decide not to pay then... unless you’re willing to go chasing through the courts, it’s very hard to get it and even if you do go chasing through the courts you could be a long time, you could be years trying to get it”... (Sasha)*

### **6.5.3 Responsibility After the Legalities of Dissolution are Finalised**

The matter of responsibility remains contentious issue long after separation; mothers when speaking about their present circumstances refer to an unchanged position in this area. Every day obligations, safeguarding children’s physical and emotional needs, as well as facilitating paternal relationships and financial provision for households are still very much the fabric of the mother’s lives. The fact that total responsibility is left to the majority of the mothers is still a source of infuriation for many, Diane’s experience emulates the general situation of the participants.

*“pretty much from the beginning, , he just left me at it. You know there’s no, he doesn’t come to their concerts, he doesn’t come to their school meetings, he doesn’t bring them to appointments, and he doesn’t you know, he doesn’t involve himself in anything like that, he never asks how they’re doing, he never you know”... (Diane)*

Enabling paternal relationships is still prevalent even after many years of separation. Previously highlighted were the emotional sacrifices mothers make to smooth relationships, there are also a number of mothers who sacrifice financially in terms of not perusing maintenance in order to keep relations as civil as possible.

*“I would rather take it on the chin, for the sake of his relationship with his child, like I had to you know I had to prioritise that and sacrifice the financial aspect... but I mean I was able to Rosemary, that’s what I’m saying ... you know I had the luxury of it I mean I’ve no illusions we only have that kind of amicable relationship because I was able to make those choices; had my back been to the wall financially Jesus like it would have been bitter...totally absolutely”... (Chloe)*

## 6.6 Conclusion

Stories of intimidation articulated by the participants in this study begin with initial emphasis on intimidation perpetrated by (ex) husbands. Methods and forms of intimidation change throughout the three stages of the separation experience. Intimidation prior to separation is mainly executed through forms of emotional and verbal abuse which is obvious and directly targeted at the women. Name calling, verbal aggression and emotional put downs are all methods of intimidation experienced at this stage.

In the second stage of the separation experience methods of intimidation are more subtle and indirect, mainly using children of the marriage through institutions and processes of the State as a means to effect fear. Methods of court related abuse and harassment; which is the use of on-going litigation through judicial and quasi-judicial systems to continue to harass and abuse are common forms of intimidation during this period. Other experiences of intimidation during this period refer to the intimidatory nature of the legal process particularly in terms of experiences with the family law courts, mediation as well as other institutions of the State specifically the DSP.

In the final stage of the separation experiences after legalities of dissolution are finalised, stories of intimidation focus solely on that which are perpetrated by ex-husbands and are continuous up to the present day for many. Psychological manipulation, undermining parenting confidence and continuing court related abuse and harassment are all on-going experiences of intimidation articulated at this stage. Evidently methods used are still subtle and indirect in nature.

Stories of constraint in the first stage of the separation experience focuses on the participant's accounts of how the effects of abuse suffered had a constraining effect on their ability to act. Lower levels of self-esteem and poorer self-concepts resulted in a number of the women remaining in abusive marriages. In addition perceived negative public perceptions of separated/lone mothers also had a constraining effect. Worry over how they would be perceived by society delayed separation in some



cases. Limitations of services accessed at this stage contribute to feelings of being constrained.

Stories of constraint increase significantly in the second stage of the separation experience. Constraints experienced at this stage change from subjective to wider social, structural and cultural forms of constraint. In the last stage of the separation experience, there is a continuation previous constraint faced particularly in relation to structural and financial constraints.

Stories of uncertainty during the first stage of the separation experience once again highlight how the effects of abuse in terms of self-doubt created significant uncertainty over best decisions to make regarding the feasibility of marriages. In addition uncertainty over the financial effects of separation added to feelings of insecurity at this stage. In the second stage of the separation experience, stories of uncertainty increased to include uncertainty over the legal process in terms of costs, precedent and possible judgements, particularly in relation to finances and housing. All of which were exasperated by lack of knowledge and information, creating a real fear for the future. In the final stage of the separation experience, uncertainty over finances continues with strained relationships with ex-spouses, waiting for divorce and fear over continuing ability to meet the needs of children making future security and consistency ambiguous.

Stories of responsibility pertaining to the first stage of the separation experience focus on the caring roles of mothers within the home; with the majority conforming to the traditional breadwinner regime. For those that suffered from domestic violence, their roles took on the added dimension of protector. During the second stage of the separation experience there is a continuation of caring responsibilities; which are all encompassing for the mothers and include dealing with the fallout of the separation. In addition, during this period there is the added responsibility of financially providing for children in the majority of cases. This is according the views of the participants affected through the States non-intervention approach to maintenance enforcement. In the final stage of the separation experience, after the legalities of dissolution are finalised, responsibilities are unchanged. Having total responsibility for care and financial provision of the household is a source of contention for the majority of the mothers interviewed.

## Chapter Seven Findings

### Selves in Relation

#### 7.1 Introduction

This second findings chapter focuses on highlighting the social worlds of the participants and the contexts within which they live. The VCR method holds at its core the idea of relational ontology, where human beings are viewed as being situated or embedded in a complex web of intimate and larger social relations as well as in cultural and social structures; where they are seen as being interdependent rather than independent (Gilligan, 1972). Gilligan also maintains that women define their lives as relational, where essentially women gain their sense of self from their relationships.

In order to gain an understanding of what that sense of self is for the participants and identifying where that self is placed in relation to the broader contexts within which the participants live; the first section of this chapter explores the intimate family and friend relationships referred to in the narratives as well as the wider relationships that participants have within their local communities. The second section of the chapter moves on to look at how the women see themselves in relation to others. Tracing the women's use of personal pronouns 'I', 'we', 'you' and 'they' allows us to uncover the different voices of the participants while simultaneously enabling us to see how the women locate themselves in relation to others who occupy their worlds. The third and final section of the chapter looks at how ideological and structural forces are perceived in the narratives of the participants; in order to explore the apparent impact of wider cultural, structural, social and political contexts on the experiences of the women. Strong stories of difference emerged at this stage of the analysis indicating that such forces were professed as constraining and were wholly considered to be public/socially located ills rather than private/personal troubles.

## 7.2 Stories of Relationships

*Stories reveal the way other actors act upon someone, shaping her possibilities... (Mattingly and Lawlor, 2000).*

All of the participant's stories contain some references to support networks, specifically in terms of family and friend supports throughout all stages of the narratives. The ameliorating effect of positive support networks is clearly stated; however, what is equally specified are the added tensions suffered by those who did not have such positive supports. The period before separation sees those that had a supportive family network as being very much enabled to leave the marital relationship, as they had backing and assistance to help deal with all issues that arose. In contrast those that spoke about not having this type of close family support found themselves constrained in their ability to leave and remained in the marital relationship for longer due to the perception that they had no alternative.

In the period after separation a number of the women spoke about the practical and emotional support they received from immediate family in particular and how such support made the worries and stresses encountered during this stage easier to cope with. For others adversarial familial relationships that existed in their worlds, served only to increase worry and pressure over and above that which they were already experiencing as a consequence of their separation. Traditional views on marriage, separation and divorce held by certain family members of the participants as well as by wider communities in some cases, placed added strain on a number of the women who spoke about encountering such views which left them feeling isolated and in certain instances ostracized from both immediate and wider relationship networks.

The third stage of the separation experience sees positive references to supportive relationships; a number of the participants were of the view that such relationships enabled them to reach what they regard as successful outcomes that they are experiencing in the present day. Other sources of support spoken about at this stage refer to both friends and new relationships which are completely positive for those in such a situation.

### 7.2.1 Relationships Before Separation

Before the onset of separation, those that had positive support networks in terms of family and friends speak about the many ways in which those closest to them were empathetic, understanding, encouraging and a source of practical assistance, which in many cases enabled the participants to leave marriages that were no longer viable for various reasons. Avril speaks about the intervention of her family, whose support allowed her to leave a destructive marriage. While such support had a similar effect for many of the women, for Avril it had the added benefit of facilitating the beginning of her recovery from alcohol addiction.

*“...he’d gamble the rent that’s what he did, so my family had to come down and take me and the baby home. It (alcohol) was a desperate cry for help in the very initial dyaknow... but I remember that first time I was... seemingly my mother had gone to the doctor about my drinking “... (Avril)*

Those that had no such support network spoke about being isolated and unsure and for many that meant having to remain in their marriage, particularly in cases of abusive marriages as they could see no alternative; with no familial support to provide any sort of help many felt unable to remove themselves out of the abusive marriages they were in.

*“I didn’t get support from home...my parents ... no, my mother and father would’ve put there would’ve been a distance ... well I know I did go home to my mother and actually at that time I remember I was well beaten ... and she said you made your bed you have to go... you can’t come home here... so I knew then I had to keep going”... (Ann)*

Certain services accessed prior to separation were viewed as positive sources of support. Some of the participants referred to the fact that they accessed counselling services in order to prepare themselves for separation, both participants who referred to these services, accessed them privately rather than through the HSE. Chloe’s experience of counselling sessions was positive in the sense that pragmatic issues pertaining to separation were dealt with and this type of support made the transition easier for both her and her daughter.

*“I had a really pragmatic counsellor that helped me to put a plan in place, , and that’s how I got out... it took about six months to get him out of the house and it, it, eventually when he did go we moved him out of the house as a family”... (Chloe)*

Steph also utilised a similar service for the same purpose and had a similar experience in that the counsellor provided support in relation to separating.

*“yea so he went up to Belfast in July, in June, was it in June, I think it was June and I had been seeing a counsellor you know and she told me if you’re going to tell Tony that you’re separating, that there’s no going back, then is the time to do it, when he’s surrounded by help”. (Steph)*

### 7.2.2 Relationships During the Legal Separation Process

The alleviating effect of support networks were for many all the more necessary following separation; the disturbances of separation and consequent distresses that occurred, such as changes in home life and emotional anxiety as well as the practicalities that had to be dealt with; like returning to work, organising childcare and sorting out finances are all significant ordeals referred to by the women. Having a supportive strength to assist in dealing with all such issues relieved some of those stresses, in terms of having someone to lean on, particularly after separation and more so in situations where finances were extremely strained.

Sandy had a lot of family support, particularly from her parents, many of the participant’s refer to the helpfulness of parents during this period in terms of an emotional support, but also very much in terms of the practical assistance that they gave. Sandy speaks about her parents trying to ensure she was eating sufficiently.

*“to be fair to my parents they’d make extra dinner you know.. or they’d eh oh I bought too many potatoes, you know those kind of things... if it wasn’t for my parents I don’t know how I’d have survived... oh, I wouldn’t have been able to survive, I wasn’t feeding myself.. I was looking after the children but I wasn’t looking after myself, I’d say you know when the children have their dinner, I won’t have anything now, I’ll have after, ide never have it, I didn’t have it.. my mother would be great”... (Sandy)*

Experiences of adversarial familial relationships spoken about by a number of the participants, intensified negative separation experiences for many of the women, as such these relationships placed added pressures over and above experiences of marital dissolution. Pre-existing tensions over childhood experiences and upbringing’s were still an issue for some. Diane maintains that her childhood experiences did affect her and issues with her mother have a continuing effect both of which are added pressures she has to deal with.

*“I was brought up by two parents, but they had a very unhappy marriage, very, very, unhappy marriage and it affected me and my brother hugely ... it really affected us and it affected us all through our lives and it still affects us ... the last year took a bit of a toll on me between money and my own mother doesn't be well and she's an alcoholic and she's a depressive and a bit of a mess really... even though she lives in Leitrim, she's drains the life out of me ... (Diane)*

Traditional views on marriage, separation and divorce made dealing with marriage breakdown all the more difficult according to some of the participants; a quarter of the women had to deal with this issue. In a couple of instances participants found themselves in a situation where there they ‘had’ to get married due to pregnancy, others found that they were duty-bound to remain in their marriages and subsequent to separation half of the participants spoke of encountering negative attitudes towards them specifically because they were separated.

Some experienced such attitudes within their familial relationships, like Kate for example whose family ‘could not cope’ with the fact that she had separated from her husband.

*“my mother told me I'd be better off dead than separated, my mother could not cope with it at all what so ever ... my brother died from suicide, ... and she actually came and sat at my kitchen table and said if I had to choose between what happened to him and what happened to you I'd prefer what happened to him ... she thought I'd live a zombie life, where I'd be ostracized, I'd have no friends, I couldn't do anything, I couldn't go on.. I couldn't go to a wedding or to a party, I couldn't do anything”... (Kate)*

Other experiences of negative attitudes did indeed come from the wider community; participants spoke of feeling ostracized in their own localities; experiences of being talked about, people that once were friends avoiding contact and generally feeling snubbed. Fay's experience exemplifies the kind of attitude that many of the women spoke about encountering, following their separation.

*“we had friends for fifteen years, more, it was just amazing to see them drop and disappear, the very second, we separated like ... the whole thing that got me down was that I was wrong cause I was trying to get out of my marriage, I was trying to end it, I was pulling my children away from their father, I just felt, every step of the way everyone was looking at me, dyaknow, you're wrong, and I wasn't wrong, I mean I know now, I definitely was not wrong” ... (Fay)*

There were however, a number of services accessed during this period that were a source of support to the participants. Services provided by State, voluntary and charitable organisations spoken about include; Citizen's Information, Domestic Violence Services, St Vincent de Paul, and MABS. One of the participants accessed MABS<sup>58</sup> during this period with positive results. Betty sought their services when she was unable to continue work due to illness, her experience of the service was positive.

*"I had to go to MABS because I had a loan out like I said, that loan that I had out an I was able to pay it while I was working, there was never an issue everything was always paid on time and when I got sick I went to them, they, yea they sorted it out for me so ide be paying a lesser amount"...* (Betty)

A number of participants spoke about accessing the Citizen's Advice service at some stage during this period of time. Some found the service helpful. Sandy discussed the help she received from the citizen's advice service particularly in relation to filling out application forms to claim Social Welfare following separation, something she herself found difficult to do.

*"through the citizens information, cause they told me all these things which was great and they helped me fill out the forms cause I was a bit nervous about filling them out and they told me what to do and they told me what to do" ...* (Sandy)

Again the use of domestic violence services for women featured in narratives pertaining to this period but references were more specifically focused on how such services provided advocates during the legal process. Liz discussed the assistance she received from a domestic violence service in her area, her stay in the shelter and the availability of a court advocacy service were both helpful.

*"Pamela was there with me throughout all the court cases, she was a god send and the women down in the shelter as well there were fantastic ... like when I went down there as I said I went down there with £5 in my pocket, I had nothing but like they, fed you know looked after us"...* (Liz)

Steph's experience of such services was also positive and whilst she did not use the shelter accommodation services, the advocacy they provided was excellent in her view.

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<sup>58</sup> Money Advice and Budgeting Service (MABS) is the State's money advice service, guiding people through dealing with problem debt.

*“I started going to DVAS<sup>59</sup> then they were fantastic... it was, it was when I went to DVAS, the counsellor in there she was fantastic, you know she was, she was an advocate for me, in fact she came to court with me as well on one occasion, they were fantastic you know court advocates and it just, you need somebody fighting your corner you know” ... (Steph)*

Several of the participants accessed the Rainbows service which is a listening service for children and young people struggling to come to terms with significant loss and change in their lives; all experiences of this service were positive. Betty refers to her son’s reaction to the experience as being positive

*“the rainbow group ,he’d go every week, once a week, you know and they’d all sit in a group and they’d be talking about different things that was going on in their lives and he absolutely loved it” ... (Betty)*

Sasha also spoke about her children’s positive experience of Rainbows, and mentioned how the group was good for her, as it enabled her to meet and talk with other parents in similar situations.

*“they’d been to rainbows and I found that great, you know I found that great for the children; and a little workshop for parents; and I found that great you know to see other people that you know were in the same situation; that was the first time that I really had any conversation with anybody else about their experience of, of breakdown” ... (Sasha)*

St Vincent de Paul (SVP), which is a charitable organisation that provides practical assistance to those in need, featured in a few of the women’s narratives; again all had positive experiences. Avril received substantial help paying off loans as well as help with shopping, this assistance was given over a long period of time and was not a one off, which Avril found extremely helpful in dealing with her finances.

*“Now after dad dying I ended up with Vincent de Paul and that was the lowest I could get, dyaknow what I mean I couldn’t feed my kids... they started paying the credit union for me, they used to pay £50 a week and they did that for a yea; they were brilliant I have to say. But, that went on for a good while you know”. (Avril)*

Sandy also received help from SVP in the form of assistance with heating and food during the Christmas period following her separation. In addition she attended a cookery course run by SVP.

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<sup>59</sup> Domestic Violence Advocacy Service (DVAS) is a free confidential support service for women who are experiencing abuse in their relationship.



*“we were broke, stony broke and I have a friend who’s a nun who’s very good to me and she... my first Christmas we had nothing and she got me a voucher from St Vincent de Paul and two bags of coal and then she got me involved in St Vincent de Paul doing a cookery class so I did that for a while”. (Sandy)*

One participant; Ann spoke about her own inability to avail of charity due to pride, highlighting a possible perceived stigma attached to accessing services aimed at those in need.

*“I didn’t go to them no, I could have and people did advise me to but I to honest I do have a certain amount of pride ... I wasn’t able to go I just felt if I go here I might as well as just go to the river ... couldn’t deal with it I think I found it hard enough to deal with what I was... I couldn’t go there, no, no”. (Ann)*

There were a number of other services accessed by participants. Two participants spoke about utilising the services of family centres in their localities; Jackie spoke about a local community resource centre that helped with counselling for her children.

*“I’m just thinking I accessed counselling for the kids through a group in the local community and they’re a parenting alone resources centre... so that helped a lot, which worked greatly with the kids, do you know what I mean”... (Jackie)*

Sasha also speaks about a similar service...

*“then one of my children in particular was having a really hard time with it all, so I accessed a service nearby ... it was great and he got one on one counselling and it really gave him some great coping skills, you know to, to, to cope and he still uses them it’s great”... (Sasha)*

Chloe was the only participant to mention accessing private counselling services subsidised through a benefits package via her work during this period and had positive results.

*“through that job I had access to an employee assistance programme, so I had a number of counselling sessions through that that were provided free and then I paid for the rest of it, and it, it was telephone support so I could have it in the home and not have to try and arrange childcare, while I had counselling” ... (Chloe)*

### 7.2.3 Relationships After Legalities of Dissolution are Finalised

The continuing presence of support networks was referred to by a number of the women when speaking about their current circumstances; some participants spoke about how support from their families enabled them to reach the positive outcomes that they are currently experiencing; practical support from families in terms of childcare for example has allowed some of the mothers to return to work or education. Steph's experience of practical support from her parents has enabled her to return to college to retrain and is indicative of the type of support received by a number of the women.

*“so I've parents at home, they'd be very supportive ... my parents, my mother and father are healthy and like the days I'm doing the course it doesn't finish until four they collect, they collect my kids from school so it's.. I've a great setup there you've no idea”... (Steph)*

Other sources of support spoken about refer to both new relationships and friends; just under half of the women have developed new relationships two of whom are engaged and one has since remarried. Support provided by new partners was mentioned by all of those in this situation; practical as well as emotional support for not just the women but for the children also, has been and is a wholly positive experience according to the women. Sasha talks about her new relationship and how that relationship involves the whole family; she refers to herself as lucky because she had a second chance.

*“you know John really, he took on the role you know when he, when we wanted to take our relationship to another level ... he calls them his children, they're his children you know they have everything they need he makes sure they do, so what if your ex-husband isn't paying maintenance, I'll look after these children, it's a responsibility I took on... yea I got really lucky, yea I really fell on my feet, you know, super fell on my feet like I really do know how lucky I am and like you know it's not often you get a second chance ... you know I got the good guy in the end”... (Sasha)*

Just under half of the women's narratives refer to support received throughout all stages of the separation experience and when reflecting on their present circumstances many attribute their success at moving on to the support of both family and friends. Liz's experience exemplifies this perception; she states that it is both the support of her family and her friends that has enabled herself and her son to come through the experience of separation and divorce.

*“I have lifelong friends that are really I, I’d be lost cause I’ve no brothers and sisters so I’m very close, they’re my family you know, but yea I’ve had a wonderful you know all these years now I have to say has been fantastic ... I’m lucky that myself and my son have, have come through it, but you know that’s because we had a good family support system and friends and that you know... (Liz)*

The only non-family or friend support spoken about at this stage was in connection to a group called Grow, which one participant continues to utilise, Grow is a mental health organisation which helps people who are experiencing difficulties’ . Sandy receives the majority of her support from this organisation and has done so for a number of years. Support required at this stage is mainly in relation to continuing acrimony with her ex-husband and Sandy finds reassurance from the Grow network.

*“yea I’m going there three and a half years now so they have helped me and especially my field worker who was a social worker as well and I used to explain to her and show her the letters and things that I would have and said to me you don’t worry she said”. (Sandy)*

### **7.3 Perceptions of Self in Relation to Others**

*Stories also the way she views herself and her world.... (Mattingly and Lawlor, 2000)*

The third reading of the VCR method affords an opportunity to see how the participants view themselves in relation to others by carefully listening to and tracing the different voices of the women in terms of how they utilise personal pronouns ‘I’, ‘we’, ‘they’ and ‘you’ in their language. Tracing the use of ‘I’ in the participants language throughout the narratives further highlighted how they viewed themselves as being both constrained and enabled throughout the course of the separation experience. Given that perceptions of being constrained have already been comprehensively explored in previous stories told, this section will focus on how the language of ‘I’ highlights that which was viewed as enabling, namely provisions from particular State Institutions.

Also identified in this section are personal perceptions of the women in terms of how they viewed themselves throughout the process of separation. Being alone, belittled, fighting against stereotypes and having endured are all elements of subjective

perceptions that the women spoke about. Tracking the use of the personal pronoun ‘we’ in the narratives of the participants highlighted three ways in which the women viewed themselves; firstly a number of them utilised the word ‘we’ when speaking about groups, particularly family groups, indicating that they had a strong sense of belonging to that unit. Secondly it highlighted an affiliation with other women in similar situations and thirdly a couple of the participants used the word ‘we’ in a manner that indicates that they viewed themselves as part of a cultural environment that influences behaviour and action.

The use of the word ‘they’ also illuminated how the participants perceived themselves in relation to others. Tracing the use of ‘they’ identified three areas where relationships were perceived negatively by the participants. Firstly those that have negative familial relationships utilised the word ‘they’ in descriptions of such, indicating a disconnection from that group. Secondly the use of the word ‘they’ signified a distancing from others in similar situations i.e. the lone parent/separated/divorced group, emphasising a detachment from this group. Thirdly, ‘they’ was widely used by a number of participants in reference to those they have encountered in a professional capacity, highlighting a ‘them and us’ type of differentiation.

Concentration on the voice that spoke using the word ‘you’ highlighted two ways in which participants perceived themselves in relation to others. Firstly ‘you’ was used in a collective sense, whereby a number of participants saw some of their experiences as being the same for others in similar situations. Secondly ‘you’ was used in a way that signified a disassociation from events, in the sense that instead of using ‘I’ to describe personal experiences many of the women used the second person pronoun ‘you’.

### **7.3.1 The Voice of ‘I’**

The use of the voice of ‘I’ provides a means through which we can hear participants talk about their sense of agency and allows for consideration of subjectivity. Tracing the voice of ‘I’ through each of the women’s narratives revealed how participants viewed their ability to act as being very much restricted throughout the course of the separation experience, which we have already seen in stories of intimidation, constraint, uncertainty and responsibility; and that which has been highlighted in

narratives pertaining to adversarial relationships and the operation procedures of some State Institutions such as the Courts, DSP and Housing, as well as through issues with finances and debt, in addition to public perceptions and societal views on marriage, separation, divorce and role expectations.

What is also evident thus far is the empowering effect of support networks particularly in terms of family, friend and new partner supports and it is important to note that there were other areas that participant's spoke about which were referred to as enabling as opposed to being restrictive. While the previous chapter highlighted the negative experiences of the participant's dealings with some State Institutions, some experiences were reflected on positively by a number of the women. Some elements of the Courts, DSP as well as education were highlighted as helpful through the course of reading for the voice of 'I'.

In terms of court experiences there were a couple of participants who found that they were facilitated through the course of the court's rulings some in terms of maintenance (in the initial stages) and another in terms of housing. Grace speaks of how she was facilitated by the judge when her representation failed to show for court proceedings pertaining to maintenance. The language that she uses here draws attention to the choice she was given.

*"I did find the judge now certainly when the maintenance because the solicitor didn't turn up and he gave me the option of leaving you know cancelling and bringing it back another day or he said you can go ahead if you like, but I chose to go ahead because I just didn't want it hanging over my head for another ... cause it was, the waiting for it to come up like was, was dreadful ... but he was nice, and as I say he awarded just what he could award like dyaknow but by in large I found the Courts ok" ... (Grace)*

Sandy spoke about how the court took account of her medical condition and put forward a ruling that enabled her to stay in the family home and buy her ex-husband out in the future at an affordable percentage.

*"I should have only had residence in the house legally until eighteen, but because I stood up in court and I explained to them my situation, I said I am not able to work full time due to my medical condition, which I had when I was married so it wasn't a new condition and the judge gave me the*

*house until Ryan is twenty three, which is a huge couple of years and normally in a separation you will get 50:50 ; but again because I stood up I don't know where I got the strength from, the judge gave me seventy [on the house split] so when Ryan is twenty three, either the house can go for sale, I get seventy per cent of it or I buy my husband out at 30% , whichever suits me," ... (Sandy)*

Some experiences pertaining to the DSP also eased the minds of a couple of the women; two of them spoke about the existence of Welfare Assistance for those parenting alone, particularly as they could remember a time when no such provisions were available. Ivy for example separated before the introduction of the Deserted Wives Allowance (DWA)<sup>60</sup> and recalls when it was introduced; enabling her to manage to rear her children.

*"I'm not sure when deserted wives' was introduced but I was one of the first... how could I, how could I rear a family on nothing. So then I got the deserted wives, I was in hospital that time and whatever and I got the deserted wives which just magic! ... it was magic! I think it was £27 a week and I was able to manage on that ... But the deserted wives' was just unbelievable" ... (Ivy)*

Others spoke about more recent additions to the system of Welfare Assistance that were helpful; labour participation support such as FIS<sup>61</sup> and BTWA<sup>62</sup>, as well as targeted assistance payments aimed at particular needs, such as the Household Benefits Package<sup>63</sup>, the security of reliable payments was also referred to in narratives of alleviation. As articulated in the stories of intimidation, constraint, uncertainty and responsibility, attitudes of State service representatives were an issue for some of the women. However, there were participants who spoke about the kindness of some individuals that they encountered during the course of their dealings with State services such as DSP.

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<sup>60</sup> Deserted Wives Allowance (DWA) was a Social Welfare payment made to women who were deserted by their husbands. The payment was abolished in 1997 when the One Parent Family payment was introduced as a payment for all those parenting alone.

<sup>61</sup> Family Income Supplement (FIS) is a weekly tax-free payment available to employees with children. It gives extra financial support to people on low pay.

<sup>62</sup> Back to Work Allowance (BTWA) was introduced in 1993 to encourage the long term unemployed to take up employment opportunities by allowing them to retain a reducing proportion of their Social Welfare payment plus secondary benefits over three years. This scheme was closed to new applications from 1<sup>st</sup> May 2009 as a result of the Supplementary Budget of 7th April, 2009.

<sup>63</sup> The Household Benefits Package is a package of allowances which help with the costs of running a household. The package is available to everyone aged over 70 and to people under age 70 in certain circumstances.

Diane refers to this when she describes her encounter's with the DSP, she also makes the point that her situation was slightly different in that she was in receipt of Carers Allowance<sup>64</sup> which is a different payment to what other separated women would have been entitled to claim, indeed she states that she was not part of the 'full Social Welfare system'.

*"I have to say I always met nice people, you know I always was... met nice people and was treated nicely and, and with respect, the only fault I had with it was the slowness of the system like. Do you know what I mean, I was always very lucky, you know in the people that I met, but you see I wasn't really in the system ... well I, it wasn't the full Social Welfare system you see" ... (Diane)*

The availability of certain educational opportunities was also mentioned by some as being important for future working hours. For Steph the ability to participate in an area of education that suits her and one that will ultimately secure a job with better hours is important.

*"so in terms of my career now, I'm going to do a social care practice degree in September purely because the fact that the hours will suit me and that's the only full time degree course that is anyways linked to what I might be interested in doing, so please god I'll get that and get, get myself a job where the hours are better you know... it's very good you know, I could do anything now, I could do anything now you know, so then I thought if I'm ever going to do a job, if I'm ever going to get a, a degree now is the time to do it" ... (Steph)*

What is outlined above is how participants saw their sense of agency as enabled by structural and social contexts that facilitated possibilities throughout the course of marital dissolution (restrictions that impeded has been dealt with in the previous chapter). The consideration of subjectivity in terms of how the participants view themselves throughout this process is also significant. Two contrasting perceptions are postulated through the course of the narratives. On the one hand, participants perceive themselves as being alone, specifically in terms of having to make decisions, rely on their own judgement and carry the responsibility of everyday life.

*"You are on your own, no matter what kind of support network you have you are, you are totally on your own. It's your problem, it's your worry, you're worried about your child, and you are worried about your finances" ... (Chloe)*

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<sup>64</sup> Carers Allowance is a payment to people on low incomes who are looking after a person who needs support because of age, disability or illness (including mental illness).

Feeling belittled, is another perception to emerge in the area of how the women see themselves; particularly in dealing with State Institutions such as Housing, the Courts and the DSP as was evident in previous stories.

*“I feel I deserved to be treated better... I felt I deserved to be treated better, it wasn't like I wanted to go there and go on one parent family, it wasn't like I wanted my marriage over, it wasn't like I wanted a divorce, you know what I mean”. (Ann)*

Another perception that manifested was how the women could or perhaps would not perceive themselves to being part of the stereotypical single mother group and fought against being stereotyped as such.

*“I could sit here in Dublin on my ass being a single parent or we can do something great.. dyaknow and so I didn't ever take on that single parent thing, I didn't ever consider myself a single parent, you know I considered us a unit, a group, we minded each other no matter what dyaknow and... so yea, I think back then you just, if you considered yourself a single parent you were finished, you were dead, yea, yea” ... (Kate)*

On the other hand, and the most common way participants saw themselves was as having endured a difficult situation or life experience. The women speak of ‘fighting battle’s, ‘defending themselves’, needing to ‘keep the children on track’, dealing with their own emotions and ‘coming out the other side’. Examples of such narratives are outlined below and were chosen to typify common experiences within the sample. Avril speaks of how challenging the process of marriage dissolution was and how difficult it is to be a single parent, but yet she is proud of herself for reaching a more positive place in relation to work and home life.

*“like for a lone parent I have to be very proud of them (her children) and proud of me as well dyaknow what I mean, cause it is hard ... but look I'm working, at this stage I've been through it and back and I don't think there's anything that can knock me anymore, dyaknow that sort of way just toughens you up you know ... well it was a lot of work, a lot of work, but you know I done it” ... (Avril)*

Fay talks about the different emotions such as anger and upset that she experienced through the whole process and how she was able to deal with them. These types of emotions were symptomatic of the majority of the participant’s experiences.



*“I have to say I went to the library and I got out books dyaknow, they’re not exactly self-help books, but they were just kind of how to, just, I don’t think I was depressed at any stage, I was lucky now I didn’t get depressed. I got down and I got angry and I got upset and I got every other way, but I didn’t get depressed, because thankfully as soon as one thing didn’t work I tried something else, dyaknow and if I hadn’t done that I think I would’ve got depressed, I would’ve gone nuts!”... (Fay)*

For Steph getting her divorce was a signal for a new beginning, starting again is turning a corner on all that went before, which is characteristic of other stories told.

*“I really think, really think now this ... really think we’ve turned a corner you know yea, yea and to get the divorce is just you know I, I, I, I, I, it’s just, it’s just a huge step for me you know to get that and start again you know ... oh huge, it’s drawing a line in the sand you know yea, yea I mean if I never saw him again I’d be happy but because I have three children you know they, they need their father but ... and he has acknowledged the hurt he’s caused me, not enough for me”... (Steph)*

Exploring the use of other personal pronouns such as ‘we’, ‘they’ and ‘you’, represents an attempt to remain with the participants voices, views and perspectives and is a means to further understand how participants perceived themselves in relation to others.

### 7.3.2 The Voice of ‘We’

There are three main areas where the personal pronoun ‘we’ is utilised; first of all it is used very much when referring to personal relationships in terms of family and friends. Signifying that the participants view themselves as an integral part of those groups, in particular ‘we’ is used when referring to the family unit comprised of mother and children, highlighting a specific special attachment to that relationship. Gina’s use of the word ‘we’ exemplifies how the relationships between mothers and children are perceived as togetherness, ‘we are managing’, ‘we will get there’, ‘we will survive’.

*“he’s here now and doing alright, we are managing to keep the head above water thanks to government grants and we will get there, will survive, we have gotten this far” ... (Gina)*

Secondly the use of ‘we’ signifies an affiliation with other women in similar situations, a shared identity. Here ‘we’ is used in a collective sense and incorporates all women in such positions indicating that women perceive themselves as being the same as others who have experienced marital dissolution. Kate talks about single

parents in a collective sense in terms of how they are very adept, yet they are perceived negatively by non-single parents. She sees all single parents as the same in this instance.

*“Now, single parents don’t ask for help because we’re not just, we’re not just as good as everyone else, we’re twice as good as a couple, ok, we’re like four parents not even two [laughs]... and I think that people, non-single parents often think that we’re eh, not whingers exactly eh but always looking for something or... needy, needy people” ... (Kate)*

The third use of ‘we’ throughout the stories pertained to how some of the women perceived themselves when married as being part of the correct family model. Regardless of whether the marriage was working, these women were of the view that staying married was the right thing to do because that is they were taught. Two of the participants talk about the right thing to do in relation to family and marriage.

*“you want to, you know live in the conventional family, cause that’s what we’ve been brought up to believe is the correct way” ... (Sasha)*

*“we all have that kinda view that we’ll wait until the kids are grown up, ya know then we’ll leave, ya know that for the sake of the children” (Chloe)*

### **7.3.3 The Voice of ‘They’**

The use of the personal pronoun ‘they’ was also revealing in terms of how participants perceived themselves in relation to others. Generally the tracing of the word ‘they’ across interviews identified three particular areas where relationships were perceived negatively by the women in this study. Firstly ‘they’ was utilised in descriptions of events pertaining to adversarial or strained familial relationships. Those that had experience of negative associations with family often used the word ‘they’ in their accounts of such, which substantiated their references to negative family support networks and highlighted how participants perceived themselves as being disconnected from that unit.

Ann’s experience of not having the support of her family and the use of the word ‘they’ in her descriptions of such, show how she perceived herself as being detached from the family unit.

*“my mother and father would’ve put .. there would’ve been a distance probably because they knew there was violence, and I think that might have kept them staying away, and that would be the same for sisters and brothers.. yea they would’ve kind of just kept their distance”... (Ann)*

Moreover the use of the word ‘they’ identified instances whereby some of the participants distanced themselves from being part of the lone parent/separated/divorced group or from being labelled as such. When speaking about this particular subset of society far from being collective as seen in the exploration of the word ‘we’ many referred to women or groups of women in this category as ‘they’, emphasising a detachment from that group and a perception that they were not the same as others in similar positions.

Diane talks about the daily responsibilities of women parenting alone, her use of the word ‘they’ instead of ‘we’ distances herself from these practises, even though this is her experience she separates herself from such through the use of language.

*“I mean the, the women that, when the children live with the women, the women do everything, they do the homework, they do the feeding, they do the clothing, they do the emotional support, you know they do the running, the racing, the blah, blah, blah, the men might turn up if, if they happen to see their children every few weeks and they pick them up on a Friday and they bring them back on a Sunday an it’s all great crack an everything else”... (Diane)*

In addition, the utilisation of the word ‘they’ was used by the majority of the participants when speaking about themselves in relation to those whom the participants encountered in professional positions, particularly those who held positions in State Institutions. The use of the personal pronoun ‘they’ in this context highlights how those in such positions were perceived as having power and influence, in areas such as the Social Welfare, the HSE and in the family Courts for example, which extricated them from the worlds that the women inhabited and drew attention to a ‘them and us type’ of differentiation.

In relation to the family Courts, Chloe talks about the capacity of barristers to influence women’s decisions as well as the power of the judiciary to make decisions which are protected by anonymity. The use of the word ‘they’ in this instance highlights the ‘them and us’ situation and the power balance between two groups; the legal professionals and the service users.

*“it’s like the wild west, family law court is like the wild west, they could make any decision, I think barristers, we found very, very difficult to deal with, you know they’re arrogant they don’t have people skills in*

*general, they, they bully their clients ... it's intimidating, you know I've seen people bullied into decisions that they didn't want by their barrister ... So the judge's decision to all intents and purposes is final and they are protected by anonymity, you know they are protected from their bad decisions by anonymity, so I think in this area, now I understand that it's a very sensitive area, but I think, I think secrecy is a bad thing"... (Chloe)*

#### 7.3.4 The Voice of 'You'

The utilisation of the word 'you' throughout the interviews had two meanings in many of the narratives. The exploration of personal pronouns is as already stated an attempt to highlight how the participants perceived themselves in relation to others, concentration on the voice that spoke using 'you' highlighted two perspectives. Firstly there was a collective 'you' in descriptions of experiences, showing that participants perceived that their experiences of certain instances, such as Courts, finances and Social Welfare and general occurrences for example were similar for others in the same situation as themselves. Gina speaks about her experience of trying to settle following separation; her use of 'you' in this part of her narrative illustrates a collective you in the sense that her language is generalising what occurs. The use of the word 'you' in this instance highlights her belief that those in similar situations have the same experiences.

*"So you're changing the people you're near, you're changing schools, you're doing everything on your own. Eh, if you have to go to work there's nobody else there to help you mind the child so you're either dragging the child with you, you're using the money you've just earned to pay for someone else to mind the child and you [sighs] you're in a no win situation most of the time". (Gina)*

Secondly, 'you' was used in a dissociative way in the sense that instead of using the first person pronoun 'I' to describe events happening to them, a lot of the women used the second person pronoun 'you' highlighting a detachment from events. Such detachment reveals how the participants had difficulty relating their own experiences to themselves; the transition from 'I' to 'you' particularly exposes such detachment.

Ann exemplifies this when she speaks about the initial trauma she suffered following separation and the added difficulty of having to deal with Social Welfare as she was in financial difficulty. The fact that 'I' transforms into 'you' in this description

highlights a disassociation and is indicative of many of the participants use of language throughout the narratives.

*“well I think, first of all I kind of think .. see the minute this happens you’re left with trying to survive so therefore it all goes down to kind of like go to Social Welfare see what you can, how you can cope, whatever, and I think you’re, you’re very obviously you’re vulnerable, obviously you’re hurting because your whole life’s been put upside down scared, worried, I often think people forget that, that’s all going on in your life at that time you know what I mean” ... (Ann)*

## 7.4 Context

Reading four of the VCR method according to Mauthner and Doucet (1998) is aimed at placing participants accounts and experiences within broader social, political, structural and cultural contexts. Ultimately to ascertain whether their experiences of structural and ideological forces were perceived as constraining or enabling and whether they were seen as personal/private troubles or public socially located ills. Numerous strong references to experiences of difference between genders in all of the stories told highlight structural forces such as attitudes and cultural norms which are according to the participants extremely constraining. Differences between men and women, mothers and fathers and role expectations as well as respect for those with community prominence and traditional views on marriage are all examples of structural forces encountered by the women in this study.

### 7.4.1 Stories of Difference

A number of the participant’s referred to the fact than men and women are still viewed very differently, in the workplace and by Irish society in general. This differential treatment of men and women was prevalent in the workplace according to Chloe; she speaks about assumptions made by others that because her new husband was earning good money she would give up working.

*“ Jesus you’ll be given up your job soon ... he perceived that my husband must’ve been on huge money and therefore I wouldn’t need to be working; like there was no recognition that well that was my husband’s income not mine” ... (Chloe)*

For many, differences between genders were evident in society generally; particularly when it comes to family responsibilities. Sasha outlines how men and women are perceived differently in this way;

*“when a separation happens like that, the responsibility really, generally I think becomes the mothers responsibility for everything and if the father decides to feck off somewhere else after you know... but if I decided to feck off and decided I’m not doing this, I don’t want this responsibility, you, you’d be demonised there is a very different view of women and men in it”*  
... (Sasha)

In addition to perceived differences between genders, many spoke about how they experienced marked differences between the status of mothers and fathers within Irish society. Sandy was of the view that there was no respect for mothers and the work they do;

*“Well I feel at times that mothers, they don’t get credit for everything that we do, because we don’t tick that box on a form? They ask you what is your occupation...they don’t have mother down there, or if you’re at home looking after your children they say oh gosh you’re scrounging, you’re not you’re working hard every day, you know”*... (Sandy)

In contrast, married fathers who fulfil no such caring role automatically under law get recognition and respect in terms of rights without obligations when it comes to matters pertaining to children according to Chloe.

*“Fathers are not obliged and you know judges will not grant an order insisting that fathers see their children or take their children eh for any degree of access and yet on the other hand fathers are granted joint custody, which means that they are involved in the decisions of their... of their children’s lives ... they’ve an opinion on everything, they’re entitled to have an opinion, they’re entitled you know to make decisions but they’re not actually on the hump for you know the responsibilities that go with that, so that’s the most frustrating thing”*... (Chloe)

Grace believes that fathers have always had the privilege to do as they please; she states that this has always been the case since time and immemorial.

*“I think fathers should ... there should be something that they have to help you know, take part in and be there, you know they should want to bloody be dyaknow that is just huge in me, they should just want to by the nature of it and there’s nothing I mean father’s from time and immemorial could*

*just walk away whenever they so deemed to, end of story and the mother is left” ... (Grace)*

Many of the women talked about the differences in roles and expectations between mothers and fathers particularly when it comes to parenting, the general consensus of the women was that they have very little choice when it comes to caring, as expectations are on mothers to fulfil such roles. Avril speaks about having to do it all, not just because it is expected but because she has no choice as there is no one else.

*“we just have to get on with it, it’s the mothers, sure what ... if I fell apart tomorrow morning who’s going to mind the kids... dyaknow what I mean we have to stay strong, it’s as simple as that...cause the women take on the role cause they have to, you rarely hear of a woman up and taking off like, dyaknow what I mean and if you do Jesus tonight, sure they’re the worse thing in the world, but the men do it all the time”... (Avril)*

The belief that it is mothers who are liable for care work, places immense strain on women in situations of marital breakdown according to the majority of participants; Sasha talks about the contradiction that exists in terms of fulfilling the role expectation and the lack of expectations on fathers on the one hand and the attitudes towards mothers who are separated on the other;

*“I suppose the thing that people don’t understand is that you become the sole adult responsible for your children, the woman does, you know men can and often do opt out ... no one, no one thinks anything of that and then people look down their noses at you for being a single parent you know ... there really still is a huge, a huge stigma with that, you know you go from being a respectable married person in the eyes of society to being a lone parent and it’s a very big attitude shift” ... (Sasha)*

Even though all of the mothers in this study did fulfil such role expectations all of them experienced some form of stereotype or labelling at some stage during the separation process. Betty talks about the general attitude towards separated mothers that she experienced, she maintains that Irish people’s conception of marital breakdown is out dated.

*“some people would’ve been very negative you know and very kind of old fashioned in their views, ah well you know tis your own fault kind of job and that kind of, a bit sickening really ... It’s awful really, so yea Ireland needs to get with the times I think ... that’s what the problem is”... (Betty)*

Such attitudes were more pronounced in situations where ex-husbands had a prominent presence in the local community. The women who spoke of this situation maintained that respect for ex –husbands and their positions had a direct effect on how they, themselves were treated following separation; a couple of participants spoke about community respect for their husbands and how attitudes towards them had changed after separation. Steph spoke about how she was let go from her social group as a consequence of separating from her husband and how that impacted upon her emotionally.

*“you couldn’t make it up now dyaknow, if somebody else told me that I, I, I wouldn’t have believed it until I lived in it myself dyaknow and a lot of Tony’s friends, a lot of his friends, a lot of my friends, so called ... I moved and they just let me go you know they didn’t fight for me you know, that hurt, that hurt so it has, it has a knock on effect you know and, and eh yea it is very hard, it’s just, it’s just sad really you know”... (Steph)*

Ann spoke about how she was treated by local community welfare officers that knew her husband in a professional capacity;

*“no you don’t get a huge amount of support ...I didn’t feel...no...and actually unfortunately my ex-husband would’ve known some of those social workers (CWOs) and they would’ve said certain things like...I can’t believe this is what your ex-husband has done, which would’ve would have put me in a terrible place”... (Ann)*

Two thirds of the women spoke about prevailing traditional views on marriage and how difficult it was to live a life that contradicted such views; many fought with the idea of living outside of the conventional family unit as beliefs of family based on marriage were very much inherent in themselves. Sasha speaks about battling to save her marriage because of such beliefs.

*“I’ve tried and tried and tried and there is no saving this, you know you feel, you feel like you let your children down really you know, you want to stay with their father, you want to, you know live in the conventional family, cause that’s what we’ve been brought up to believe is the correct way”... (Sasha)*

For others it was traditional views on marriage emanating from the community that were difficult to deal with; Fay for example had to deal with a lot of public scrutiny



following her separation and speaks about being made to feel as if she was wrong separating from her husband.

*“the whole thing that got me down was that I was wrong cause I was trying to get out of my marriage, I was trying to end it, I was pulling my children away from their father, I just felt, every step of the way everyone was looking at me, dyaknow, you’re wrong .... I had to do it and basically head up and fight your corner; but you have fight, that was the trouble of it” ... (Fay)*

A third of the participants were of the belief that the teachings of the Catholic Church were responsible for such persistent views; Chloe speaks about being penalised by society for her marriage ending.

*“I feel that this country penalises you, you know to hangover Catholic Ireland, this country penalises you for making a mistake in your marriage and by god you’re going to pay for it, you know you are going to pay for it and you are going to pay for it for years” ... (Chloe)*

Gina among others spoke about experiencing criticism from the local priest because she was separated from her husband; this was referred to by some of the women particularly when speaking about experience of participating in religious ceremonies.

*“it was a case of where’s the child’s father and I said not in the picture anymore and I was basically told I was a very bad person for not staying with the child’s father... I mean I didn’t tell him I was married, I didn’t tell him my child was born within marriage it’s none of his business but the fact that he was judging you cause there was no father there ... I think the church has a lot of catching up to do, definitely”... (Gina)*

Structural forces that are inherently part of the Irish cultural milieu, such as differences between men and women, mothers and fathers and role expectations as well as respect for those with community prominence and traditional views on marriage are perceived by many of the participants to be intrinsic in the operations of the State and are recognised as creating and maintaining differences between genders.

The majority of mothers spoke about their experiences of feeling inferior to their (ex) husbands in terms of their treatment by State systems, particularly the legal system; firstly in terms of how they experienced legal proceedings pertaining to dissolution of marriage and secondly the non-intervention approach to enforcing

parental responsibilities on fathers. Fay believed that she was treated in a biased way by her legal representatives; her legal aid solicitor and the solicitor she subsequently paid to represent her in legal proceedings pertaining to her judicial separation actively discouraged her from going after her ex-husband for the family home and financial support.

*“I mean I got statements like ‘oh a little thing like you, you’ll be alright, you’ll find someone to look after you, you don’t have to chase him for everything ... and even he reckoned dyaknow there was no need to overdo it, dyaknow there was no need to go after him for everything; an all these people have never met him and they’re just like, the poor man like, this woman is dyaknow ... the biggest learning curve that I got anyway is the whole lot is not set up for the women and children”.* (Fay)

Experiences of the Family Law Courts were prominent throughout all narratives; as evident in stories of intimidation a number of the women spoke about not having a voice in the proceedings, descriptions such as a ‘circus’, ‘I was just a mammy’, ‘male dominated’, ‘little boys club’ and ‘no one on my side’, dominated stories highlighting a perceived differentiation between genders within the legal process of separation and divorce.

Sandy speaks about having to adjourn court proceedings because of her child’s illness and the fact that she had to pay for this adjournment. Her husband did not have to contribute to this expense, despite the fact that if he had informed the court of the situation there would have been no charge.

*“I wasn’t happy the way they treated me in the court as a mammy, I have a little boy he’s a chronic asthmatic and he was hospitalised and I had court the following day and I went down to the court producing letters to say that the little boy was in hospital and my ex-husbands solicitor and said do you know your little boy is in hospital? He said oh yea I knew and I asked it to be adjourned now ya know nearly a week up and down to Cork with the little fella and I also had the little girl to try an look after as well, my parents were great; it still cost me four hundred euros that day you had to pay for adjourning it, they told me after that if he had said that he knew the reason why I couldn’t go to court that day that I wouldn’t have had to pay the four hundred”... (Sandy)*

The legal system’s non-intervention approach to enforcing parental responsibilities of fathers was one of the biggest issues to emerge from the data. The fact that fourteen out of fifteen women spoke about this in some form or another stresses the extent of this issue for all of the participants. Gina speaks about how it is the

responsibility of the mother to pursue maintenance and outlines some of the steps that she has taken to secure the court ordered maintenance.

*“the court system has changed even further, now they won’t follow it up if it goes into arrears, I had to submit letters in writing, I have to send him a letter in registered post, I have to do it all now and again I’m getting back letters that I’ve sent up; so at least with the Courts he didn’t fight them, once he saw a government stamp on something, but he’s making even more awkward now, I mean this is still happening and I don’t think it’s ever going to stop really”. (Gina)*

The issue of maintenance emphasises a significant differentiation between genders when it comes to determining parental responsibilities. Fourteen of the mothers in this study had obtained some form of maintenance agreement through legal means, either through maintenance orders or as part of a separation agreement; eleven of which have had and continue to have problems obtaining maintenance payments from ex-husbands the majority of whom pay no maintenance.

That fact that enforcement of such orders is the responsibility of women was referred to a number of times throughout the narratives. Grace’s reflections highlight the difficulties faced by the women in this study who were not in receipt of the ordered maintenance.

*““as I found out afterwards there is no follow up, they could award you what they like, you know to be paid, for the husband to pay or father of the children and there is no real follow up to that, they’re told that this is what, this is the order and they have to pay it into the Courts or whatever but if they don’t, you have to wait till, you have to take them back to court yourself... that’s up to you, if you want to go through that whole process again and you go again and they will give the same order or whatever and then it just starts all over again. Like, there is no definite thing in place that says if he doesn’t there is a huge, there’s some reprimand for it you know”... (Grace)*

This differentiation in responsibility between parents was spoken about by all of the mothers, the fact that there was no onus on fathers to financially provide for their children. Avril refers to the fact that fathers still have power over mothers in terms of dictating finances enabled by the non-intervention of the Courts.

*“they dictate, they dictate, still, absolutely, it takes two to make a child, like dyaknow what I mean ... one can bring them up, but financially dyaknow... dyaknow what I mean an they get away scot free and nothing, like there’s no onus on men to... you know”... (Avril)*

The issue of financial responsibility being imposed on mothers through the Courts non-intervention approach to maintenance payments was perceived to be exasperated by rules and regulations surrounding Social Welfare payments. All of the mothers found themselves having to become the main financial provider for the family, the majority of whom found themselves having to avail of Social Welfare assistance following separation.

Many spoke about trying to claim OFP, and as maintenance is counted as means when calculating benefits, many found themselves in situations where they had to prove non-receipt of maintenance. While such payments were indeed court ordered they were not necessarily set up to be paid through the Courts, leaving mothers in a situation where proof was impossible, resulting in mothers being means tested on maintenance payments that were not paid at all. Avril like others found herself in a situation where she could not prove non-receipt of maintenance and as a result received no welfare payments, a situation which it took her three years to redress.

*“the Social Welfare, initially, you see when I applied for lone parents I had to send off my papers, my separation and divorce... my maintenance was so high, I was rich on paper so all they saw was that I was getting this big maintenance; I was over three years waiting on lone parents, three years... I wasn't getting any payment you see”... (Avril)*

Fay found herself in a similar predicament whereby her maintenance was counted as means until she could prove otherwise.

*“maintenance ... I never got any of... then, it was always going to stand against me no matter what I applied for; but they're saying 'but sure aren't you getting a €100 a week off your husband?' well actually I'm not.. well then that's ok, that's fine, you have to get him now to put in writing that he's not giving you a €100 a week, and I said, I can only ask him, so I asked him [laughs] and that didn't exactly work and he says not at all, sure look it if they ask me I'll just say I'm given you cash”... (Fay)*

Many spoke about issues pertaining to differentiation between mothers and fathers in relation to caring responsibilities, highlighted in experiences pertaining to access and the fact that although all fathers were granted access rights to their children almost two thirds of fathers in this study chose not to adhere to such arrangements and had in some situations no contact with their children following separation or at some stage afterwards.

*“And it’s really annoying that, that these men can just decide to opt out, they just decide they’re not doing it, it’s really frustrating, it is... that you can go back to being a single person with no responsibilities, you have your money so you go out when you want, you, you know you don’t have, you know you just go back to being single person with no responsibilities so easily, so, so easy”... (Sasha)*

Thus far stories of difference spoken about by the participants have highlighted perceived differences between mothers and fathers by society and how those differences manifest in public institutions, in terms of the legal and Social Welfare systems specifically. These experiences had the effect of making the women feel that they were unsupported, many of the women spoke about this in relation to both the legal and the welfare system. Diane’s statement that nobody stands up for the women echoes many of the women’s experiences. Many felt that they were being blamed for their situations and often internalised that blame as a consequence of not having support or somebody to stand up for them.

*“it’s ... nobody stands up for the women, really...no, dyaknow, nobody...dyaknow, at no point did anybody... encourage you to stand up for yourself, at no point did anybody say you know it’s not your fault or you don’t have to take on the whole blame of... cause I believed that it was, it was all my fault, so I had to let him do.. you know let him get whatever he wanted and ide say a lot of women are that vulnerable, and, and nobody ever... yes there was free legal aid but they didn’t, they didn’t, they didn’t say you shouldn’t be doing that like, lets fight that, lets you know”... (Diane)*

A number of the participants had the same view of the Social Welfare system; many spoke about not having support from this State Institution at a time when they are dealing with the trauma of a separation. Ann’s reference to this reflects other experiences in relation to this issue.

*“You’re already going through the trauma of a, a divorce or a breakup or a separation and then you have to cope with this so you’re going just from one bad situation to another bad situation, I ... I think it’s hard on women like I think they don’t get half enough support”... (Ann)*

In some cases court ordered settlements did not provide any means of assistance to mothers, just under a quarter of the participants spoke about this issue; Liz found herself hindered in providing basic necessities as a consequence of her settlement, with no way to move forward.

*“because I got half the house, that’s what the mediator said was sufficient at the time, that I got £45,000 like that was to do me and my son for the*

*rest of our lives and plus I had nowhere to live, I, I had no, no home, I hadn't a bean to my name I wasn't working because like I was caught between a"...* (Liz)

For others it was the lack of enforcement of such orders that impacted upon their responsibility for financially providing for their families. Avril explains how solving this one issue would take the financial pressure off her and also result in her not being financially dependent on Social Welfare.

*"we had nothing anyhow, we had nothing like if the man paid me the maintenance, I'd be laughing, you know I probably wouldn't even need the lone parents, dyaknow, I probably wouldn't get it anyhow, but... if I have my maintenance dyaknow what I mean, I wouldn't be in debt or you know what I mean, now I'm not looking for luxury lifestyle or anything like that you know but just not panicking all the time about bloody bills dyaknow ... it's crazy"...* (Avril)

Similarly, Grace found paying for even the basics difficult;

*"but yea financially it was, was huge, yea trying to you know do everything I suppose dyaknow I mean clothe your children you know, keep them in sport you know... but it was other things, there was never you know like that, house if the electricity, if anything went wrong with your plumbing or electricity or any.. you were, oh you were snookered dyaknow there was nothing in place and hugely that you know I think fathers should be hugely made responsible for their children, he wasn't"...* (Grace)

## 7.5 Participants Needs

Having experienced marital dissolution and the associated universality of stages and emotions which as we have seen are viewed as consequent effects; it is these women who are best placed to highlight what's needed to make the transition easier. The women in this study were extremely articulate about what changes they considered necessary to assist women who find themselves in similar positions in the future. Changes in social attitudes, changes to the legal process, childcare, and the need for empathetic institutions, financial supports, flexible regulations, information, personalised support and qualified advice were all flagged as areas that require improvement.

### 7.5.1 Changes in Social Attitudes

A number of participants spoke about the need for a change in social attitudes towards women parenting alone, as well as a change in ingrained attitudes towards role expectations. Many of the participants were of the view that societal attitudes towards role expectations had not changed over time; the idea that fathers could diminish or relinquish their obligations towards their families and mothers would supersede them and assume that responsibility, was an experience had by a number of the mothers and was particularly evident in stories of responsibility as well as stories of difference. In addition numerous mothers experienced negative attitudes towards them as a consequence of their separated/divorced status and the fact that they were lone parents, despite the fact that they were the ones complying with societal role expectations in relation to care work in particular.

*“there’s nothing I mean father’s from time and memorial could just walk away whenever they so deemed to, end of story and the mother is left” ...*  
(Grace)

*“It has been getting progressively worse and it’s all because men are not held accountable for their actions and then women get frowned upon for you know for allowing ... you know for, for going on, you know, it’s crazy!”*  
(Diane)

Many of the women spoke about how they were stereotyped and placed in a particular category and it is this type of societal perception that a number of the participants flagged as needing to change; the fact that women in situations of parenting alone do not all conform to a popular stereotypical view.

*“I found that some parents didn’t talk to me because I was now a single parent, that there was a prejudice; even some of my own relations kind of frowned on me that it had happened ... we are not all scroungers that we don’t all have twenty children by twenty different fathers, do you know what I mean” ...* (Sandy)

Some women were of the view that if social opinion towards those parenting alone changed, then more help would be forthcoming.

*“if people you know, see you know, view it differently, there might be a little bit more help out there you know” ...* (Betty)

### 7.5.2 Changes to the Legal Process

Over two thirds of the participants spoke about changes to the legal process being needed; as seen in stories of constraint, uncertainty and responsibility the whole experience of the legal process created a number of difficulties for the women in this study; culminating in the view that there were a number of areas that needed to be addressed in order for the process to be more effective, more equitable and less formidable. Divorce law, the maintenance system and the system of representation were all tagged as particular problem areas that need to be tackled according to the women.

### 7.5.3 Changes to Divorce Law

The participants recommend a number of changes to Irish divorce law; specific areas mentioned pertain to the four year rule, the lack of pension protection and the in camera rule that exists in family law cases.

The Family Law (Divorce) Act 1996 came into operation on 27<sup>th</sup> February 1997. The 15<sup>th</sup> amendment to the constitution is set out as follows; A court designated by law may grant a dissolution of marriage where, but only where, it is satisfied that-

‘at the date of the institution of the proceedings, the spouses have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years and there is no reasonable prospect of a reconciliation between the spouses’.

The four year rule was an issue for some of the participants; many could not see the logic of this rule, some were of the view that it was part of the legislation as a result of Catholic influence whereby time needed to be given to facilitate reconciliation; for others the four year rule serves only to impoverish women by tying up finances for a number of years until divorces are finalised.

*“It’s the whole religion thing, it’s, it’s still under the umbrella of the Catholic Church and that’s why things are the way they are as well. wait four years, sure maybe you might get back together, fuck I don’t think so, dyaknow so once that decision is made” .... (Betty)*



*“this kind of four year waiting period is penalising women and impoverishing women because your finances are not .. you actually have to pay for it twice ... the family law situation in this country is a joke, the divorce legislation needs to be revisited”... (Chloe)*

The legislation that provides for family law cases to be adjudicated in private<sup>65</sup> was a source of contention for a couple of the participants. The *in camera* rule<sup>66</sup> was seen to be creating an air of secrecy around family law judgements; the fact that judges and their decisions are protected by anonymity was an issue, particularly in situations where decisions may be perceived as flawed.

*“give up the in-camera rule it is destroying, I think it is destroying lives I really do, it is creating this air of you know, secrecy around family law judgments and the other thing as well is it’s protecting judges ... the judge’s decision to all intents and purposes is final and they are protected by anonymity, you know they are protected from their bad decisions by anonymity” ... (Chloe)*

#### **7.5.4 Changes to the Maintenance System**

As seen throughout all stages of the marital dissolution experience, one of the biggest issues spoken about by the majority of mothers was the problem of maintenance; being constrained by non-payment, being responsible for financially providing for families, being uncertain over ability to provide into the future, as well as the utilisation of maintenance to intimidate in certain cases.

Many of the mothers spoke about making changes to the maintenance system within the family Courts, which would address some of these issues; having set parameters in terms of amounts awarded removing the need for judicial discretion, enforcement of orders already made, which needs to include some form of ensuring payment of any arrears, making fathers responsible for providing for their children, as well as taking the onus of reasonability to pursue maintenance off mothers were all areas that were viewed as needing urgent attention according to the participants.

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<sup>65</sup> Family law cases are heard in private (*in camera*) to protect the privacy of the family. Only officers of the court, the parties to the case and their legal representatives, witnesses and such other people as the judge allows will be in the courtroom while the case is being heard.

<sup>66</sup> The Courts Bill 2013 proposes that the *in camera* rule be changed to allow for “bona fide representatives from the Press” to attend and report on certain cases. However, the court will still have the power to prevent the media from being present and/or from reporting on certain details.

*“judges deciding, based on their humour, what you’re going to get is bang out of order, there should be a mechanism, and if you go for maintenance you shouldn’t need a solicitor... or he owes me a thousand euro, oh well that’s it tough, sorry about that, it wasn’t enforceable ... why have a court order and then don’t follow it up ... nothing ever happened they just write it off” ... (Jackie)*

*“Why aren’t they making people live up to their responsibilities!! I just don’t understand it! It’s like they leave it up to the individuals and if they pay, they pay and if they don’t they don’t, they don’t make them ... that maintenance order is registered in a court, why should it be up to me to follow it? I honestly think that once something like that is registered in law that it should be up to the law to follow it! (Diane)*

*“maintenance should be enforced and it should be easily enforced and women shouldn’t have to fight and go through Courts for their maintenance to be enforced ... I think there needs to be more accountability for fathers, who decided to opt out”... (Sasha)*

### **7.5.5 Representation**

Legal representation practices were flagged by a number of participants as an area that needs to be reviewed. Three specific problems were identified; firstly there was a common perception that Legal Aid representation in cases of separation and divorce was far inferior to representation provided by private paid legal counsel. Secondly those that did pay for private representation had issues with the substantial costs incurred as a result, in addition to a lack of transparency around legal fees as mentioned by one participant. Thirdly was the belief of some participants that they were misrepresented.

Sasha’s experience highlights perceived differences between legal aid representation and that of privately paid representation and is indicative of some of the experiences spoken about by other participants.

*“when you’ve got legal aid in court, you have a solicitor that is not your paid solicitor, you’ve been appointed this solicitor and from my experience of having a separation agreement drawn up, I had a great relationship with my solicitor, ... with the legal aid you don’t, you don’t know where you stand ... they have so many cases on their books, that they don’t ... it’s just a lot of unknown, with legal aid ... you don’t have confidence going in to something like that cause you just don’t know” (Sasha)*

The issue of costs was a topic mentioned by a few of the participants and transparency in legal expenses was a specific cause of concern for one participant which needs to be addressed in her view.

*“reasonably costed legal support be available ... you’re expected to engage the support of a solicitor without knowing what it will cost you in the end and here’s the clincher, you don’t get that bill till it’s all over, they just keep coming to you for retainer, you’ve no idea what it’s costing you ... to provide clear guidelines as to how much this is going to cost you,” ... (Chloe)*

There were a couple of participants who spoke about being misrepresented in cases pertaining to legal separations in particular.. Ann spoke about a conflict of interest in her representation in legal aid and her husband’s representation.

*“my ex –husbands solicitor’s wife would have been over legal aid, which made me feel very uncomfortable at all times ... files of mine went missing which was like strange at the time, like there was stuff... there was strange stuff going on ... I never felt secure in going into free legal aid, cause I mean obviously I would be thinking husband and wife” ... (Ann)*

### 7.5.6 Childcare

A number of participants referred in some way to the fact that the lack of affordable flexible childcare options was a barrier to women’s progression, particularly in cases where women are parenting alone; many spoke about the need for feasible options.

*“they didn’t provide which they should have for empowerment was state childcare, which would have opened doors for everybody and the childcare situation in this country is shite and seriously, still and I think rather than pumping money into all kinds of FAS schemes and you know, get the single parent out the door scheme eh that if they looked after childcare on a national level and let people get on with their lives”... (Kate)*

### 7.5.7 Empathetic Institutions

A number of the participants spoke about there being a need for more empathy from representatives of social institutions, for women who find themselves in situations of marital breakdown. The distinct lack of empathy experienced by some of the women in their view added to the stress of their situation. Specific social institutions referred to include DSP, Law and the HSE.

*“ I would never go on Social Welfare if I had a choice you know ... you’re already going through the trauma of a, a divorce or a breakup or a separation and then you have to cope with this ... I feel I deserved to be treated better... myself, because I felt I’ve been through enough”... (Ann)*

*“I think there has to be greater understanding with the solicitors of what women are going through you know and also from the HSE’s point of view ... they should be more supportive of me you know” (Steph)*

### 7.5.8 Flexible Regulations

The restrictions felt as a consequence of rules and regulations within Social Institutions, highlighted in stories of constraint are consistent with the view that there should be more flexibility in the operating systems of such institutions in terms of altering the existing one type fits all practice. Issues around qualifying for and maintaining housing and welfare support, as well as a lack of communication between services were all areas that need to be improved according to the participants.

For Fay among others the one type fits all approach is flawed; she was of the view that because her situation on paper seemed fine, in terms of husband’s employment and the fact that they had built their own house that she had some form of financial means, when in fact she had no provision what so ever as her husband had a gambling problem and had left the country.

*“I think firstly people should be judged on a one to one, yes on a one to one basis but on each and every person separately, dyaknow that you just can’t say, right eh that, I think the whole thing was they assumed ... definitely I think that the, Social Welfare firstly, just, I don’t know delved deeper into each case, just kind of find out the merits of each case”. (Fay)*

A few of the participants spoke about the hassle of paperwork when seeking assistance from government departments. The repetitive nature and continuous demand for proof was extremely traumatic for some of the women, particularly in the initial stages of separation. There was a common view that such supports should be easier to access.

*“the hassle and the paperwork and like if it was a phone call that you could make and say listen my circumstances have changed, please do this*

*that on the other, I would be hours in there queuing, I'd have forty interviews to go through".... (Diane)*

For some there was a need for more flexible cohesive communication between services; a number of the participants had to deal with different departments at any given time. The fact that they had to satisfy practically the same criteria in each was a source of contention, the view was that one database and one set of paperwork for all should be sufficient.

*"some sort of a more cohesive level of communication between all the services that were involved with me, I don't know that it was passed on so much, it seemed to be very much well that file is with them, this is our file and we.. I felt there was no communication between services you know I think that could be improved". (Steph)*

### **7.5.9 Financial Supports**

Not being secure in financial supports was an issue for some of the women; a number spoke about their relief at obtaining financial supports following separation; particularly evident in stories told by women who were on the receiving end of the first wave of the deserted wives allowance. However, widespread changes and cuts to a number of financial supports for lone parents in recent years has had the consequent effect of creating worry, as well as anger that mothers are again being penalised and fathers are still not obligated to contribute financially to their children. Participants spoke about both worry and anger and were of the view that such issues need to be addressed.

*"that's what I find the most difficult, every day is a struggle and a worry, and you still worry, will you still get your one parent family, will I get on the FIS, you know, how will I pay my, my loan, will my health keep going, you know will I be able to keep going ... yea and it certainly doesn't help health wise, you know" ... (Ann)*

*"but yea, I think there needs to be a little bit more done, I don't know how that's going to happen in this economic climate with money being reduced, things are just going to get worse" ... (Betty)*

*"I mean the government are constantly giving out about, all the money they're having to pay out in lone parents and they want to now cut the lone parents off at fourteen and sending the women back to work and all this shite! Make the men pay from the beginning and they wouldn't have had to*

*pay out half as much like and that they don't end up in the cycle of children not getting educated properly an women not getting support and the same pattern doesn't repeat itself for three generations". (Diane)*

### 7.5.10 Information

Information was one of the most prevalent needs identified as severely lacking by participants; half of the women spoke about the need for information particularly following separation, despite the existence of citizen's information centres there was a general view from this group that more needs to be done to inform women of what to do next and where to go to get things sorted.

*"I don't think there is places you can go and get this information right, not that I know of and there should be. So it's one thing being able to get away, but who advises you on where to go next... finding out who to talk to from the start, if somebody had been able to say to me look this is where you go. There should be a better set up, there should be a network out there that says right from point A to the finish, these are the steps to take, this is how you go about it"... (Gina)*

*"I don't think, and I think you know the likes of citizens advice, I don't think they have any more advice to give you then you'd get on a site ...I think they should be somewhere that is, that can answer the questions across the board you know what your entitlements are, how to go about them ... there is nothing that will really tell you what to do, where to go" ... (Grace)*

### 7.5.11 Qualified Advice

In addition to information services, there were those who highlighted a need for qualified advice in terms of advice from someone who is specifically experienced and trained to give advice on all areas pertinent to separation/divorce; the suggestion was one place that someone could go to get everything together.

*"if there was somebody there that had all the knowledge or you could go.. like the citizens information were great, but yet they couldn't tell me about the legal side, so then I had to go to the legal side, then if I wanted the Social Welfare.. if the citizens information hadn't the information then I had to go to Social Welfare, there was no place you could go that you could get everything together; in an ideal world that really would be brilliant"... (Sandy)*

### 7.5.12 Personalised Support

In conjunction with the need for empathic institutions is the view that a more personalised form of support is needed for women in this situation. Throughout all the stories told, the experience of separation can create significant trauma and anxiety; many were of the view that access to a more personalised type of support would be extremely helpful, a need for both one on one support from social institutions and some form of group support where you can interact with people in similar situations was highlighted as a need by the women.

*“one person that could privately advise you and say this is what you need to do, we’ll get you on this and then you’ll do this ... you’ll be fine, instead of queuing up, not knowing are your forms filled in, I wouldn’t have been used to doing that sort of thing, and I know this is difficult for you and I know you’re going through a very bad time but you’re going to be fine; instead of just all of a sudden just like a shock to your body, now I have to survive ... definitely I think even a more personalised support, because I think it’s forgotten that you’ve just been through a huge trauma”. (Ann)*

*“but even in group, I don’t know is there anywhere you can go to find out who has been in a similar situation, is there other mothers you can talk to, is there other wives you can talk to, I don’t think that network is there, that network should be there but I don’t think it is”. (Gina)*

## 7.6 Conclusion

In conclusion this chapter has explored how the participants locate themselves in their worlds. It has looked at the constraining and enabling effect of personal relationships as well as those affected in the wider community. It has explored the participants accounts of services accessed throughout the three stages of the separation experience. The findings show that there was limited utilisation of both State and Voluntary Services before separation, which generally pertained to protection and mental health. The second stage of the separation experience showed a large increase in the use of both State and Voluntary Services, while the third stage after legalities were finalised, highlighted the continued use of services provided by social institutions and a significant decrease in the utilisation of voluntary services.

This was examined through attending to the different voices of the participants how they see themselves in relation to the wider context in which they live. In addition it has explored the perceived impact of structural and ideological forces on the experiences of the participants in this study and has identified how such forces were perceived to be inherent in the operations of the State and were recognised as creating and maintaining differences between genders.

Many of the women spoke about differences being evident in society generally, particularly when it comes to family responsibilities in terms of roles and expectations between mothers and fathers. Numerous accounts of mothers being left with responsibility for everything were common; as was the perception that fathers could always walk away from families ‘since time immemorial’ with expectations being on mothers to fulfil caring roles with no option to do otherwise. Fathers not adhering to access arrangements in two thirds of the cases and minimal contact between fathers and children in the rest of the cases resulted in all of the participants in this study describing themselves as single parents. One participant’s view highlights this point ‘when you get a divorce you are a single mom, even if the dad is involved you are a single mom’.

Becoming a single parent in Irish society was particularly tough for the majority of the women. Fulfilling their own role expectations and the lack of expectations on fathers on the one hand and attitudes towards single mothers on the other was a common experience which was difficult for the women to reconcile ‘men often do opt out, no one thinks anything of that and people look down their noses at you for being a single parent’. Prevailing traditional views on marriage experienced by the women meant that living a life which contradicted those views was difficult. Many fought with the idea with living outside the conventional family unit as seen in stories of uncertainty and constraint, as beliefs of family based on marriage were very much inherent in the women themselves. Some attributed the pervasiveness of such views to the teachings of the Catholic Church.

Structural forces such as attitudes and cultural norms surrounding traditional views on marriage, differences between men and women and mothers and fathers were perceived by many of the women to be intrinsic in the operations of the State, particularly in areas of Social Welfare and Law where there was a perception that



women were treated unequally to men, evident in the participants' stories of non-intervention in cases of non-compliance with financial obligations. The onus of responsibility for obtaining maintenance and proving receipt of maintenance is allocated to mothers.

Finally in this chapter, reflecting experiences are the women's views on what is needed to make the transition from marriage, through separation and into the future easier; information, qualified advice, empathetic institutions, personalised support and flexible regulations were all viewed as being necessary particularly during that transition period. They also advocate things like changes to the legal process, financial supports, childcare, as well as changes in social attitudes which were seen as essential to both an easier transition and to facilitate progression into the future.

## Chapter Eight

### Discussion

#### 8.1 Introduction

The discussion for this thesis is derived from the thorough review of the national and international literature undertaken for this study, in conjunction with the participants' experiences obtained through the analysis of the empirical data. The consolidation of all three components presented here has allowed for the development of considered conclusions and recommendations.

Sections two and three of this chapter address the first objective of the study which is to explore how the Irish mothers in this research experienced marital dissolution. It does this by examining the collective experiences of the group, compiled from the analysis of individual narratives.

Accounts of intimidation, constraint, responsibility and uncertainty reveal how these mothers experienced marital dissolution in Ireland. Experiences of marital dissolution for the participants in this study are fundamentally linked to differences and inequalities between genders and role expectations. Such differences are inherent in the Irish cultural milieu and in the structures of the State and are more pronounced for those who are of a lower socio economic status and therefore the implications of such differ according to class (Mandel, 2011).

Section four and five discusses the needs of the participants in relation to the provision of services utilised throughout the three stages of separation and divorce. These sections identify significant gaps in statutory provisions in this area, despite increases in and changes to services for lone parents over the past number of years.

Section six considers the Irish social policy approach to lone parents and explores the changing nature of that approach over time. This section highlights how social policy in Ireland has traditionally had a direct effect on the position of Irish mother's in society. Findings from this research show how, despite changes over the last number of years the policy approach to lone parents continues to have an effect on

the position of poorer single parents in Irish society and has influenced the experiences of separation and divorce for the participants of this study. Section seven of this chapter briefly clarifies how needs are not being met through the approaches identified.

Difference feminists maintain that many factors shape women's experiences of any given phenomenon; whereby women in different types of households experience life differently. Such factors include social class, race, sexual orientation and family form. This discussion will generally focus on how Irish mothers' experiences of marital dissolution in this study are linked to the continuing marginalisation of women in Irish society in terms of differences and inequalities between genders. Such differences are inherent in the Irish cultural milieu particularly when it comes to family responsibilities and role expectations between mothers and fathers. In addition such differences and inequalities are integral to the structures of the State and are particularly evident in areas of Social Welfare; employment and law (see Chapter 3 Section 3). Moreover this chapter will highlight how such differences and inequalities are more pronounced for those who are of a lower socio economic status due to reduced financial resources and constrained ability to progress. Contrary to Moore (2012a) who asserts that in situations of divorce in the Irish context inequalities and differences in resources appear to be systemic and systematic more so for an older cohort of women who adhered to the traditional breadwinner model of marriage; results from this study found that differences in resources are not dependent on time periods or age but rather on the fact that opportunities for those on lower incomes are still constrained in the present day.

### **8.2 How Irish Mothers Experience Marital Dissolution in Ireland**

Through a process of reflection it became clear that in order to fully understand how Irish Mothers experience marital dissolution narratives given would have to be examined individually, in terms of what they said about the lives of individual mothers, and through that process it became clear that a lot of experiences articulated were collective in nature. This process was facilitated through the use of the VCR method of analysis, which explores individuals' narrative accounts in terms their experiences and instances of events as well as their relationships to themselves, their

relationships to the people around them and their relationships to the broader social, structural and cultural contexts in which they live. The depth of the analysis undertaken revealed collective experiences that were common to all of the participants and given the homogenous nature of the group; it was decided that findings would be presented as a collective representation of their experiences in the form of stories told.

Therefore the findings were presented in the form of stories told as means of representing common experiences collectively shared by the group. Stories of *intimidation*, *constraint uncertainty* and *responsibility* appear consistently throughout the three stages of the individual analysis; and were consequently presented as such in chapter six of the findings. Given that this study is exploratory in nature and the intent is to be conceptually generative rather than definitive, to indicate rather than conclude, to formulate propositions rather than to verify them (Crouch and McKenzie, 2006); this approach was appropriate. My findings are knowingly based on a small number of cases and I cannot claim universal truths, rather the intent is to gain new insights into Irish mothers' experiences of marital dissolution.

### 8.2.1 Intimidation

Findings from this study showed that there were two aspects to the intimidation suffered by the participants throughout the three stages of the separation experience. There was that perpetrated by (ex) husbands which morphed into different forms throughout the whole process. Prior to separation stories pertaining to abuse were numerous and were articulated by two thirds of the participants. While physical battering was an issue for some; the most prevalent form of abuse spoken about at this stage pertained to a pervasiveness of intimidatory behaviour which was effected through forms of emotional and verbal abuse.

Even though domestic violence occurs across the social spectrum, evidence suggests that families of a low socio economic status are more likely to be affected (Tolman and Rosen, 2001). Over two thirds of the women's narratives in this research contain references to abuse; this figure is far higher than that estimated by Women's Aid (one in five). The findings from this study show that for this group four in five suffered from abuse of one form or another which encompassed physical, emotional,

## Chapter Eight: Discussion

verbal and economic abuse, and generally occurred in more than one form and to varying degrees. The undertone of all abuse suffered regardless of type was permeated with some form of intimidation.

Gordon (1988) maintains that it is women's economic dependency that facilitates abuse of women in marriage. The dependent status of women in traditional breadwinner family models, affords husbands considerably more power and results in wives having an asymmetric ability to exit the marriage according to Satz (2013) and Carbone (1994) consistent with findings in this study. Research into the post-divorce income situation of women highlights how women are disproportionately disadvantaged following marital breakdown; whereby childcare issues, loss of social capital and career interruptions have resulted in disadvantage in terms of availability and capability in the labour market (Poortman, 2000), which the women in this study were acutely aware of; highlighting their economic vulnerability. This economic vulnerability reinforced participants views that they would be unable to manage without the income provided by husbands and consequently mothers remained in abusive marriages longer than they may have otherwise. In addition the cumulative nature of abuse suffered can have deleterious effects in terms of lowered levels of self-esteem and self-doubting behaviours (Roberts et al., 1998), (see Chapter 3 Section 5) which for the women in this study affected their ability to exit from the marriages.

Following separation the intimidation instigated by ex-husbands became more indirect and ambiguous and once again was difficult to prove. Instead of being focused on direct intimidation of the women, abuse was being perpetrated indirectly by using the children of the marriage as a means of intimidation, as well as other methods. Jaffe et al (2005) highlights the use legal means as a form of on-going harassment; such means can become a tool for abusers to continue their abusive behaviour in a new forum and can be utilised as a means to enact revenge. Vollans, (2010) refers to this as court-related abuse and harassment (see Chapter 3 Section 5). In a number of stories of intimidation during this period this type of court-related abuse and harassment is common. Utilising public and court services to harass and intimidate in terms of child protection services and processes, consistent with Vollans research. What is evident during this period is an adaptation of emotional abuse from the overt forms seen previously to more subtle methods.

This type of subtlety continues in the period after the legalities of dissolution are finalised. In many cases domestic abuse does not end upon separation or divorce (Roberts et al., 2014; Zeoli et al., 2013; Vollans, 2010); Findings of this study concur with recent Irish research that shows the continuation of abuse post separation (See Chapter 4 Section 7) (Women's Aid, 2012). Separation is a risk factor for escalating abuse and is often the most dangerous time for women in abusive relationships according to Margret Martin, director of Women's Aid (Barry, 2014).

In terms of intimidation prior to separation; the societal stigma attached to domestic violence means that more often than not women tend to keep quiet about suffering abuse. Chapter 4 Section 7 highlights the hidden nature of domestic abuse and discrepancies in statistics in terms of actual numbers of victims show how perceived stigma is enabling the perpetuation of intimidation within marriages. In addition subtle forms of intimidation utilised in the second and third stages of the separation experience while difficult to prove, went unchecked by both State and wider networks, psychological manipulation and court related abuse and harassment were legitimised by non-action, consistent with other research (see Chapter 3 Section 5).

### **8.2.1.1 Intimidation from Other Sources**

Experiences of feeling intimidated was not limited to behaviour of (ex) husbands; experiences of dealings with certain State institutions, particularly in relation to the family law courts, mediation services and the DSP were all referred as intimidatory by the majority of women interviewed.

Feeling intimidated by family law courts is not unique to the participants in this study. Research carried out by Roberts et al (2014) into women's experiences of the processes associated with the family court in Australia are consistent with experiences in this study, whereby the experience of engaging with the court process caused considerable distress for women, particularly when considered in the context of domestic violence. Attending court provoked feelings of extreme anxiety and distress for the women, particularly as court action is usually navigated during a period of considerable stress as consequence of separation (Roberts et al., 2014). For many this is in addition to dealing with fear and intimidation associated with being in close proximity to their abusers; coupled with a lack of understanding about the

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dynamics of abusive relationships exhibited by legal personnel all of which served to intensify feelings of intimidation (Roberts et al., 2014). (see Chapter 4 Section 6.1)

The use of mediatory services had similar effects on the participants, highlighting how legal services created significant power imbalances. Even without actual threats, a victim may feel intimidated to the point that they feel incapable of standing up for his or her interests in the mediation. All of which can place the victim in an impossible situation. Feeling threatened because of unequal bargaining power can have significant ramifications in the sense that agreements made in situations of duress more than likely will not protect their interests either in the short or long term according to (Landrum, 2011), consistent with findings from this research. This issue of unequal bargaining power was all the more problematic for those who retained legal aid representation, not having a voice in legal proceedings highlighted how the economic status of the women had a substantial impact on experiences.

Aside from feeling intimidated by legal processes and all that that entailed other social institutions were implicated as being intimidatory. Experiences involving the DSP and the HSE in terms of CWO's were singled out as being particularly intimidatory.

The sampling technique employed in this study resulted in generating organic, in depth knowledge about mothers who had both the experience of marital dissolution and the experience of being situated at the lower end of the economic stratum. In this study all but one of the women had what is referred to as a dependent status prior to marital breakdown whereby they were dependent on their spouses for income, which traditionally was a common feature of the Irish family profile of the past. After separation many moved from being dependent on spouses to being dependent on the State for some or all of their income. Encounters with the DSP and HSE at the time of this transition were described by many as being intensely intimidatory, with attitudes of DSP and CWO staff predominantly being cited as the reason for feelings of intimidation at this time.

There is strong evidence to suggest that divorcees in Ireland are defined and judged in relation to married couples, married families and associated pro-marriage ideologies (see Chapter 2 Section 6). Such ideologies are all the more difficult to surmount for mothers who were previously married. The practice of defining of all

people who parent alone without the support of a partner as ‘lone parents’ means that all those in this category are subject to a significant amount of stigma based on stereotypical views of this group (May, 2010). Stigma aimed at this group stems from a number of sources; intimate and informal social networks (Kaufman and Uhlenberg, 1998), wider community networks (Gerstel, 1987; Kurzban and Leary, 2001) and more formal networks such as institutions of the State (Moore, 2011).

Research on Canadian mothers living on welfare found that participants were humiliated, outraged, and bewildered at their treatment by the Department of Community Services staff (Power, 2005). Feeling intimidated and stigmatised by welfare staff in Ireland is not exclusive to this study, Millar et al (2007) utilised a multi method strategy to research past and current level of engagement of those parenting alone in the labour market in Galway City and County; which included participant’s experiences of dealing with the DSP. Findings from that study show that interactions with DSP staff were perceived as aggressive, intrusive and intimidating.

This was the case for a number of participants in this study, words such as belittled, degraded and shamed litter narratives pertaining to the DSP and HSE during this period and interactions were particularly difficult for those who had no previous experience of dealing with the system of Social Welfare. Many felt as if they were being judged for being in a situation where they were now parenting alone. Some felt that there was no empathy or understanding and no acknowledgement of the trauma they were experiencing. Such findings concur with research from other jurisdictions both national and international.

### **8.2.2 Constraint**

In stories of constraint the very real stigma attached to single mothers had a significant constraining effect on mothers prior to separation as did the effects of abuse suffered. Experiences of being constrained by the legal process, Social Welfare, imposed employment and lack of opportunity in this area; as well as housing and stigma during the second stage of the separation experience highlights perceived status based inequality in operation. Persistent constraints in the third stage of the separation experience, particularly in relation to finance in terms of both



## Chapter Eight: Discussion

Social Welfare and maintenance show a continuation of status based difference and inequality.

The impact of domestic violence on both the physical and psychological wellbeing of women has been widely studied. Studies on the impact of domestic violence on women's mental health suggest that depression, anxiety, lower levels of self-esteem and in some cases post-traumatic stress disorder are all common experiences (Roberts et al., 1998) (see Chapter 3 Section 5) consistent with the findings of this study; whereby the abuse suffered by the participants in this study had a constraining effect, a lack of self-belief and low self-esteem caused a number of the women to remain in the abusive marriages and delayed the inevitable separation for much longer than they would have, had they been confident of their own abilities to provide for and rear their children.

In addition to negative self-perceptions, perceived negative public perceptions of lone parents had a constraining effect in other cases. The worry of how they would look in the eyes of society, being a separated mother was enough to delay separation in a number of cases. Studies show that divorce related stigma is still a feature of modern society (Gerstel, 1987); (Moore, 2011); (Kurzban and Leary, 2001) (see Chapter 3 Section 4). Goffman's description of stigma focuses on the public's attitude towards a person who possesses an attribute that falls short of societal expectations and how that identity is managed by the stigmatized person (Bradley, 2013). Strong culturally generated expectations (Chapter 2 Section 4) are difficult to violate and stigma perpetrated against those that do not conform to those expectations seen in Chapter 2 Section 6 were compelling the women to maintain the married mother identity. Awareness of the existence of stigma or what has been described as a stereotype threat<sup>67</sup> can influence a person's perception of and response to social smears, a perception that can have negative consequences; in the sense that it can lead to expectation and fear of rejection with consequential compromised quality of life and low self-esteem with possible congruent effects such as anxiety and depression (Link and Phelan, 2001), consistent with the findings of this study.

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<sup>67</sup> A stereotype threat is where there is an awareness of a stereotype being imposed and the stereotype may become a threat or a challenge when the labelled individual is evaluated in accordance with the stereotype or because they may conform to the stereotype (Steele and Aronson, 1995).

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Stories of being constrained by the courts and the legal process encompass issues around costs; orders made as part of judicial separation agreements, particularly in terms of how issues such as housing and maintenance were dealt with; as well as perceived inequity of treatment of women/mothers within the court room.

The issue of costs in instances where participants did not qualify for legal aid were of significant concern. In fact this issue has also been identified in other Irish research which maintained that there is widespread concern about the cost of family law proceedings, especially those concerning divorce and judicial separation (Coulter, 2007). Variations in fees depending on individual cases and jurisdictions are considerable and consequent ambiguity is a source of distress for many and while there was no reference to the possible constraints of such ambiguity, this research found that participants engaged in quick settlements to avoid mounting costs.

Orders made as part of a judicial separation agreement while satisfactory for some and a perceived constraining effect for others. The main characteristic on which Irish divorce law is premised is that of ‘proper provision’<sup>68</sup>; however what the court deems ‘proper’ can vary and is dependent on the economic circumstances of both parties. How proper provision is defined is ambiguous and the absence of a prescriptive approach to definition means that it is open to the judiciary to determine the nature and scope of provision (Crowley, 2007); which highlights another characteristic of Irish divorce law that being judicial discretion (Nevala, 2014) (see Chapter 4 Section 6.2.1). No formula exists according to which ancillary orders are granted. Each case is diverse, and each judge also brings a different perspective to bear on the cases heard (Coulter, 2007).

Results from this study concur with Moore (2007) who maintained that that caring, as a form of work and a moral practice is devalued at the time of divorce; (Chapter 2 Section 5) consistent with research conducted by Carbone (1994). Out of the 15 cases analysed here, 14 resulted in rehabilitative maintenance support models<sup>69</sup> being employed, highlighting the fact that caring work culminated in being financially tied to ex-spouses following divorce (Moore, 2007). These findings are in accord with

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<sup>68</sup> Section 20 of the Family Law (Divorce) Act, 1996 was established to ‘ensure that such provision as the court considers proper having regard to the circumstances exist or will be made for the spouses and any dependent member of the family concerned’

<sup>69</sup> For more in depth explanations of models of post-divorce settlements see (Mahon and Moore, 2011), as well as (Moore, 2007).

the view that that post-divorce Irish legislation continues the old common law tradition of a lifelong spousal support obligation ensuring perpetual economic dependence for women (Martin, 2002). The implication of such orders is that although the judiciary recognises the role of women in the home, this recognition has different significances for women with different levels of education and women's labour market participation highlighting a class dimension to the constraints of such orders<sup>70</sup>.

Additional constraints spoken about in relation to the courts and the legal process in general pertained to representation; in terms of what was perceived to be a lack of 'proper' representation or in one case no representation at all as well as waiting times for those that had legal aid representation.

Waiting times for appointments were a major concern for many in the initial stage of separation, particularly for those that had no income and were in the process of applying for welfare payments. The issue of waiting times were identified elsewhere (O'Shea, 2013) who cited a press release by the Legal Aid Board in December 2012, which reported a significant increase in demand for legal aid services, the two main factors driving this increase were an increase in the number satisfying the means test due to reduced income and a greater need for legal services during times of economic stress.

In relation to a lack of proper representation, a number of participants were of the view that they were not effectively represented in the family law court. Participants spoke about not having their voices heard in the legal proceedings, there was a common view that legal aid representatives had no vested interest in the cases and therefore did not 'fight' for better outcomes for that party. In addition they had no empathy or understanding of how this process was a source of significant distress for the women. While there is no information on these types of experiences in Ireland; such views corresponded with research in other jurisdictions. Roberts et al (2014) found that lack of emotion and understanding by legal professionals was a significant feature of the family law court process in their study and that experiences of the

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<sup>70</sup> For information on class dimensions of women's labour market participation see Millar, M. & Crosse, R. (2014). 'Irish Work/Family Policies an Emerging Paradox' In: Readdick, C. (ed.) *Irish Families and Globalization: Conversations about Belonging and Identity across Space and Time*. Detroit: Groves Monograph on Marriage and Family

women were inadequately responded to or even acknowledged by the legal professionals, which served to exacerbate the already difficult trajectory through the legal process.

### **8.2.2.1 Financial Constraints**

Financial constraints spoken about include constraints around maintenance; Social Welfare amounts received as well as rules attached to payments, employment constraints in terms of barriers to sustainable employment and debt. Financial constraints in particular highlight how status has significant implications on experiences and outcomes.

Being part of a traditional breadwinner family unit meant that fourteen of the women interviewed had to apply for some form of State assistance following separation. Surviving on welfare payments was a major issue for the participants. In addition rules and regulations embedded in the Social Welfare system was a further constraint for many, these experiences were similar to that reported nationally by Millar et al (2007), as well as internationally by (Power, 2005) (See Chapter 2 Section 5).

Rules regarding income thresholds and maintenance payments were also constraining for some of the women in this study. Again similar to that reported by Millar et al, (2007). OFP is a means tested payment all income is taken into account and payments are adjusted accordingly. Those participants that were in receipt of maintenance in the initial stages of separation had their payments reduced to account for this. In other cases mothers were being means tested and payments were being reduced solely on the basis that maintenance orders existed, regardless of whether or not that money was being received. This ambiguity around maintenance payments and Social Welfare entitlements was flagged as an issue by Coulter (2007) who states that more clarity is needed on policy in this area.

The majority of research on the economic consequences of marital dissolution suggests that women and children suffer a greater financial loss than men. Explanations for differential impacts of marital splits on income often refer to the issue of child maintenance payments as a factor. Even though the consensus is that child support payments have a significant impact in reducing the post-divorce disadvantage experienced by women and children the evidence reveals that the

instance of those in receipt of maintenance is and has been quite low consistent with the experiences of mothers in this study (Del Boca, 2003) (see Chapter 3 Section 3.1)

In order to compensate for this reduction in income the majority of mothers in this study sought some form of employment. However, securing employment was challenging, particularly as many of the mothers worked solely in the home prior to separation and while some had qualifications and consequent experience in the workplace prior to marriage, many did not, childcare was also a significant issue for many during this period. Such constraints echo findings from Moore's thesis who found that the constraint of being dependent stay at home mothers in marriage left little prospect of exiting that dependency following separation (Moore, 2010); as well as findings from other research (Aassve et al., 2007; Steiner, 2007; Amato, 2000; Poortman, 2000; Jarvis and Jenkins, 1999) (see Chapter 3 Section 3.1.1).

Such constraints resulted in a number of participants working in low skilled, low paid, part time jobs consistent with other research (Millar and Crosse, 2014 ; Richardson, 2012; Millar et al., 2007). In addition to the constraints outlined, conditions attached to earning while being in receipt Social Welfare was another issue (see Chapter 2 Section 5), proving challenging in the sense of securing employment consisting of a relatively small number of hours in addition to hours that suited the caring commitments of the mothers was difficult.

The issue of employment was not just difficult for the mothers in receipt of welfare. One of the participants in this study had a professional career which encompassed a high paying position in a global company before, during and after her marriage broke down. Although the financial constraints seen in other narratives were not a factor in her experience, the breakdown of her marriage resulted in her being made redundant. This type of attitude towards those parenting alone is not unique to this study (Millar et al., 2007). Moore (2011) asserts that her research suggests there is a prevailing dominant attitude of disapproval of divorce in some workplaces and the perceived consequence of such is discrimination in terms of unfair treatment due to the status of divorce (Moore, 2011) and consequent single parenthood (see Chapter 2 Section 6).

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Despite the efforts of mothers to work for their own self-worth<sup>71</sup> and to meet their financial obligations, the problem of debt was a constant source of constraint for the majority of the women interviewed. In addition to such debts, a number of the women were continually borrowing just to make ends meet and were consequently in a cycle of servicing debt and borrowing creating more debt again these results are consistent with Millar et al (2007). In addition these findings concur with Irish Credit Union Tracker (2012) which suggests that those on lower incomes have are struggling to make ends meet (Credit Union, 2012). The ESRI has recently published a report highlighting that the cumulative effect of austerity measures has affected those on lower incomes disproportionately since the start of the recession (Keane et al., 2014).

The participants also encountered other forms of constraint; a common constraint spoken about was negative perceptions they encountered in relation to being separated/divorced and being single mothers. As presented in Chapter 3 Section 4. Stigma associated with divorce has not totally disappeared; Gerstel's (1987) study on stigma and divorce showed that while there may have been a decline in the disapproval of divorce as a general category, divorcees were still subject to stigma. Stigma can stem from a number of relational spheres; the family, (Kaufman and Uhlenberg, 1998), as well informal social networks and wider communities (Kurzban and Leary, 2001; Moore, 2011); all of which were consistent with the findings of this study.

Despite the obvious heterogeneous nature of the lone parent group, no allowance for such diversity exists. All those parenting alone are lumped into one category and the group as a whole are often subject to stigmatisation; particularly those who are dependent on welfare as a means of survival. Participants in this study were subject to the same type of derision levelled at all welfare dependent lone parents in Ireland over recent years (see Chapter 2 Section 6).

Many of the stories of constraints persist long after the legalities of dissolution are finalised. Even though officially legalities were finalised there were issues that persistently needed to be addressed by the courts. In addition constraints still remain

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<sup>71</sup> Working and contributing to the household income was important to some of the participants and was identified as essential for their own sense of dignity see also Millar et al (2007) for similar results.

in terms of finances, as a consequence of continuing debt, issues with maintenance payments as well as with Social Welfare; consistent with other research (Millar et al., 2007; Vollans, 2010).

### 8.2.3 Uncertainty

The financial positions of mothers and their status's as dependent wives prior to separation created a significant amount of uncertainty in relation to termination of marriages. Such positions created an unequal power balance within marriages and women were economically vulnerable. Following separation, uncertainty over the legal process, lack of knowledge and information and precedent as well as problems with legal aid representation added to such uncertainty. Judgements (in some cases) over housing, as well as financial uncertainty due to lack of effective and continually altering policy; highlights how the perception of an unequal economic impact of divorce on mothers of lower socio economic status manifests; creating a situation of continuing uncertainty and a justification for perceived differences between mothers and fathers in cases of marital dissolution.

Uncertainty following separation pertained to the legal process, costs involved, ambiguity over precedent, worry over possible judgements and an overall lack of knowledge of the whole process of marital dissolution. In addition the issue of housing was of significant concern for many; particularly in terms of not having enough funds to buy elsewhere and having to sell the marital home when kids come of age creating uncertainty around housing security in the future. Financial uncertainty caused by accumulated debt and problems with maintenance, Social Welfare and education payments generated acute anxiety over managing household finances.

Lack of information in the initial stages of separation created worry and uncertainty for many of the participants. Given that most had no previous experience of dealing with family law issues or any legal issues for that matter, the lack of knowledge was a considerable source of anguish for the women. This issue has been highlighted elsewhere by Coulter (2007) who states that while there are a number of places where information on separation and divorce can be sought; citizen's information, statutory and voluntary organisations as well as the courts in certain instances. However, such

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information is often patchy and there is no one stop shop where all options, procedures, requirements and possible resolutions are explained.

This venture into the unknown continues even when representation and court dates are obtained, particularly for those in receipt of legal aid. As presented previously the increase in demand for such services has led not only to long delays in waiting times but also according to the women in this study a deficiency in time spent with their solicitors and in information received. As a consequence a number of women spoke about not understanding what was taking place within the confines of the court in general. As previously stated family court action is usually navigated during a period of considerable stress and many women particularly those who have suffered from domestic violence find themselves re-victimised by the system (Roberts et al., 2014). Lack of knowledge and consequent uncertainty can add to this distress.

In addition, ambiguity around possible judgements was another (dis)stress factor for a number of the participants; the existence of the *in camera* rule<sup>72</sup> has according to some of the women created a great deal of uncertainty around possible judgements. Furthermore the issue of judicial discretion compounded uncertainty for many. Stories during this period were littered with remarks pertaining to judges' propensity for making decisions based on their own bias or 'humour on a particular day'. The issue of judicial discretion has long being a contentious issue in the area of family law, (see Chapter 4 Section 6.2). Coulter (2007) acknowledged inconsistencies' in the way in which issues within the family court are dealt with and advocated the need for a framework; which would permit judges to develop a common approach to issues. The divorce process in Ireland is currently lacking in articulated in social policy goals and nowhere is this more evident than in conflicting interpretations and decisions of the judiciary, resulting in in the development of an inconsistent and unpredictable body of law. An articulation of policy aims would diminish the significance of judicial discretion and provide guidelines to the judiciary, reducing the likelihood of uncertainty and unintended outcomes according to (Crowley, 2011; O'Shea, 2013).

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<sup>72</sup> Section 45 (1) of the Courts (Supplemental Provision) Act 1961 , lists cases in which justice may be administered in private which include family law matters.



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Also, as seen earlier in stories of constraint the issue of finances was the most contentious issue spoke about by all participants across all stories told. In relation to uncertainty the long standing commitments made to servicing debt makes the possibility of future financial security less certain for many. Stories of debt resulting in financial uncertainty are consistent with other Irish experiences of lone parents (Millar et al., 2007). Compounding this issue is the problem of maintenance; presented in findings Chapter 6 Section 3.2 table eleven is an overview of the maintenance orders made, contained within that table are the mothers assertions on compliance rates with those orders, it is evident from this that 13 of the 15 participants in this study had issues with the non- payment of maintenance. These findings are consistent with other research in this area. Moore (2012) found that in six of the eight traditional<sup>73</sup> marriage cases examined in her study maintenance was not forthcoming or was irregular. Problems with access to and waiting times for legal aid meant that these ‘dependent’ women had little ability to enforce financial obligations and were economically vulnerable. In cases where some of the women did manage to return to court, affidavits of means were skewed and according to the women were untrue, putting means beyond the reach of women in legal cases is not unique to this study Vollans (2010) found similar experiences in her study population and asserted that non-payment of maintenance could be a form of economic abuse perpetrated to maintain power and control over victims. Notwithstanding, the women in this study found that orders for maintenance were still not paid even after returning to court, making their financial future uncertain. In fact it was the uncertainty that some found the most difficult to bear and in all cases except two<sup>74</sup> women gave up pursuing maintenance to eliminate this problem; demonstrating the powerlessness many felt after separation.

In addition problems of debt and maintenance creating financial uncertainty for mothers so too were the recent changes to OFP (see Chapter 4 Section 4). As presented previously all expect one of the participants relied on State assistance following separation, a number of whom work part time to supplement income and do so because of barriers to suitable, sustainable employment (Crosse and Millar,

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<sup>73</sup>. The relationships and roles in traditional marriages are highly segregated, unequal and husband dominated; similar to the group of participants in this study.

<sup>74</sup> One participant (Sasha) managed to secure an Attachment of Earnings Order (see findings chapter 6) after 6 years of separation. The second participant (Gina) continues with her pursuit of maintenance.

201; Millar and Crosse, 2014; Millar et al., 2007). Such makes the issue of financial uncertainty all the more troubling, consistent with research conducted by Millar and Crosse (2015).

The issue of financial uncertainty prevailed long after the legalities of dissolution were finalised for all of the participants with one exception. As seen in both stories of constraint and again in stories pertaining to uncertainty in the second stage of the separation experience the problem of finances persists to the present day. This is not surprising as issues with maintenance payments as well as reductions in, changes to and in some cases the abolition of State assistance payments remained unchanged at the time of the interviews.

One topic that has not been mentioned previously is the issue of strained relationships between (ex) spouses. This was a theme in this section in terms of women feeling that the future was far from certain, continuing battles has prompted a belief for many that the incessantly charged and stressful environment in which they exist is set to continue. As was the case with Millar et al's (2007) research, relationships with the child(ren's) other parent were acrimonious for most of the participants for a number of reasons; being left with the responsibility for the children, being left to service debt from the marriage, issues over maintenance, disengagement by fathers leading issues over access.

Research has found that financial settlements and maintenance payments (or lack thereof) have implications for the way in which parents manage custody, access and contact (Mahon and Moore, 2011). In addition problems of access have been linked to disputes over relationships in terms of blame and recrimination, new relationships and normative expectations of family life (Smart and May, 2004). 2007 research by Tinder (2007) shows that more complex issues underlie disputes over access, such as reliability and adherence to access arrangements, children's reactions to access, as well as parenting competence and quality (see Chapter 4 Section 6.2.2). There has been a suggestion that continuing acrimony post-separation may be linked to people's expectations of family law which are somewhat fallacious, in that the courts cannot solve their problems or offer vindication or blame which is a problem, particularly when they feel that fairness, rights and justice do not prevail (Smart and May, 2004).

Disengagement by fathers was a significant issue in this study which will be discussed next in stories of responsibility but having sole responsibility for the financial, physical and emotional care of children created a real fear for the future in the minds of some of the women. This is arguably the reappearance of low self-esteem, self-confidence and self-doubting behaviour seen in stories of intimidation and constraint highlighting the persistent presence of uncertainty; consistent with studies into the long-term psychological impact of abuse (Tolman and Rosen, 2001).

### 8.2.4 Responsibility

As presented in Chapter 2 Section 4 previously, historically the position of women in Irish society was very much defined by their connection to and immersion in the family; whereby women were predominately characterised by their relationship with men as part of a taken for granted cultural milieu. All of the women in this study with one exception fit into the category of the traditional marriage<sup>75</sup> outlined by Moore (2010).

All fourteen of the fifteen mothers were primary carers during their marriage, ten of whom worked in low-paid jobs and four whom worked as professionals prior to marriage. It is important to note that while these women did fit into the category of a traditional marriage they do not fit the age profile commonly associated with this type of categorisation.

The findings in this study show that there is a common misconception around the age cohort of women associated with this type of marriage arrangement. They are seen to be older, with little education or earning capacity as a consequence of a cultural milieu present at a specific historical time period (Moore, 2012a).

Due to the changing demographics of the Irish population profile and the transition to modernity shaped theories of democratisation<sup>76</sup> and individualisation<sup>77</sup> which maintain that such a transition has heralded a transformation and decisive break away from traditional family relationships. Moore (2010) found this to be the case in

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<sup>75</sup> The relationships and roles in traditional marriages are highly segregated, unequal and husband dominated; similar to the group of participants in this study.

<sup>76</sup> The sociological understanding of changing personal relationships is characterised by a reordering of relationships between the sexes.

<sup>77</sup> Development of the project of the self.

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her companionate marriage group, who were younger, highly educated, had earnings comparable to that of their husbands and experienced a greater sharing of roles. Moore (2012a) asserts that in an Irish setting educational and employment opportunities are associated with significant historical time periods and inequalities and differences in resources appear to be systemic and systematic across two different time periods rather than individual and random.

The findings from this study do not concur with this assertion, nine of the women in study married in the 1990's, with the majority of these marriages taking place in the late 1990's consistent with Moore's companionate group, however I would argue that constraints in educational and employment opportunities exist in the present day just as they did historically for mothers and inequalities and differences in resources are not dependent on time periods but rather are dependent on socio economic status.

Stories of responsibility pertaining to before the onset of separation all refer to the caring roles fourteen of the fifteen women undertook upon marriage (see Chapter 6 Section 5.1). All of the women had worked in some capacity prior to marriage and ceased employment at different stages after having children. For those that suffered from domestic abuse those caring roles took on added dimension of protection; in terms of mothers protecting children from witnessing, being subject to and being affected by abuse.

This protective role that was adopted by mothers in this situation is comparable with other mother's experiences of domestic abuse. Hogan and Fergus (2007) found that in narratives of experiences of domestic violence a number of mother's spoke about 'sheltering' and 'shielding' children from all forms of domestic abuse. Many however were aware that they had not always been successful in their endeavour as was the case in this study; which can have a significant effect on children (see Chapter 3 Section 5).

Subsequent to separation responsibility for keeping the family going became more intense for all of the mothers in this study; having sole responsibility for the day to day care of children without any back up was a big issue. Having to do everything alone without even a token offer of help from (ex) husbands was arduous for the mothers. In addition to being responsible for the normal everyday care of children mothers spoke about having to deal with issues over and above those associated with

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daily life, sick children and resettling elsewhere for example. Such findings are comparable to those found in other studies of divorce and separation (Moore, 2010; Moore, 2012b) as well as those looking at the experiences of lone parents (Millar et al., 2007; Millar et al., 2011; Crosse and Millar, 2015).

Aside from handling all such issues the majority of mothers found themselves having to sacrifice their own emotions for the sake of their children's relationships with their fathers. Belief in the importance of fostering the other parent's relationship with the child(ren) highlights how the majority of the mothers felt that their responsibilities were all inclusive when it came to the well-being of their child(ren) (see Chapter 6 Section 5.2).

All fathers were given access to children in the legal proceedings that followed separation; some in the form of joint custody and some in the form of access orders. (table ten Chapter 6 Section 3.2) presents participant's accounts of fathers' adherence to access arrangements. Five of the fifteen fathers maintained full access to children throughout all stages, five participated in sporadic access initially petering out to no access, one partook in no access initially changing to sporadic at a later stage and four of the five fathers disengaged completely with children upon separation and have remained absent. Ultimately nine of the fifteen fathers have no access with their children. With most other cases having what has been described as minimal contact (every second weekend for example). These findings are consistent with other studies in this area Moore (2012b) found high levels of father disengagement following separation in her 'traditional' marriage group, which she attributed to enduring gendered territories after separation as a continuation of the gendered contract that existed during marriage.

In addition to having responsibility for the full physical and emotional care of children, the mothers in this study spoke about feeling overwhelmed by what they perceived as forced financial responsibility for the household after separation. As presented in previous stories the role of financial provider had been transferred to the mothers in the majority of cases. Stories of financial responsibility illustrate the women's belief that the State has deposited this added weight on them through their non-intervention approach to maintenance enforcement; by placing responsibility for maintenance enforcement firmly at their door; as well as through the stringent

conditions attached to receiving State assistance, evident in the new activation of lone parents and demonstrating non-receipt of maintenance, placing the onus of proof on mothers.

The States non-intervention approach to maintenance enforcement was a major issue for the majority of the participants, as presented earlier 13 of the 15 participants in this study had problems with non-payment of maintenance. Research in this area suggests that that child support has the potential to alter economic outcomes for women and children (Cancian and Meyer, 2005). Despite such evidence, indications from other jurisdictions show that instances where maintenance is paid are low<sup>78</sup> (See Chapter 3 Section 3). Such failures have led to the creation of guidelines and practices to enforce maintenance orders. However, there are substantial variations in the characteristics of child support systems, with State guaranteed systems producing positive effects on one parent family poverty (Del Boca, 2003; Beaumont and Mason, 2014).

Despite the legal framework in place<sup>79</sup> to deal with the issue of maintenance in Ireland enforcement of orders remains a problem for the women in this study; who's only recourse was to initiate further proceedings to have payments enforced. The fact that women were made responsible for pursuit of maintenance was 'beyond endurance'. For those that did seek recourse through the courts, the arduous nature of the procedures involved; such as serving summonses<sup>80</sup>, seeking and (in some cases) paying for representation, as well as the long waiting period made the whole process difficult. Given the battles the women had to fight to secure maintenance, many had come to the conclusion that there was no point in pursuing the issue; 'even if you do go chasing through the courts you could be years trying to get it' (Sasha).

Stories of financial responsibility highlighted a quagmire in relation to maintenance payments and being in receipt of Social Welfare which has been acknowledged by Coulter (2007). Rates of Social Welfare payments are determined by income. Maintenance is counted as income and if there is a court order for maintenance that

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<sup>78</sup> With the exception of Nordic countries, particularly Sweden where 100% of maintenance is paid due to state guarantees.

<sup>79</sup> Laws pertaining to child maintenance in the Republic of Ireland are encompassed in several pieces of legislation which primarily include the Maintenance of Spouses and Children's Act, The Family Law Act 1995 and the Family Law (Divorce) Act 1996.

<sup>80</sup> Serving summonses was particularly difficult for those who had suffered from domestic abuse.

income is taken into account in the means assessment. Therefore those that possess a legal agreement pertaining to maintenance (14 of the participants) but are not in receipt of maintenance are charged with the responsibility of proving they are not in receipt of maintenance. This was an impossible task for many as they had no way to prove that maintenance was not forthcoming unless they approached their (ex) husband for written confirmation of this<sup>81</sup> ; ‘if they ask me I’ll just say I am giving you cash’ was one (ex) husband’s response to this request.

Stories of responsibility pertaining to after the legalities of dissolution were finalised reflect an unchanged position for all of the participants. Fulfilling everyday obligations, safeguarding children’s physical and emotional needs as well as facilitating paternal relationships and maintaining financial responsibility for the household are still fundamental aspects in the lives of this group of mothers. The fact that they are still in this situation of having total responsibility is even now a source of contention for many, consistent with other stories of separation experiences (Moore, 2012a; Moore, 2012b).

Overall mothers in this study do live up to their ‘role expectations’, indicative of the moral responsibilities highlighted by Doucet, (2015) (see Chapter 3 Section 2.1); but difficulty arises when they also have to take on the traditional father role which has been the case for many since the onset of separation. The crux of the whole issue of intimidation, constraint, uncertainty and responsibility lies in the perceived differences between mothers and fathers; which many of the women believe are inherent in Irish society and therefore pervade systems of government; the consequences of which are more deleterious for those who are of lower socio economic status due to their inability to fulfil such roles, seen also in other research by Tran (2011), who found that fulfilling responsibilities of an ex-spouse for those in her research study was a salient theme and presented difficulties. .

Findings from this study concur with results from Carbone’s (1994) research which suggests that even though the law recognises a clear continuing obligation to children, fathers bear relatively little of the post-divorce responsibility for child rearing, child maintenance awards do not begin to make up the differences, and

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<sup>81</sup> In a couple of instances CWO’s told the women that written confirmation from their (ex) husbands outlining that they were not paying maintenance was required to increase OFP.

compliance is poor at the levels awarded. Fathers maintain decision-making power without a corresponding role in responsibility; mothers continue to assume the primary caretaking role with less security and recognition.

The onus of responsibility was more distressing for those that did not have positive support networks; Structural barriers in terms of time between physical and legal separation and poor access to financial resources, as well as gendered constraints whereby the division of labour following separation were highly unequal, created a greater need for support from intimate and informal networks; consistent with other Irish research in this area (Moore et al., 2012). Some of the research evidence suggests that closeness and the informal involvement of grandparents are associated with reduced adjustment difficulties among grandchildren (Attar-Schwartz et al., 2009). Providing a sense of family and stability, assuming the role of peacekeeper as well as parental support are all identified mechanisms through which grandparents provide comfort and aid coping (Soliz, 2008). The utilisation and development of social support networks have consistently been proven to buffer the stresses that accompany divorce (Amato, 2000). Social support contributes to the well-being of custodial mothers in particular (Hilton and Kopera-Frye, 2004); as was the case in this study.

### **8.2.5 Stories of Difference**

Chapter 2 Section 4 has outlined how women, particularly married mothers were entrenched in roles of domesticity and care encompassing a dependent status and how such roles were created and maintained by the social and cultural milieu of that time. Evidenced in the constitution and backed by power of the Catholic Church. Such prescribed roles transcended into the structures of the State. What Connolly describes as the 'gender regime' was firmly embedded in the State's public policy system and was particularly evident in areas of Social Welfare, paid employment and law (Connolly, 2003).

The narratives of the participants in this study contain stories of difference which are embedded in the three stages of the separation experience. Despite gains made in the re-configuration of Ireland's gender regime and new reforms which represented a paradigmatic shift in the State's policy response to women (Connolly, 2003); which included legislative reforms and other measures that helped to bring about change for



## Chapter Eight: Discussion

the better in women's lives (Smyth, 1988), Irish attitudes towards gender equality remain traditional and conservative according to Inglehart and Norris (2003).

Numerous strong references to experiences of difference between genders in all of the stories told highlight how structural forces which are inherently part of the Irish cultural milieu such as attitudes and cultural norms are maintaining differences between men and women and mothers and fathers.

Many of the women spoke about differences being evident in society generally, particularly when it comes to family responsibilities in terms of roles and expectations between mothers and fathers. Inglehart and Norris (2003) maintain that Irish society demonstrates less egalitarian beliefs and attitudes about the appropriate division of sex roles among men and women consistent with the views of the women in this study. Numerous references to mothers being left with responsibility for households care and financial provision were common; as was the view that fathers could always walk away from families 'since time immemorial' with expectations being on mothers to fulfil caring roles with no option to do otherwise. Such views and experiences concur with findings from other research (Millar et al., 2007; Moore, 2010). Fathers not adhering to access arrangements in two thirds of the cases and minimal contact between fathers and children in the rest of the cases resulted in all of the participants in this study describing themselves as single parents.

Becoming a single parent in Irish society was particularly tough for the majority of the women. Fulfilling their own role expectations and the lack of expectations on fathers on the one hand and attitudes towards single mothers on the other was a common experience which was difficult for the women reconcile. The issue of stigma in relation to lone parenthood from an Irish perspective has been explored extensively (Bradley, 2013; Moore, 2011; Millar et al., 2007). Consistent with those studies; for the women in this study being welfare dependent and single mothers revealed another layer of stigma perpetrated specifically against those who are of a lower socio economic status; with public and media commentary being abound with the view of lone mothers as parasitic; which has seen a significant upsurge in recent times with debate over changes to the OFP at fever pitch Crosse and Millar, 2015; Holland, 2014; Browne, 2012; Millar, 2009; (see Chapter 2 Section 6).

## Chapter Eight: Discussion

Structural forces such as attitudes and cultural norms surrounding traditional views on marriage, differences between men and women and mothers and fathers were perceived by many of the women to be to be intrinsic in the operations of the State.

Experiences of the legal process were beset were perceived inequalities in terms of representation; about not having a voice in the court proceedings; descriptions such as ‘I was just a mammy, male dominated, little boys club, a circus and no one on my side’, dominated stories of court experiences highlighting a perceived differentiation between genders and consequent feelings of inequality. Such thoughts are similar to that of other women’s experiences of family law courts in other jurisdictions (Roberts et al., 2014; Vollans, 2010).

the absence of a ‘clean break’ model for all, in addition to the pre-requisite legislative standard of proper provision is according to Crowley (2011) contributing to a regime that depends upon sustained financial ties, and fails to regard spousal rehabilitation and independence as priorities. The reality of the legal process for many was that fathers automatically get recognition and respect from the courts in the form of rights without responsibilities. The issue of maintenance payments and the role of the courts emphasises a significant differentiation between genders when it comes to the States view of parental responsibilities according to the majority of women in this study. The issue of an unequal power balance post separation was thought to be as a direct result of the courts non-intervention approach to ensuring responsibilities are met as ordered in agreements made; consistent with international research (Carbone, 1994); who maintains that he culmination of high rates of mother custody combined with low levels of support results in a shift in responsibility from parents to mothers. This responsibility is more deleterious for poorer mothers. Lower level employment opportunities due to barriers and consequent lower levels of earning capacity; highlighting a quagmire in relation to fulfilling such responsibilities as was the case for participants in this study.

It is not just in the legal system that differences and inequalities exist; according to the women in this research this problem extends to the DSP. Rules and regulations surrounding receipt of OFP was singled out as perpetuating inequality; specifically in relation to having to prove that action for maintenance has been undertaken in the initial stages of separation and then having to prove non-receipt of maintenance

payments subsequently. All onuses are on mothers to ensure that procedures are followed in order to financially provide for their children. In addition changes to OFP in relation to both activation and earning disregard limits (see Chapter 4 Section 4) highlight a move away from the traditional breadwinner model and emphasise an earner strategy typology (Misra et al., 2006) which posits; that both genders are equally invested in the labour market. The policy intent is to increase women's participation in the labour market. However, work/family imbalances are high and there is little State support for childcare, creating significant barriers to employment and education, particularly for those parenting alone (Millar and Crosse, 2014; Crosse and Millar, 2015; Millar and Crosse, 2015).

Women have more interrupted work histories prior to divorce, experience greater work-family conflict (Amato, 2000) and are more likely to experience employment and wage discrimination due to the depreciation of what Poortman (2000) refers to as human capital investments. All of which have a significant effect on labour market attachment and participation for women in this situation

Lewis (2002) states that what we are seeing here is a recasting of the traditional male work/welfare model, from 'passive' to 'active', with the stress on responsibilities rather than entitlements, and its generalisation to women, however if we broaden this view to take account of the concept of women's citizenship, it reveals different aspects of the relationship between women and the State; particularly in terms of the shifting rights and obligations of earning and caring responsibilities and the right to individual autonomy (Skevik, 2005). The traditional female life course centered on child rearing that was compelled by State and society historically is being eroded and replaced with an obligation on women to assume two roles that of earner and carer. Ultimately we are moving from a situation where citizenship was conceptualised as a set of rights, where women's rights were allocated on the basis of care work, to a situation where citizenship is conceptualised as duties and participation (Skevik, 2005); and nowhere in either stance is a woman's right to individual autonomy or fathers responsibility considered. Emphasising the continuing marginality of women by the State despite progress made in areas of equality and recognition of diversity; similar to that referred to by Carbone (1994).

### 8.3 Summary

Overall Irish mother's experiences of marital dissolution for the participants in this study are fundamentally linked to differences and inequalities between genders. Such differences are inherent in the Irish cultural milieu particularly when it comes to family responsibilities and role expectations between mothers and fathers. Furthermore such inequalities are integral to the structures of the State and are particularly evident in areas of Social Welfare and law (see Chapter 2 S 5).

Fundamentally these differences and inequalities are more pronounced for mothers who are of a lower socio economic status. The role of primary care giver and household labour has according to Steiner harmed women as such labour is unpaid and unrecognised in law. Poortman (2000) highlights the post-divorce situation for women and maintains that while women in the main still have overall responsibility for children they can no longer rely on the income contribution of husbands. This is in addition to the fact that childcare issues and career interruptions have already resulted in disadvantage in terms of availability and capability in the labour market. Identified elsewhere as a 'cycle of vulnerability' (Okin, 1989) (see Chapter 3 Section 2.1). In addition these issues are compounded by a lack of adequate provision by existing systems to enforce paternal responsibilities; evidenced in systems of law as they pertain to child maintenance and in systems of Social Welfare in terms of payments to lone parents and rules and regulations attached to such payments. All of which highlights how poorer women face more deleterious consequences at the time of separation due to insufficient funds to retain effective legal representation and thereafter due to their dependence on welfare which are all examples of the continuing marginality of separated/divorced mothers.

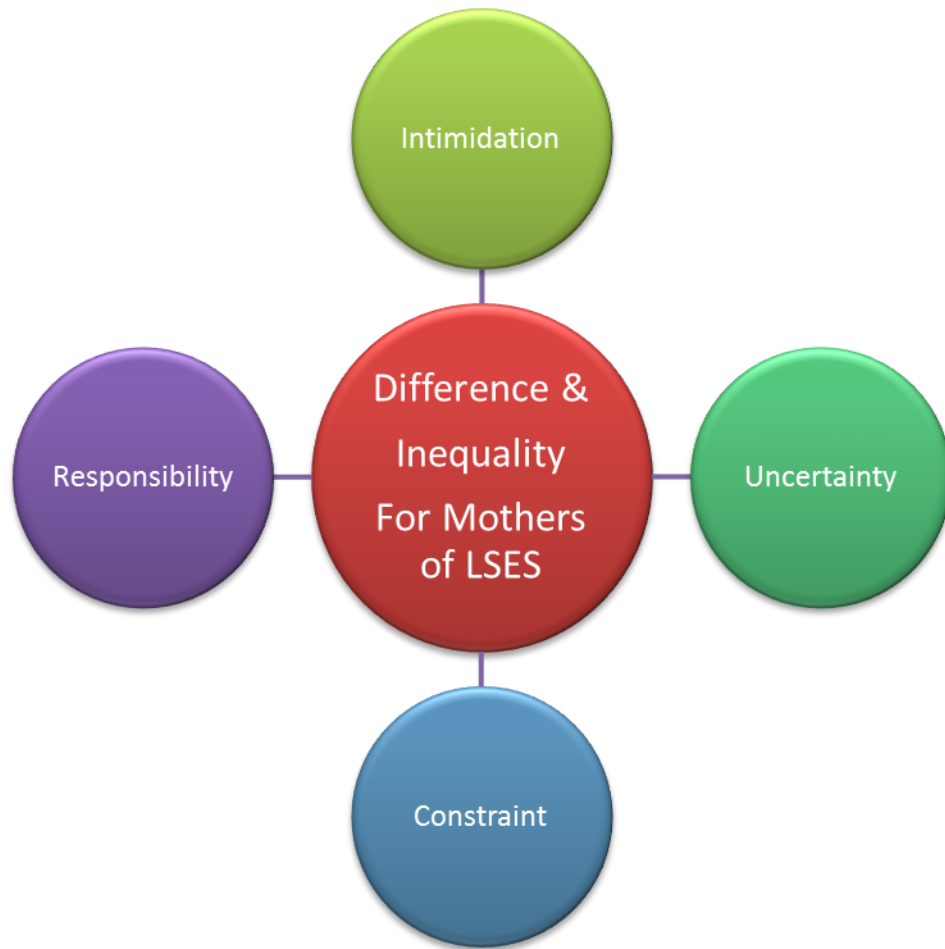


Figure 3 Irish Mothers Experiences of Separation and Divorce for Those of a Lower Socio Economic Status

## 8.4 Service Provision

The second objective of this study was to examine the provision of Irish services to mothers in situations of separation and divorce. The VCRM focus on the relational aspects of the participants' narratives and how they perceive those relationships, as well as the depth provided by examining the different voices used, facilitates this objective. Experiences of services accessed are encompassed within the stories told in the previous section. Presented in this section is an overview of the services accessed throughout the three stages of the separation experience. These experiences identified a number of issues with certain services, specifically those that pertain to the legal process and the Social Welfare. This section will examine those issues and

will highlight how the research has identified existing mechanisms that may address these issues if implemented appropriately.

### **8.4.1 Services Accessed**

The findings show that there was limited utilisation of both State and voluntary services before separation, which generally pertained to protection and mental health; in terms of the utilisation of the legal system to obtain some form of protective orders against abuse, in addition to the utilisation of domestic violence services provided by charity organisations. Services provided by the HSE featured prominently during this time; psychiatric and mental health services as well as GP services were all accessed by some of the participants at different periods prior to separation.

The second stage of the separation experience showed a large increase in the use of both State and voluntary services. State services accessed during this period include, courts, legal aid, mediation, Social Welfare, Housing and Education, as well as services provided by the HSE and MABS. Services provided by voluntary/charity organisations included; alcoholics anonymous, citizen's information, domestic violence services, St Vincent de Paul and other services targeted for specific needs.

The third stage of the separation experience, after legalities were finalised, highlighted the continued use of services provided by social institutions such as courts/legal services, Social Welfare. There was a significant decrease in the utilisation of voluntary services at this stage with almost no access to such services being spoken about during this period.

### **8.4.2 Issues with Services**

As is evident from the above overview there were a number of services accessed by the participants throughout all three stages of the separation experience, depending on changing needs over time. All services provided by voluntary/charity organisations were perceived positively with those provided by the State receiving a more negative endorsement particularly those associated with the legal process and those provided by the DSP and Housing. This section will discuss the major issues identified, namely the fragmentation of services, issues with service personnel, difficulties with the legal process as well as with elements of the legislation

pertaining to marital dissolution. This section will also highlight how these issues may be addressed by drawing on the literature reviewed previously.

#### **8.4.2.1 Fragmentation of Services**

An underlying issue with all services accessed was the singular nature of those provisions. The issue of fragmented non-cohesive services was highlighted by the majority of the participants in this study consistent with other Irish research see (Millar et al., 2007). The sheer complexity of trying to negotiate the system of supports in all its guises was a major issue for the women; with a dearth of information, personalised support and qualified advice all being particularly problematic.

At the time of the interviews with the participants of this study; there were 106 family resource centres in operation in the State, as well as numerous other voluntary and charitable organisations providing services for families connected to the Family Support Agency (FSA) (see Chapter 4 Section 5). However, very few of the participants in this study had heard of the FSA and fewer still had utilised any of the services associated with its operation. Many of the participants highlighted the difficulties they had in determining where they could get help; several admitted that they were only able to access services after receiving information from their informal social networks.

Even after accessing services many found that they were being ‘pushed from pillar to post’ by statutory agencies in particular; whereby they had to go from one service to another, located in different areas and opened at different times, often repeating their story and/or submitting the same paperwork over and over. Compounding this problem was the propensity of staff to be unwilling or ambiguous about providing information on available benefits and supports.

Overall the onus seemed to be on the women to find out what services were available to them. While citizen’s information (see Chapter 7 Section 2.2) did go some way assisting with this process the general view was that there was no more information over and above what you could find yourself on the internet. Even though the service was ‘useful’, information provided, tended to be basic with staff not having extensive knowledge on any given subject. Often resulting in being referred to

individual departments and organisations to obtain the exact information required; returning to the pillar to post situation described earlier.

As is apparent in chapter 4 section 5.3 there has been explicit commitments to the development of family support services since the 1990s and renewed focused on reform and consolidation of child and family services; evidenced in the re-launch of the FSA as Tusla in January 2014; highlighting an existing framework that could deal with some of the issues experienced by the women in this study. However, while the realisation of Tusla's goals may reduce fragmentation, whether or not these changes will fill the gap in existing services in terms of a lack of information, personalised support and qualified advice, identified by the participants in this study as well as elsewhere see; Millar et al., 2007; Cavan Lone Parent Initiative, 2007 remains to be seen.

### **8.4.2.2 Relations with Personnel**

The experiences of statutory service use by the women, particularly those that pertained to the DSP are characterised by poor personal relations and a lack of sensitivity about the needs of mothers as well as a lack of empathy for their situations. As seen in stories of intimidation, experiences of dealing with State representatives were unpleasant, intimidatory and traumatic for some. Despite the existence of customer charters in all statutory organisations, which highlights a commitment to ensuring a customer service ethos throughout all government organisations, this ethos has failed to materialise at the front line of service provision. As seen in Chapter 7 Section 3.3 there is a distinct 'them and us' separation between service providers and service users. Such services were not viewed by the participants as being a service for a customer rather they were seen as means of perpetrating humiliation and indifference; which had to be endured in order to secure the assistance sought. This is in direct conflict with the fundamental principles of customer charters. Findings from this research show that the commitments outlined customer charters (see Chapter 4 Section 5.1) are not being met by frontline staff in the majority of cases studied. If such commitments were adhered to then the experience of dealing with such institutions would be significantly improved for women in similar situations.



### 8.4.2.3 Issues with Legal Services and Problems with Legislation

There were a number of areas within the realm of family law that were flagged by the participants as needing review based on their experiences. This section will look at the current practice in those specific areas to identify possible solutions to these issues. Problems of perceived inferior representation, variations in family law expenses and the perceived lack of available information on precedent in separation and divorce cases will be explored. In addition, difficulties around child maintenance and parental responsibility, as well as the four year rule that underpins divorce legislation in Ireland will also be examined.

There was a commonly held perception among the participants that legal aid representation was inferior to that which was privately paid, encompassing this, was the view that in some cases participants felt that they were not represented appropriately.

Recent changes to the in camera rule which were implemented under the Courts and Civil Law (Miscellaneous Provisions) Act (2013) (see Chapter 2 Section 2.2) will lift the veil of secrecy under which family law has operated and will allow for the first time scrutiny around the conduct of legal professionals in cases of family law. The inception of the in camera rule and its rationale is contained within Chapter 2 Section 2 of this study. Aside from changes to the in camera rule there are policies in place to ensure proper conduct within the realm of the legal aid. The Law Society of Ireland's guide to good professional conduct for solicitors provides a statement of the accepted principles of good conduct and practice for solicitors (The Law Society of Ireland, 2013). Contained within the guide is a clear expectation that solicitors' maintain good conduct and professional standards in all cases (see Chapter 4 Section 6.1).

Connected to the issue of representation is the problem of costs, there is considerable variation in family law expenses which seems to be dependent on jurisdiction (Coulter, 2007). In addition there is a significant amount of ambiguity around legal fees and an absence of exact total costings was evident in the stories of participants who utilised the services of privately paid solicitors. This ambiguity extends to the

Law Society's information in relation to legal fees, (The Law Society of Ireland, 2013). (see Chapter 4 Section 6.1) Reflecting this is Coulter's (2007) recommendation to the board of the Courts Service that the Law Society and the Bar Council should consider whether their guidance on fees is appropriate for family law.

The *in camera* rule has resulted in a dearth of research in the area of family law in general and has coloured the public view of the family courts as information is based on hearsay, rumour and ill-informed commentary (O'Shea, 2013). Restrictions on the public scrutiny of the administration of justice is always a risk to justice according to McCormack (2000) and the lack of scrutiny and information on precedent in family law has created a real sense of unease and uncertainty around such cases, as seen in the stories of the women in this study. Calls for changing the practice of absolute secrecy in cases of family law have increased over the last number of years. Arguments for such changes have centered on concerns for the maintenance of professional standards due to the unlimited and arbitrary power of judges and lack of scrutiny around the conduct of legal professionals involved in such cases. Judicial roulette and personality traits are intrinsic to outcomes of family law cases according to some commentators (Government of Ireland, 1998). All such issues were highlighted in this study particularly in stories of constraint and uncertainty.

Changes to the *in camera* rule have occurred subsequent to the participants experiences of the legal process, the introduction of such changes may go some way to alleviating future fear and uncertainty such as that which was felt by the participants in this study; as well as reducing the 'unknown' entity of family law proceedings and may even give rise to more consistency and transparency in judgements made and ensure that all voices are heard, all of which remains to be seen.

### **8.4.2.4 Child Maintenance and Parental Responsibility**

Problems with representation among other constraints directly affect issues pertaining to child maintenance payments. Previous experiences with representation reduces the pursuit of maintenance through the courts; perceived lack of proper representation, waiting times and the failure of the courts to enforce orders are symptomatic of the experiences of the women in this study.

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Legislation covering child maintenance in the Republic of Ireland is outlined in chapter 4 Section 6.2.1. As seen previously the underlying mandate in Irish divorce legislation is that ‘proper provision’<sup>82</sup> be made for spouses and children of the marriage, which has been regarded as the central and sole objective of the divorce remedy in Ireland. The calculation of what constitutes proper and appropriate maintenance in each case is ultimately left to the court to decide (see Chapter 2 Section 5). While amounts awarded to the women in this study were not substantial (see table eleven Chapter 6) the real problem issue pertained to the non-payment of maintenance and the procedures to be followed in the event of such an occurrence. Despite the creation of practices to enforce maintenance orders<sup>83</sup> findings from this study show a high rate of non-compliance consistent with other jurisdictions (see Chapter Sections 3.3.2/3).

Encompassing this issue is the problem of maintenance as it pertains to Social Welfare payments. As is evident in stories of responsibility the onus for pursuit of maintenance is allotted to mothers, particularly in cases where there is a reliance on State assistance payments, namely OFP. According to Shannon (2005) eligibility for the one-parent family allowance requires that the divorced spouse makes appropriate efforts, to obtain maintenance from the other spouse. He goes on to say that OFP payment is guaranteed and the recipient is not left in the precarious position of trying to pursue a reluctant ex-spouse for maintenance.

However, findings from this study show that awarded maintenance payments are counted as means and the rate of OFP is reduced to account for those means particularly in the early stages of separation. It is only after proof of consistent non-payment is produced that rates will be revised appropriately and time frames for this are inconsistent. In addition, proving non-payment is difficult in situations where payments are not made by way of the district court office or via financial institutions. In cases where there was no way to prove non-payment, women were asked to seek written confirmation from ex-spouses that they were not paying maintenance. Often leaving women in a situation whereby the only form of recourse open to them is a return to the family court and as was evident in stories of responsibility many viewed

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<sup>82</sup> See Article 41.3.2 of the Constitution and section 5 (1) of the Family Law Divorce Act and Chapter 4 Section 6.2.1.

<sup>83</sup> Attachment of Earnings Order see Chapter 4 Section 6.2.1

this as futile; especially in cases where attempts at enforcement were previously made.

Section 285 of the Social Welfare (Consolidation) Act (1993) provides that a person shall be liable to maintain their spouse and children in cases of marital dissolution/separation. In addition under the act the DSP can make an application to the District Court if the ‘liable relative’ fails or neglects to make the required contribution<sup>84</sup>. This legislation coupled with statutes allowing for attachments of earnings<sup>85</sup> as well as the mandate of proper provision in divorce law all highlight that there is already a body of law that could remove the onus of responsibility to pursue maintenance from mothers (as is the case in this study) and simultaneously compel fathers to fulfil their parental responsibilities at least in terms of their financial obligations. The Children and Family Relationships Act (2015) is the most recent attempt by the Irish government to provide legal clarity on parental rights and responsibilities in situations of diverse parenting (see Chapter 4 Section 6.2.2). It is evident from the implementation of such legislation that there are further attempts to both clarify and enforce parental responsibilities both in terms of financial provision and access. It remains to be seen however whether this legislation will be any more effectual than that which already exists.

### 8.4.2.5 The Four Year Rule

The four year rule whereby a divorce can only be granted in cases where spouses have lived apart for four of the preceding five years is a significant element of divorce law in Ireland (see Chapter 2 Section 2.1). This conditionality was perceived by a number of the participants to be constraining and impoverishing women in situations of separation. Many were of the view that the four year rule contributed to financial hardship at the time of separation, due to the fact that finances were tied up and there was no closure on this issue and in order for this difficulty to be resolved people in situations of marital dissolution have to pay twice, firstly at the time of separation for a separation agreement and secondly at the time of divorce.

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<sup>84</sup> (2) where “*the liable relative*” fails or neglects to contribute, the competent authority may apply to the District Court for an order directing the liable relative to make such contribution towards the benefit or allowance.

<sup>85</sup> See The Social Welfare (Consolidation) Act 1993 Section 287

While the Brussels IIa regulation introduced in 2005 (Chapter 2 Section 2.2.1) may be a complex way to avoid this rule, in the sense that a person must be residing in another jurisdiction for a minimum of a year to obtain a divorce, the existence of such legislation is reflective of what Shannon (2005) describes as Europeanisation of Irish family law and may be evidence of changes to come, in terms of a cohesive European model of law, which may lead to changes in the different models of family law in European countries.

### **8.4.2.6 Housing**

As seen in Chapter 4 Section 5.1 the provision of supports in the area of housing encompasses a number of schemes available to all those on low incomes. The issue of housing security was however a problem for some of the participants in this study. Traditionally the family home was seen as central to the preservation and protection of family unit upon separation and was seen as fundamental in maintaining the unity and security of the family. However, more recently family homes came to be viewed as a considerable financial asset according to Mahon and Moore (2011) with its retention by one or other party no longer being privileged in the family courts. Orders made for family homes to be sold and equity divided has left some mothers who have physical custody of children in precarious situations. Equity achieved from the sale of the family home was insufficient to buy elsewhere and was in breach of income limits allowed to qualify for State housing support.

The Affordable Homes Initiative (2003) (see Chapter 4 Section 5.1) is a possible solution to this issue whereby those with limited means could purchase a property with the assistance of the housing services. Even though this scheme was abolished due to funding difficulties during the economic recession in 2011, the re-instatement of this scheme could address some of the issues around housing and divorce.

## **8.5 Summary**

Findings from this research show that the patchwork development of services in Ireland (see Chapter 4 Section 5) has largely failed to keep pace with changing family demographics. What is evident and reflective of the overall service approach to lone parents is that there is an inherent practice whereby responsibility for accessing, engaging and maintaining workable relationships with services is that of

mothers, regardless of their level of agency, know how or circumstances. In addition this section has highlighted that services provided by statutory institutions are particularly inept at dealing with the issues faced by this cohort. This is despite the fact that the literature shows that there are mechanisms already in place that could deal with a number of the issues identified by the participants in their experiences with services. By implementing existing guidelines, frameworks and legislation and by reinstating schemes previously abolished, statutory service providers would be better equipped to meet the needs of those experiencing marital dissolution.

## 8.6 The Irish social policy approach to Mothers

This section will examine the Irish Social Policy approach to mothers to assess whether the approach identified is meeting the needs of the mothers in this study. Given that a county's approach to policy is rooted in particular historical and institutional circumstances as well as in normative ideologies, reading four of the VCR method was particularly suited to facilitating exploration of this area. By focusing on the perceived impact of broader social, political, structural and cultural contexts on the participants' experiences, the analysis was able to examine how changes in such contexts over time influenced the Social Policy approach to this group.

Previous chapters in this thesis have identified how Irish mothers have been defined throughout the course of the history of the State. Socialisation and ideology has been a key component of the treatment of Irish mothers over time; enforced by the influence of the Catholic Church (Chapter 2 Section 4). All such influences were significant in shaping the Irish constitution which enshrined the position of women in Irish society as being confined to the private realm of the family and espoused their roles as homemakers<sup>86</sup> (Ireland, 1942). As De Valera himself explained during debate over the adoption of the 1937 constitution,

“women would most generally be ‘supported by a breadwinner who is normally and naturally in these cases when he is alive, the father of the family ... able by his work

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<sup>86</sup>

2 1° In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.

to bring in enough to maintain the whole household” (De Valera 1937 cited in Adshead and Millar 2003).

As seen in Chapter 4 Section 4 a country’s approach to social policy is generally considered in terms of the type of ‘welfare regime’ or ‘welfare model’ adopted; such models and regimes are rooted in particular historical and institutional circumstances as well as normative ideologies which influence their design (Baker, 2006; Thévenon, 2011). Ireland has been classified as a traditionally non-interventionist State, with an implicit approach to family policy which reflects a set of assumptions, ideals and images about the family as well as family/state relationships underlying such policies according to Fahey, (1998).

Ireland traditionally espoused different models of citizenship for men and women based primarily on the sexual division of labour (Fahey, 2003); along with the influence of the Catholic Church as well as the entrenchment of strong ideological currents that exalted women’s roles as homemakers. Feminist analysis of policy emphasises the importance of gender, family and caregiving as explanatory tools in understanding welfare regimes, social policies and their outcomes according to Lewis, (1997). The examination of the Irish social policy response to married and lone mothers in this research (see Chapter 4 Section 4) has been performed in consideration of both the feminist approach to this study and the use of gender as an organising concept.

As seen in Chapter 2 Section 4 gender inequality and difference underpin the Irish social policy system since the beginning of Social Welfare provision in the nineteenth-century; which was inherited from the UK under poor law. Tracing the development of Irish social policy as it pertains to Social Welfare and Law revealed how women were defined by their legal relationship with a man.

In relation to Social Welfare, all acts and legislation introduced in the post war welfare State highlights the treatment of women as homemakers (Conroy Jackson, 1993) and are examples of how women’s marginality was continually perpetuated within the Irish system of Social Welfare; as all supports were based on assumptions and prescriptions of women’s dependency on men and marital status was a way of managing and differentiating between women (Yeats, 1997). The acknowledgement of women as individuals in their own right while welcome with the introduction of

women's benefits in the 1970's, was, according to some a way of replacing marital status for motherhood as a way of managing women (Yeats and Stoltz, 1995) (See Chapter 2 Section 4). This was effectively a wage for house work and childcare which was introduced as an incentive for mother's to stay at home, keeping them away from the labour market<sup>87</sup>. Such benefits were recognition of deserving women only, in situations where the male breadwinner no longer fulfilled the role of financial provider in cases of desertion or death. In their attempt to dismantle unacceptable forms of discrimination the State succeed in introducing new processes and ways of differentiating between and discriminating against women (Yeats and Stoltz, 1995; Yeats, 1997).

“Many state benefits *did* exclude ‘non-working’ wives and ‘non-deserving’ women and clearly social policy was designed to perpetuate a ‘vision of the role of woman in Irish society as a full-time wife and mother in an indissoluble marriage, having a preference for ‘home duties’ and ‘natural duties’ as a mother” (Scannell, 1988, p.125).

The personal is political is a core premise of feminist thought in relation to the family (Hanisch, 1969) and was intended to highlight the fact that power in the private realm of the family was legitimised by the States non-intervention ethos. However, what Connolly describes as the ‘gender regime’ was firmly embedded in the State's public policy system since its inception (Connolly, 2003), highlighting how the family is not an isolated unit but an integral part of the overall social system (Nicholson, 1997).

The States position on women in employment was defined by the same attitudes to gender that shaped the views of the State elite on marriage according to (Connolly, 2003). Many restrictions on women's employment since the foundation of the State until the 1960's enforced women's roles of domesticity within the private sphere of the family and their dependency. The Commission on the Status of Women along with obligations imposed by the EEC heralded a change in married women's employment status, which had trebled by the end of the 1980's, highlighting how the altering of the States gender regime had impacted on the roles of Irish women. (NESC, 1991). However, equality policy from the 1970's was framed in an understanding of equality as an absence of prejudice or discrimination and was not

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<sup>87</sup> This is in reference to the introduction of women's benefits see Chapter 2 Section 4



about equal outcomes, therefore employment conditions and rates of pay still lagged way behind those of men (See Chapter 2 Section 4).

Examination of the law as it pertained to women historically also reveals the socially inferior position of women in Irish society and their dependency on men. Irish law has, since the formation of the State afforded legal status and protection to families based on marriage and within that, the status of husbands was inherently superior to that of wives, justifying Scannell's (1988) assertion that Irish law has traditionally treated women in a prejudiced and unequitable manner. The late 1950's saw some of the more obvious manifestations of gender inequality in law began to be redressed, which accorded some measure of equal treatment for female spouses (Galligan, 1999). However, the issue of domestic abuse remained a private family matter until the mid-1970's where women were afforded some protection, with more feasible measures being introduced in the 1980's (Chapter 4 Section 7).

Many theorists have considered the effect of the State's gender prescription on the behaviour of the population. The ideology of motherhood which has been the core premise of social policy since the foundation of the State has socialised the population through tacit values and ideals and has motivated them to perform gender related activities, which have resulted in gender roles becoming culturally fashioned (Coltrane, 2000) (see Chapter 3 Section 2). What is evident through the examination of the traditional Irish social policy approach to mothers is that women generally and mothers in particular were bound by constraints, compelled to take responsibility for all care and domestic work, intimidated via cultural norms and expectations, which also allowed the perpetuation of domestic abuse and generally lived in conditions of uncertainty, particularly in situations where they were in violation of cultural ideologies and social norms, as was the case for those who did not have the protection that the status of marriage commanded.

The prevalence of Catholic social teaching has generally been regarded as having the most far-reaching and persuasive influence on the traditional role of women in Irish society; in that it prescribed that the natural function of women was to be wives and mothers with significant emphasis being placed on high ideals and moral virtue (Beaumont, 1997) and the effects of religion on attitudes towards marital dissolution are well known. Religiosity can and has exerted a persuasive influence over social

norms and behaviours in Ireland, a situation which is described as a ‘hegemonic grip’ (Inglehart and Norris, 2003 p.48). (see Chapter 2 Sections 2 and 6). If you consider stigma in the micro sense to be a negative public attitude towards a person who possesses an attribute that falls short of societal expectations, whereby stigma is defined as “an attribute that is deeply discrediting” which reduces the bearer “from a whole and usual person to a tainted, discounted one” (Goffman, 1963 p.3); then evidently women in Ireland traditionally were bound by role expectations, societal values and cultural ideologies.

The 1990’s in Ireland was an era of unprecedented change, attributed to unparalleled economic growth, as a result of an improved global economy, successful social partnership, the benefit of EU structural and cohesion funds as well as the decreasing need for reliance on social services. Consequently there was greater attention to the unmet needs of disadvantaged groups in society, which was of paramount consideration during this period, particularly with what has been described as the ‘politicisation of disadvantage’<sup>88</sup> (Considine and Dukelow, 2009). Central to this was the equality agenda, which refers to the pursuit of recognition and equality for all individuals and groups in society. There was, at this time an acknowledgement that significant changes were required to keep pace with shifting public perceptions as well as the changing circumstances of the citizens (Chapter 4 Section 4). The findings from this research show however, that despite such changes, alterations in social policy and social attitudes since the 1990’s are still perpetuating difference and inequalities between genders in the first instance and between groups of women in the second instance.

The most significant changes to occur in the area of social policy in recent years pertain specifically to Social Welfare and employment. There has been a shift from passive to active labour market policies; whereby there is move away from the traditional male breadwinner model of labour market participation to an adult worker model. This shift places expectations on lone mothers, to be active in the labour market. This move is a change from the maternalist policy model where women were expected to stay at home full time with their children and eschew employment, to

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<sup>88</sup> The entry of disadvantage onto the political agenda as a very real issue that needed to be addressed in a systematic and structured way.

one where women are increasingly expected to enter the labour force (Orloff, 2006; Oireachtas Library and Research Service, 2007). The dominant political discourse informing welfare reform is one which values paid work above caregiving and pushes towards a model of citizenship based on market employment. In this discourse the premise of sole mothers as primarily carers is completely eroded. Mothers, if not partnered, are now defined as employable and subject to the same work-enforcing policies as men (Walter, 2002).

However, the implications of such are not the same for all categories of women; chapter one has highlighted the diversity of the lone parent profile in Ireland. Differing levels of education, possible low levels of previous experience and gaps in labour market participation as well as losses in social capital are all impediments to obtaining suitable employment that would enable mothers to financially provide for their children. Substantial barriers exist to lone parents participating in the labour market not least of which are their caring responsibilities; whereby single mothers have half the adult time resources available to fulfil both roles (Craig, 2005; Millar et al, 2007; Crosse and Millar, 2015).

This is particularly the case when the concept of parental responsibility is considered to be more than just caregiving tasks and encompasses a wider set of multipart processes of care, which have been described as emotional, community and moral responsibilities, such a description allows for the complexities of parental responsibilities to be revealed according to Doucet, (2015) (see Chapter 3 Section 2.1). Despite changes in gendered divisions of care-giving and breadwinning across many countries in recent years, research shows that there is an outstanding stability in mothers' responsibility for domestic work and children (Berk, 1985; Kan et al, 2011). Studies in this area highlight that care in all its guises is still overwhelmingly the responsibility of mothers in married families. However, less is known about the division of labour in different family structures such as single parent households. An implicit assumption in much of the literature in this area is that family structure is stable, despite high rates of family dissolution and the prevalence of diverse family forms (Perry-Jenkins et al, 2013) (see Chapter 3 Section 2.2).

This research has shown that mothers' responsibilities in situations of separation and divorce are all encompassing Chapter 6 Section 6.5 highlights how the concept of

care is more than just caregiving tasks directed at children. Caring for the physical and emotional needs of the children, dealing with the fall out of separation, having an added responsibility for protection in situations of domestic abuse and maintaining familial, personal, professional and community relationships are all included in stories of responsibility articulated by the women in this study.

There is a paradigmatic shift in the direction of Irish social policy at present, which is compelling Irish lone mothers to maintain a dual burden in terms of care and financial responsibility (Chapter 4 Section 4) for children, which is evident in the move towards the market employment (Orlaff, 2006), earner welfare regime typology postulated by Mirsa et al (2007) (see Chapter 4 Section 4). This obligation on mothers to maintain a dual burden is also evident in the legal system which is also enforcing such roles. The financial responsibility of absent parents after couples with children have separated is a matter of continuous and contentious debate with clear implications for resident parents (Culliney et al., 2014).

The failure of the courts to enforce the financial responsibilities of non- resident parents by placing the onus for enforcement on women is a clear indictment of difference and inequality between mothers and fathers in terms of fulfilling parental obligations. This situation must be considered alongside recent cuts to and problems regarding legal aid, effectively prohibiting many poorer mothers from accessing the courts or having their voices heard (see Chapter 6 Sections 3 and 5).

In addition the practice of placing the onus of responsibility for obtaining maintenance on mothers is inherent in the system of Social Welfare, where claiming OFP is predicated on having sought and continuing to seek resolution on issues of maintenance. This is despite the existence of legislation that allows DSP can make an application to the District Court if the 'liable relative' fails or neglects to make the required contribution (see Section 4.2.6 this Chapter). In both cases there is no understanding of issues of domestic abuse; in that, such practices are placing women in extremely precarious situations; despite strong evidence which suggests that domestic abuse in personal relationships can continue long after relationships have ended (Women's Aid, 2012); and evidence which maintains that non-payment of maintenance is a form of economic abuse (Vollans, 2010).

## Chapter Eight: Discussion

In addition to obligating lone parents to financially provide for children, examination of legal policy highlights how caring obligations of non-resident parents<sup>89</sup> are not enforced. Despite the fact that under Irish law married parents of a child are automatically joint custodians of their child (see Chapter 4 Section 6.6.4) and as such, both are obliged to care for their child(ren), findings from this research show that no such obligations are being met by the majority non-resident fathers spoken about in this study (see Chapter 6 Section 3.2). The research conducted for this study found that the legal process had no policy for enforcing non-resident parents caring obligations, highlighting a policy within the legal system of affording rights without responsibilities (see Chapter 6 Sections 3 and 5).

In addition to the legal system not enforcing the caring obligations of non-resident parents, examination of the taxation system shows a different ethos towards the caring obligations of lone parents and married parents. The Home Carers Credit is a tax credit available for married couples (or civil partners) where; one spouse (the 'home carer') works in the home caring for one or more dependent persons, i.e. a child for whom they are entitled to child benefit from the DSP (up until the child 18 if in full time education) (see Chapter 4 Section 4). This emphasises how policy imposes differential treatment on one parent families in comparison to married families. One parent families are now obligated to work when their youngest child turns 14 and must engage with employment activation services if their youngest child is between the ages of 7 and 14, regardless of their caring obligations.

This type of obligatory approach to employment has been labelled elsewhere as behavioural policy (Haux and McCay, 2014); whereby the payment of income support is conditional upon certain behaviours. In the Irish case it is the behaviour of the one parent that is scrutinised. The fact that in the Irish activation programme no conditionality for maintenance exists while resident parents are claiming a job seekers allowance (Millar and Crosse, 2015) emphasises this. Seeking maintenance is not a requirement for those on Jobseekers Allowance, highlighting an inherent difference in attitudes towards two lower socio economic status groups those that are specifically labelled as lone parents and those that are jobseekers; indicating a strong moral rhetoric about responsibilities and statuses in Social Protection policy.

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<sup>89</sup> Fathers form the overwhelming majority of non-resident parents in Ireland.

## Chapter Eight: Discussion

For some commentators it is this type of moral rhetoric that is responsible for the changing social policy approach to lone parents. Monaghan et al, (2013) maintain that single mothers have been a significant target for vilification since the collapse of the Celtic tiger in 2008 and have been used as scapegoats to justify post boom cuts. In fact politicians at the highest level of society have actively propagated a view of lone parents as being promiscuous women “who do not accept their responsibilities”, which is creating “a new lifestyle of welfare economy” which is “morally and socially wrong<sup>90</sup>”; but no such moral rhetoric exists when it comes to the responsibilities of fathers (see Chapter 2 Section 6).

Society’s attitudes towards women’s roles and gender equality in the area of care remain traditional (Inglehart and Norris, 2003). As evident in stories of responsibility and stories of difference normative expectations around women’s roles are constraining for all of the participants of this study, the majority of who maintain full responsibility for the care of the family unit. Yet despite fulfilling such role expectations they experience a significant amount of stigma due to their ‘single mother’ status.

This type of stigma is particularly prevalent for those who are dependent on Social Welfare as a means of survival. The current recessionary climate and consequent austerity measures make this group particularly vulnerable to stigma, evident in the consequent labelling and stereotyping which have occurred, seen in recent media commentary around this group as well as political reaction at the highest level (see Chapter 2 Section 6). The recent focus on one parent family policy and consequent activation measures I would argue is central to the dissemination of that stigma; lone mothers continue to be defined as a social problem or threat because of the stereotypical view that they are perpetuating a culture of dependency or generating a social underclass (May, 2010).

There is a distinct lack of focus on non-resident parent’s responsibilities within this policy framework. Despite the fact that both (previously married) parents have equal rights in relation to the children of the marriage, it seems to be a situation of rights without obligation for many; which was highlighted in the findings of this study. The

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<sup>90</sup> According to a view that was advanced in Dáil Éireann by Fine Gael TD Derek Keating see Browne, C. (2012).

continuation of the traditional female life course centered on child rearing which was/is compelled by the State and society is being extended with an imposed obligation on women to assume two roles that of earner and carer. If this is the response to lone parents at the very highest level of Irish society, it stands to reason that this ethos will permeate all facets of the populace. Therefore, until there is a change in attitudes in the political arena in terms of policy and legislative leadership on these issues, social attitudes towards lone mothers will remain the same. This view is substantiated by Pescosolido and colleagues (2008) framework integrating normative influence on stigma (FINIS)<sup>91</sup>, who maintain that examining stigma from a macro perspective suggests that it is the quality and nature of interaction from macro to micro level that determines the effect to individuals and ultimately that perception and prescription of roles will disseminate to the wider population; indicative of that which we have seen since the foundation of the State.

In addition it is evident from research in the area of stigma and stereotyping that the stigmatisation of welfare recipients is particularly deleterious (Chapter 2 Section 4) for mothers. Findings from this research show high levels of disassociation from the label of single mother, which, for many, resulted from experiences of perceived stigma that are maintained through both structural and attitudinal inherencies (Moore, 2011) and are evident in both formal and informal networks.

While there has been some improvement of women's position within marriage and improved gender equality in society; studying separating mothers in the context of wider social structures and the cultural milieu in which they operate has highlighted a continuation of obstacles to de-institutionalising gender equality in Irish society. Examination of the policy approach to lone parents since the 1990's has identified that single mothers in particular are still bound by constraints, compelled to take responsibility for all care and domestic work with the additional responsibility of financial provision. However, the legacy of cultural and attitudinal inherencies around mothers' positions within the home has meant that mothers who have conformed to traditional roles and/or are second earners are disadvantaged at the time of divorce; particularly those in lower socio economic households (see Chapter 2 Section 5).

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<sup>91</sup> This suggests that it is the quality and nature of interaction from macro to micro level that determines the effect to individuals.

The changed policy approach highlights how differences and inequalities between genders are more pronounced for those who are of a lower socio economic status, in addition it also highlights how there are differences and inequalities between groups of women also predicated on socio economic status. The shift to behaviourist work policies have been identified as being necessary to ‘correct’ behavioural ‘problems’ argued to be driving worklessness and are to ‘promote responsibility and positive behaviour’ (Whitworth, 2013). However, no such responsibilities are being placed on fathers, married mothers or on mothers who are of a higher socio economic status; arguments that such individuals are making reasonable contributions perhaps in the form of unpaid care surely do not hold, for non-working lone parents also contribute in these ways. Ultimately such policies amount to the devaluation of unpaid care as a productive contribution to society; but only in the case of poorer mothers. Zatz (2009) describes this as a failure of cross-class parity in work-family balance and such tensions can be resolved if policy was based on the notion that work requirements distinguishes between single parent and two parent households<sup>92</sup>.

Overall the Irish social policy response to mothers parenting alone is still perpetuating intimidation, uncertainty, constraint and responsibility for those who do not have either the protection that the status of marriage commands or economic means to buffer against such experiences.

### 8.7 Summary

This section has discussed the Irish social policy approach to mothers in Ireland. It has examined the traditional policy approach to married mothers incepted at the time of the constitution in 1937 and has highlighted how the roles of mothers centred on domesticity and care. Such roles were prescribed by the State and were culturally driven, evident in the policy approach to this group. Mothers were defined by their legal relationship with a man and welfare supports reflected this. Even the introduction of women’s benefits in the 1970’s made a distinction between deserving and undeserving women and provided assistance only in cases where the male breadwinner failed in his duty to provide. The value attached to women’s roles in the home reflected a wider ideology, which were entrenched by religiosity.

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<sup>92</sup> See (Millar and Crosse, 2015) for critiques of lone parent activation policies.



Despite significant changes to demographics, attitudes and values from the 1990's, as well as a focus on equality this research shows that Irish social policy is still perpetuating difference and inequalities between groups of women in the first instance and between mothers and fathers in the second instance. Behavioural policies that compel lone parents to participate in employment highlight a move away from the traditional maternalist model to an earner model of policy. This move highlights a distinction in the States policy approach between groups of mothers The Home Carer Tax Credit emphasises this point, whereby married mothers are permitted to remain in the home to care for children up to the age of 18, should they wish to. Lone mothers however must participate in employment activation strategies when their youngest child turns 7 regardless of their caring obligations.

In addition the role of carer as seen previously is all encompassing and is defined as much more than care tasks. Mothers still adhere to the traditional roles imposed on them by the State and society. However, findings from this research show that no such adherence exists for fathers in the majority of cases, and no such responsibilities are being placed on fathers. The legal system does not enforce either financial or care obligations on fathers following marital dissolution, Social Welfare policy as it pertains to maintenance also fails in this regard.

Evidently Social Policy has failed to meet the needs of the mothers in this study and has, I would argue, placed a dual burden on lone mothers by neglecting to acknowledge the differences between lone mothers and married mothers or the responsibilities of fathers in situations of separation and divorce.

### **8.8 Conclusion**

This chapter has discussed Irish mother's experiences of divorce in relation to the literature reviewed in previous chapters and has outlined how experiences of intimidation, constraint, uncertainty and responsibility are linked to differences and inequalities between genders in the first instance, with consequences of such being more pronounced for poorer mothers. Okin's 'cycle of vulnerability' is a particularly appropriate term to describe the participants experiences; adhering to the traditional homemaker role in marriage resulted in deficits in work experience, social capital and access to income, making these women dependent on the State following marital dissolution. The social policy approach to lone parents is maintaining this

## Chapter Eight: Discussion

dependence through the legal apparatus of the State with barriers to progression and autonomy identified in Social Welfare and employment as well as in the provision of services in this area. Examinations of divorce and separation experiences as well as the utilisation of services shows how needs are not being met by statutory service provisions.

## Chapter Nine

### Conclusion

#### 9.1 Introduction

The purpose of this chapter is provide a brief summary of the thesis as a whole and will include reflections on the research journey as well as the merits and limitations of the study. Finally this chapter will provide recommendations for policy and service provision aimed at both those who are experiencing marital dissolution and those who are parenting alone.

#### 9.2 Aims and Objectives

The overall aim of this research was to explore Irish mothers' experiences of marital dissolution and to consider how Irish social policy and services respond to the needs of the participants. The objectives of the study were to;

- Explore Irish mothers experiences of marital dissolution
- Consider their perspectives on what their needs are
- Examine the provision of services in this area
- Examine the policy response to this group
- Assess whether these mothers needs are being met by the service and policy responses identified
- Make recommendations based on the research findings

#### 9.3 Thesis Summary

First of all the thesis began with setting the context in terms of exploring different aspects of the relationship between mothers', society and the State, in order to ascertain how such context has shaped their experiences of marital dissolution. The utilisation of the VCR method allowed for rich in-depth analysis with a particular emphasis on the participants selves in relation and reading four of the analysis allowed for placing experiences within cultural contexts and social structures

## Chapter Nine: Conclusion

(Mauthner and Doucet, 1998), which were grounded by the context chapter. The context reveals the changing position of mothers in Irish society and how norms, values and expectations inherent in the social and political world influence behaviour. Currently, the discourse linked with Irish lone parenthood echoes that of the international literature representing lone parents as a financial burden on the State, (Crosse and Millar, 2015). This form of discourse has given rise to the vilification and stigmatisation of lone parents.

The literature review focused on feminist perspectives of divorce and reasons why women's positions at the time of divorce systematically differ from men's positions; resulting in a disproportionate level of disadvantage (Carbone, 1994), with such disadvantage being attributed to causal processes and social structures such as those examined in the context chapter. Issues of stigma and domestic abuse were also considered in this chapter as they were significant experiences within the stories told.

Chapter four was aimed at providing an in depth account of the development of family policy and service provision specifically aimed at those parenting alone. This chapter offered a chronological view of how Irish family policy and the provision of services have changed over time with emphasis on the current state of each; in an attempt to provide the reader with a comprehensive understanding of changes and provisions in this area that have an effect on lone parent families.

Chapter five provides an account of the methodological approach to this research, where the research paradigm, the theoretical framework outlining the ontological, epistemological positions taken and consequent methodological approach chosen are explored. Biographical narrative interviews grounded in a feminist approach, underpinned by relational ontology and feminist standpoint epistemology, with the data being analysed using the VCR method are all considered. The ultimate consideration in this research was to amplify the voices of women experiencing marital dissolution, to uncover individual knowledge on such experiences; as well as perspectives on the individual, social, structural and cultural reality of marital dissolution in Ireland from the viewpoint of those that live that reality on a daily basis.

Chapters six and seven present the findings from the VCR method of analysis, given the substantial amount of findings produced, a decision was taken to divide the

findings into stories told in keeping with the voice centered approach, selves in relation in accordance with the relational ontological position of the research. In addition chapter seven also contained participants own views on what is needed to make the experience of separation and divorce easier, this section is reflective of the epistemological position of the research that maintains that by making women's concrete experiences the point of entry for research and scholarship and exposing the rich array of new knowledge contained within women's experiences, feminist standpoint researchers begin to fill in the gaps on the subject of women in many disciplines (Brooks, 2007), fulfilling the second objective of this study.

Finally chapter eight discusses the findings in relation to the literature presented; it considers the research questions with a view to answering those questions.

### **9.4 Reflections on the Research Journey**

Looking back at the beginning of this process and re-reading my own reflexive narrative on my life experiences and that which had shaped my subjectivity I am struck by the level of naivety that I portrayed. I have to say that I absolutely believed that those who had legal resolution to their relationship breakdowns would be in a much better position than those who I had experienced who did not have such finality and clarification. To say that I was shocked and sometimes even appalled at the stories told throughout this process is somewhat of an understatement. The level of abuse suffered throughout the three stages of the separation experience, the level of helplessness and trauma felt when dealing different State institutions, the poverty experienced by the majority of the women and the differences in responsibilities placed on mothers and fathers in such situations are the enduring aspects that remain with me. Another striking factor is the fact that social policy in this area is still having a constraining effect on mothers despite significant alterations over the past couple of decades and aspirations toward equality. Policy is still ascribing different models of citizenship for married mothers and lone parents reminiscent of the traditions which we have seen throughout the history of the State. Examining the position of women as mothers in Irish society and their embeddedness in societal relationships as well as cultural norms values and expectations has shown how such forces are inherent in the Irish social policy approach to lone parents and are integral in State institutions, all of which have been fundamental in shaping experiences.

## 9.5 Merits and Limitations of the Research

This section centres on the merits and limitations of this study linked with the methodological approach used. Results from the snowball sampling method used (see Chapter 5 Section 8) were initially considered a limitation due to the fact that technique employed resulted in generating a sample of participants that were all in similar positions in terms of economic status; contrary to my initial intention which was to seek a diverse group of participants who could provide an in depth insight of their unique experiences of being a separated/divorced. However, given what transpired from the interviews I think one of the fundamental strengths of thesis is the fact that it examines mainly the experiences of a specific cohort such as those who are welfare dependent as a consequence of separation/divorce. The sampling technique in this case resulted in generating organic, in depth knowledge about mothers who had both the experience of marital dissolution and the experience of being situated at the lower end of the economic stratum and all that that entails.

Another limitation may lie in the use of a small sample size; 15 participants can in no way produce results that are generalisable to the population as a whole and therefore may not reach the gold standard of measuring the success of a research process often associated with the quantitative research paradigm. However, this study never intended to be generalisable to the population, its intent was always to be exploratory in nature given the lack of research in this area.

The labour intensive nature and required depth of the research produced an extremely large amount of analysed data (see Chapter 5 Section 12) and while every effort was made to ensure that experiences were illuminated, in order to present the data within the word constraints of a PhD thesis inevitably some elements of the experiences spoken about may be more pronounced than others. While the stories told are reflective of the collective experiences of the participants throughout the three stages of the separation experience and a consultation process deemed this to be the best approach in terms of presenting the data; there has to be acknowledgement of the limitations of this approach in terms of not presenting every aspect of every experience spoken about.

## **9.6 Contribution, Implications and Recommendations**

This study has contributed to a number of fields of enquiry that traverse the family. The initial intention of this research was to first hand expression to the voices and experiences of mothers who have undergone dissolution of marriage and to ascertain whether the needs of this increasing percentage of the population are actually being met through the States 'families first' approach to social and economic policy making. Underlying these aims was the need to create an awareness of the realities faced by mothers in this position. The findings having achieved these aims have a number of implications for policy, service delivery and research, which reflect the recommendations made. The following section identifies what is deficient in both the current policy response and the provision of services aimed at these mothers which are based on the needs identified previously and simultaneously outlines how such deficits could be improved in a number of ways.

## **9.7 Understanding Barriers Implications and Recommendations for Policy**

As identified through the course of this research policy has a significant effect on experiences of separation and divorce. Firstly there needs to be a change in attitudes towards lone parent families, particularly mothers of lone parent families. Persistent policy focus on welfare dependent one parent families and the consequent problematisation of such is contributing to a significant amount of social stigma towards this group. Stereotypes and labelling such as that experienced by the women in this study have significant emotional and constraining effects on mothers and is an issue that needs to be addressed.

Secondly policy aimed at one parent families, needs to examine the role of the other parent particularly in terms of responsibility for children. Lack of legislation around this (see Chapter 4 Section 4) in recent activation policy and rules surrounding maintenance and welfare payments is reflective of the unequitable treatment of welfare dependent lone mothers. Implementing legislation that already exists in terms of the DSP pursuing maintenance would alleviate the pressure on mothers by ensuring consistent financial payments and would help to reduce conflict in cases of marital breakdown and relive pressure on mothers in cases of domestic violence.

Thirdly the recent focus on work requirements for welfare dependant lone parents means that lone mothers receiving Social Welfare must work more than economically privileged mothers and mothers in coupled households can work less. Such an approach highlights an ideological shift from the traditional compulsion to care, to a system that is disinclined to support lone mothers in their care giving. The marginalisation of welfare dependent mothers needs to be examined and could be resolved if policy was based on the notion that work requirements distinguishes between single parent and two parent households.

### **9.8 Understanding Needs Implications for Service Delivery**

The findings from this research highlighted a number of areas where services intended to assist lone parents were deficient in meeting their needs. It is evident that studies such as this that focus on participants experiences can illuminate issues and problems in systems of support.

Proper implementation of frameworks and guidelines already in place would reduce the distress and anxiety felt by those experiencing marital dissolution. Tusla's remit of reducing fragmentation between services if implemented will contribute to moderating the pillar to post situation experienced by the participants in this study. Although there is a strong argument for the creation of a 'one stop shop' referred to previously (see Chapter 7); which would provide expert, qualified advice on all possible issues faced by lone parents. In addition adherence to existing customer charters and a renewed focus on the customer 'service' approach to supports would significantly reduce the degradation experienced on seeking assistance; particularly from the DSP, the HSE, City and County councils and Legal Aid.

In relation to the law and legal process the findings from this study suggest that within this particular service there are a number of areas that require consideration.

#### **The Four year rule**

The existence of the four year rule is sustaining ties between spouses long after the marriage has irrevocably broken down. Many of the women in this study had difficulty with this and felt that they could not move forward while divorce was



looming. While there are no moves to re-evaluate the four year mandatory waiting period before a divorce decree can be granted; I would argue that the rationale for implementing the four year rule is no longer pertinent. The deluge of divorce applications that it was intended to prevent did not occur and its intention to reduce personal acrimony and conflict by removing 'fault' has been unsuccessful as seen in the findings of this study. In addition, this is an area that may need to be looked at as it often necessitates a second round of legal advice, courts and expenses following on from separation.

### **In-Camera Rule**

Changes to the in camera rule following the implementation of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 will go a long way to addressing some of the issues highlighted by the participants in this study. It will lift the veil of secrecy surrounding family law cases, it will allow precedent to be examined, and it will permit analysis of decisions made and invite scrutiny of professional conduct previously absent in cases of family law. However, it would be my contention that there should be a specific focus on consistency, transparency and fairness within the family courts with a view to creating a specific policy direction aimed at those facing marital dissolution.

### **Representation**

It relation to representation, as previously stated changes to the in camera rule will assist in scrutinising the conduct of legal professionals in cases of family law; which will address some of the problems highlighted by the women in this study, in terms of not being represented properly and not having a voice in legal proceedings. However, in cases of legal aid, issues of choice, waiting times and attention given still need to be addressed. It relation to privately paid representation the issue of costs needs to be examined, transparency and a procedure for more accurate and uniform costings is required to remove uncertainty and consequent reluctance to engage with legal services.

### **The Maintenance System**

Changes to the maintenance system within the family courts have also been highlighted as an area that requires alteration. While the concept of proper provision

exists with the view of protecting the financial interests of all parties; changes to the overall system of maintenance would address some of the financial issues experienced by many divorcing mothers. For example, having set parameters in terms of amounts awarded, implementing guidelines to ensure consistency in the realm of judicial discretion and enforcement of orders already made (which needs to include some form of ensuring payment of any arrears). Making non-resident parents responsible for providing for their children, are all issues that require urgent attention.

Financial settlements and maintenance payments (or lack thereof) have implications for the way in which parents manage custody, access and contact. In relation to making fathers both financially responsible and ensuring participation in their children's lives, it will be imperative that the proposed legislation<sup>93</sup> is implemented to the full extent of the law.

### **9.9 Understanding Experiences Implications for Research**

Although this research focused specifically on the experiences of mothers in cases of separation and divorce and other Irish research has looked at children's experiences of divorce (Hogan et al., 2003); (O Kelly, forthcoming)<sup>94</sup>, there is a necessity for similar research to be conducted into fathers experiences in this area. Comparison of all familial experiences will allow for more in depth insight into cases of separation and divorce and will assist in developing policies and services that pursue a holistic approach to negating the effects of marital breakdown.

In addition the sample size in this study (15) cannot claim generalisability or representativeness of the broader separated/ divorced parent population in Ireland. Therefore further research that encompasses the broader population group would need to be conducted in order to uncover if this study's findings are representative of this whole population.

In order for policy makers to be successful in developing policies that assist families in transitional phases more information is required. Throughout the course of this

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<sup>93</sup> The Children and Families Relationship Act (2015)

<sup>94</sup> 'How do Children and Young People in Ireland experience and cope with parental separation and divorce and subsequent changed family life. Giving Recognition to Children's Experiences'. (O Kelly, forthcoming).

research I encountered difficulties in accessing exact statistics in a number of areas, in relation to the payment of maintenance, there is no comprehensive data set available, so there is no way of knowing the rates of (non) compliance in this area (Mahon and Moore, 2011). In addition the true extent of domestic abuse needs to be quantified, particularly research in this area should focus on experiences of such abuse after separation has occurred and should take account of court related abuse and harassment as seen in (Chapter 3 Section 5).

Finally, this research has concentrated on separated/ divorced mother's experiences of utilising services. There is a need for further research to understand the viewpoints of service providers in terms of investigating their experiences of providing services to these parents. This would facilitate a more in depth understanding, allowing for recognition of the needs and challenges of both providers and users in addressing this population groups needs as service users.

### **9.10 Final Considerations**

The first thing to say in this section is how humbling this research journey has been for me, the women who participated in this research are strength and determination personified. Despite all of the stresses and strains they have experienced along the way they embody what I can only aspire to and that is achievement. It is evident that their experiences have been daunting, trauma filled and extremely distressing and even though all of them have progressed past the separation/divorce phase, many are still dealing with the fallout. The propensity of society to devalue these women is difficult to reconcile given that not only are they living up to role expectations in terms of care work which has been compelled by the State and society since its foundation, they are also performing the other parent role in terms of financial provision for the family, a role which has also been recently (re) enforced by the State.

Overall I think that crux of the experiences in these cases lies in issues of responsibility and differences in terms of the implementation of policies that maintain inequalities within the sphere of the family by ensuring one parent is responsible for all aspects of a household and these policies are being executed in such a way that makes it impossible for all such roles to be fulfilled. An appreciation of challenges faced by those parenting alone both personal and

## Chapter Nine: Conclusion

structural must be incorporated into the national consciousness for lone parents to successfully progress (Crosse and Millar, 2015).

## Appendices

### Appendix I

#### Vignettes and Reflective Journals

##### **Vignette-Ann**

Ann is a fifty five year old woman who has been separated for approximately seven years; she is mother to five children ranging in age from eleven to twenty five at the time of separation. She was married for twenty seven years to a man who drank substantially throughout the marriage and was extremely violent from the very beginning. Her description of the pre-separation period reveals a situation that was very much enabled by social policy, structures and culture that prevailed at that time; constrained by circumstances, no choice but to remain in the relationship due to a lack of services, support network and finances; although domestic violence services accessed at the time were extremely proficient all were a short term solution only.

Changes in family support services and financial assistance mechanisms in later years allowed her to leave the marriage and while Ann maintains that this was a welcome relief, she and her children incurred numerous other difficulties during the process of and as a result of the judicial separation;

Legal separation (in terms of her representation) was in her opinion flawed due to a conflict of interest between representatives of the legal aid office and her ex-husbands solicitor. This type of situation also occurred when trying to access financial assistance from the CWO; her explanation being her ex-husband was well known and respected locally. In addition family court rulings did not take into account (according to Ann); a person's physical and emotional wellbeing, future possibility of housing or providing a home, older children's needs or requirements or the destruction of a family unit.

Financial devastation ensued and was exasperated by income and housing policy rules, which is the most consistent theme throughout the narrative; the loss of a cohesive family unit due to her inability to physically and emotionally support all children; trauma of dealing with services (SW) while simultaneously dealing with the trauma of the separation and the effect

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of same on the children; emotional health concerns due to anxiety, stress, worry and feelings of shame; although conversely her physical health improved due to a safer environment.

Many of the above are consistent worries seven years later; changes in income policy such as OFP payment will have a significant effect in the near future, difficulty in obtaining further assistance will be an issue, cuts to college grants for the youngest child and failure of her ex-husband to adhere to the court order for maintenance are all a constant source of concern for Ann and will be for the foreseeable future.

A more personalised form of support service required to assist mothers in such situations; an understanding of the trauma suffered as a result of marital breakdown and a one to one service that will guide people through the chaos of the legalities, the Social Welfare, Housing, banking and any other system that may have to be utilised depending on individual circumstances; one that provides information and practical assistance to people already struggling with the trauma of marital breakdown, very unfair to have to deal immediately with these structures that you have no knowledge of, it's according to Ann going from one bad situation, to another and another... didn't access any other support services as she just couldn't face it and she had some pride as well as enough to deal with in terms of marital breakdown, children, SW, housing without adding more to a list she already wasn't able for.

### **Reflective Journal-Ann**

Even though by virtue of my education I could be described by some as an intellectual and an academic and my training assists me in looking at and listening to a person's story from a somewhat objective viewpoint I have to be honest and say that Ann's story transported me back to a time when I was none of the above. There are certain instances within Ann's story where she could've been talking about me; the chaos that ensued following the breakdown of her marriage, the uncertainty of the future, the worry of effects on children, the frustration of carrying the burden of financial, physical and emotional responsibility for all involved, the minefield that makes up assistance structures in this country and the lack of knowledge on available support to deal with it all.

Conversely it has to be acknowledged that while I may not have had further education in terms of third level at the time of my own relationship breakdown, I did have, great family support and a good career which strengthened my ability to organise, plan and get things

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done; consequently I did not have the anxiety or fear portrayed by Ann; I never at any stage felt that my choices were constrained in any way. Dealing with assistance structures were not as intimidating for me as they were for Ann, the ability to deal with paperwork and people in authority did not faze me which was most likely as a result of my own background. Ann's story illuminates issues that I had not considered in any great depth previously; an overarching theme emerging from the narrative is one of powerlessness and feelings of not being capable; which were never considerations for me; but then I have never been in an abusive relationship or in a situation where I have been minding children where interaction with people is at an entirely different level.

Before undertaking this research and as a result of my own experience with certain organisations I would've been of the belief that State systems such as Social Welfare and the legal system were at a very basic level fit for purpose; Ann's story has highlighted how a person's ability, knowledge and individual circumstances have a significant role to play in affecting outcomes.

At an emotional level I cannot comprehend how any woman in twenty first century Ireland finds themselves in a situation where they feel that they have no choice, no voice and no ability to manoeuvre out of difficult circumstances. In fact it makes me very sad that particularly in Anne's situation anyone would feel fear and anxiety about pursuing assistance which in my mind was set up for the exact purpose of helping those that may not be in a position to help themselves; fear and anxiety about their inability to correctly complete procedures and tasks required of them and fear and anxiety about the feelings of shame and humiliation that they feel or are made to feel by others. In addition, such stigma generates a situation where one might not seek or pursue help from certain support agencies leaving them extremely vulnerable and stressed.

Anger is another emotion that permeates my thought process as I write this reflection; angry at the fact that having coped with and successfully navigated her way through the State support systems, changes in Social Protection payments now mean a lot of future uncertainty for Ann in terms of financial security highlighting that fact that; although her divorce may be finalised and rulings adhered to, her worries are consistent and will be for the foreseeable future, so ultimately when it's over, it's not really over for her. Angry also at the way the legal system has let her down so badly that she feels there is no point pursuing enforcement

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of a court order for maintenance that has not been paid adding additional stress to her financial situation as well as her emotional health.

I cannot write this in all honesty without stating the surprising conflicting emotions that I have; while I can and absolutely do as you can see empathise with Ann and her situation, I am also aggravated in the sense that I do believe that had she spent some time seeking information on services her situation would not have been quite as traumatic as it turned out; while I understand her desire to not pursue enforcement of maintenance for example, I think this makes her financial situation worse which has been and still is the most pressing matter for her; having said that it must be disheartening to have no real progress on this issue despite having it addressed by the court on two occasions. Not accessing other services such as St Vincent de Paul because of pride is another source of contention for me, as far as I'm concerned such services are there to help in times of need, but again I haven't been in such a situation so therefore don't really know what my own action/reaction would be in a similar circumstance.

Overall it's safe to say that Ann's story has highlighted a number of issues and elicited a number of responses from me, some of which I was surprised at. So ultimately this reflection has fulfilled its objective in that it has illuminated my train of thought and has brought an awareness of how my own thoughts and views might affect my interpretation of Ann's story.



**Vignette – Avril**

Avril is a divorced mother of two children both of whom were very small when the marital relationship broke down. There were numerous issues before the dissolution of the marriage that culminated in the separation; issues with debt, gambling, alcohol addiction and psychological problems. Even though the couple did live apart for a time they did continue to have a relationship until Avril sought treatment for alcohol abuse and psychological trauma.

As a result of her treatment Avril was able to proceed with a legal separation, there were however a number of problems pertaining to court procedures and maintenance payments; during this period her ex-husband participated in a campaign of intimidation which the guards were powerless to stop as there was no court order in place for them to work from. In order for her ex-husband to have contact with the children Avril accommodated him in her home as she was of the belief that otherwise he would not bother with the children; this proved to be the case when she stopped this practice on the advice of her addiction counsellor and now has had no contact with her ex-husband for over four years.

Finances have been and continue to be a big issue for Avril a loan consolidation has meant that she is legally responsible for all debt accrued by the couple, in addition there are issues with the non-payment of court ordered maintenance. Social Welfare rules meant that she was unable to receive any payment from Social Protection due to the maintenance payments awarded by the court (despite the fact she was not receiving them).

Numerous services were helpful such as St Vincent de Paul, citizen's information, Social Welfare, AA, the HSE and a priest from the Catholic Church. Even though Avril did receive help from these sources her own support network was limited the death of her father and his support was a massive blow particularly as she has a very turbulent relationship with her mother and some of her siblings who really have in some ways added to her pressures.

The biggest issues that Avril faces at the moment pertain to finances, confusion over Social Welfare rules and regulations has resulted in her owing the Department of Social Protection a substantial amount of money which they are reclaiming every week, this coupled with the debt incurred following her separation Avril is in a precarious financial situation; this is exasperated by the inability of the courts to retrieve any maintenance payments from her ex-

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husband for the last six years. In fact nothing can be done until an address is found by Avril and a summons is issued; placing the onus of responsibility on her.

This is the biggest issue that needs to be addressed according to Avril; all maintenance orders need to be enforced and rules of Social Welfare need to be altered to take account of such issues.

Presently Avril is getting by through work and Social Welfare, she is extremely happy with her council house and with the fact that both her children are thriving. She has stated that she got married in “a drunken haze” and that her marriage was secondary to her children and really the biggest issue for her has been and still is maintenance.

### **Reflective Journal-Avril**

Avril’s story is a tough one, the chaos of her early years in the marriage is somewhat difficult to reflect on as I have no personal experience of alcoholism. Her view that alcohol was the reason for her marriage in the first instance to me seems incredible. I cannot imagine what it is like to live your life with such a dependency and to have that dependency as the sole basis for what is for many the most important relationship in your life.

What I can say though is that I have nothing but admiration for the way she turned her life around; when she was a risk of losing her kids she fought to rid herself of that addiction; which she succeeded in doing despite all the trials and tribulations she faced in terms of courts, finances and Social Welfare.

There a number of issues raised by Avril that have been the focus of other participants also some of which I can relate to and others I can’t and it may be useful to tease them out here in this reflection for my own clarity. The issue of Social Welfare and the rules around maintenance seems to be a concern for many mothers in similar situations, this pertains to the fact that Social Protection payments such as lone parents and rent supplement are calculated based on income, and if you have an order for maintenance then that amount is classed as income regardless of whether or not you are actually receiving that money and any payment received from Social Protection is calculated accordingly. However if you can produce evidence from the court records that that money is not being received then things can be altered. It seems that a distinct lack of correct information is the crux of many issues.

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The onus of responsibility being put on mothers to chase maintenance is also something that seems to be an issue, the fact that they are responsible for providing an address and in some cases issuing a summons is a source of worry for many and has led to a situation where mothers don't bother as the hassle is too great as well as looking after the children and all that that entails.

I have to be honest and say that this makes me angry, Avril has achieved a great deal and manages against all odds to provide a safe and secure home for her children, she has done this without any familial help and yet is being penalised because of a situation that is absolutely not her responsibility.

I am glad that she seems philosophical about the whole thing, but I get the distinct impression that this situation has more of an effect on her than she lets on. Her biggest message is that fathers need to be made responsible for maintaining their children and laws need to be changed to cater for this.

Overall her story while traumatic in places echoes many of the other participants in this research, although I have to say I was heartened to hear of her positive experiences of services she accessed highlighting that there is help out there if you know where to find it!

**Vignette – Betty**

Betty is a mother of two children, she divorced fourteen years ago at her own instigation when her children were six and new-born. The hardest part was in her opinion making the decision to leave the marriage, she suffered physical and mental abuse for a considerable period before separating, which left her exhausted and emotionally depleted. Despite such trauma she had her own business and was in the process of purchasing her council house at the time of separation both of which she continued with after her marriage broke down; she attributes the ability to do so to the massive support of her family and friends both practical and emotional.

Shame and embarrassment were big factors in delaying the decision to separate as well as the worry of the stigma of being a single mother, which is something she did experience on a number of occasions, in an effort to divest herself of the negative connotations associated with being a single mother she continued to work and following the closure of her business returned to further her education.

Access to and experiences of services were all positive for Betty but she did have the ability to seek out help and information and also had the support of her family. Issues around declining paternal/child relationships were a source of worry for her but in terms of divorce proceedings all went smoothly; good experiences with mediation, legal aid, citizen's advice, Social Welfare and the court services facilitated the transition. In terms of her children, both coped well and fourteen years on both are happy, balanced and progressing well, the fact that Betty is now engaged to be married has only added to the family's happiness.

Betty was extremely articulate when it came to her opinion on the needs of mothers in such situations, more information being the ultimate need for many, possibly a way to reach single mothers to advise them of their entitlements and rights, in addition Betty was of the opinion that society's attitude to single mother's needs to change if there is to any form of positive progress for parents in this type of situation, her belief being that if people view the situation differently then maybe more help would be visible and also sought.

Betty's future looks bright, she is extremely happy and positive her one regret is the amount of time she spent worrying about what people would think which consequently delayed her decision to terminate the marriage where she became increasingly unhappy and withdrawn

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despite the love and support of her family; so her advice to mothers in similar situations talk to someone and seek help.

### **Reflective Journal-Betty**

Betty's narrative has provoked a completely different response in me than has previously been the case with other narratives. There are no feelings of sadness or anger that I had for other mothers; her positivity and happiness definitely rubbed off on me in the sense that for the first time I have witnessed a completely positive side of marital dissolution.

While I do sympathise with her traumatic experiences in terms of issues prior to and immediately following her separation, I feel that these have had no serious lasting consequences for Betty. That fact that she has managed to come through the other side and does not have any continuing or residual issues incites feelings of happiness in me. In writing this reflection and realising that my response to Betty's story is so different from previous ones I have to postulate on why this is the case; it could very well be that I could relate to Betty more so in terms of her reaction to relationship breakdown, she was determined not to be tarred with the "single parent" brush, she continued with and improved her level education so as to be able to provide for her children, she sought out information and help to assist her in her goal of self-improvement all aimed at ensuring a better future for her children.

Admiration is definitely a word that comes to mind as I reflect on my interview with Betty, but the question arises as to why her experience is so different to some of the other mothers that I have spoken to; it could be the fact that she has a high level of education (knowledge is power) but it could also be the fact that Betty has a significant impenetrable support network around her in terms of family and friends who have all helped to get her to a place where she is extremely happy in her life. In fact thinking back over previous participants, this is the first time that such a network has existed for any of the mothers that I spoke to. In addition Betty is engaged to be married and has massive support in her partner and even though up to this point there have been some participating mothers with partners, Betty's illumination when she speaks of him tells its own story. Also her kids are older than any of the other participants I have reflected on to date, one son who is twenty, and a daughter who is fourteen would put her in a completely different stage to other mothers I have spoken to at this point and even

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though her kids were very young at the time of her divorce (fourteen years ago) I have to wonder whether or not time has dulled the experience for her.

Regardless I have to say that it was an eye opener for me to see a positive experience of divorce; the fact that she suffered terribly in her marriage meant that divorce was beneficial rather than injurious and given that she has managed to somewhat regain a working relationship with her ex-husband and also that he lives in Australia and has done since their divorce has meant that there are no continuing issues for Betty she has drawn a line and moved on so to speak.

So overall a different reaction for me and one that has been extremely useful in the sense that it's good to see that all experiences of divorce are not negative, some have quite positive outcomes, why this is the case for some and not for others is still a question to be answered but is something that will have to be examined on completion of analysis and even though this research will not be able to definitively answer that question it will go a long way to highlighting such paradoxes.

**Vignette – Chloe**

When Chloe married quite young there was an understanding that her career was extremely important and she had absolutely no wish to have children. Not long into the marriage her husband changed his mind and Chloe by her own admission felt pressurised into becoming pregnant; a difficult pregnancy and birth followed by a baby who had severe reflux resulted in Chloe suffering post-natal depression, in addition the weight of the responsibility and the fact that her husband's life had not changed resulted in the marriage breaking down, the fact that her husband had a gambling problem added to the demise of the relationship.

The separation was as amicable as it could be and Chloe states that the legal process that ensued was so much harder than the emotional issues experienced. No precedent to work from, no guidelines or framework as to what was normal in such cases along with no transparency in costs led to Chloe drafting her own legal agreement which saw her husband get a better deal than her, really as a result of her fear in not knowing what to expect.

Aside from the legal process Chloe points out the responsibility of mothers in such situations in that they are responsible for everything to do with the children, yet fathers have the same rights but none of the obligations.

Significant issues surrounding her employment, she was made redundant following her separation as it was felt that she wouldn't be able to adhere to the flexibility of the job now that she was a single parent. This along with the fact that Irish law she feels penalises women for making a mistake in their marriage, a throwback to Catholic Ireland.

What's needed in Chloe's opinion is guidelines and examples of precedent in the family law courts, abolition of the in camera rule to achieve this, reasonably costed legal support, maybe fixed price divorces rather than costs that have no ceiling; the four year clause is penalising and impoverishing women according to Chloe you are paying twice!. Despite the fact that her husband is well off she has difficulty getting the two hundred euro per month maintenance and half of the crèche fees agreed, but she will not return to court as the expense is an unknown amount.

Her refusal to push this issue helps her achieve an amicable relationship with her ex-husband for the sake of her daughter which would in her opinion be fraught if she pursued the issue of financial support. Both parents are in new relationships and the situation at the moment is calm and workable and this is how Chloe wants things to remain.

**Reflective Journal-Chloe**

I am can easily articulate my views on Chloe's interview; it is very coherent and really doesn't much interpretation, she is quite systematic in her approach to most things and the story of her marital breakdown is no different. I have to acknowledge at this early stage the fact that it is almost definitely the level of education that she has obtained that renders the telling of her story as articulate; this approach is something that I can definitely identify with as many years in university has thought me to be very methodical in my approach to all things which could otherwise be extremely complicated.

The level of articulation employed by Chloe allows me to be much more fluent in this reflection; in the sense that there really is not much room for interpretation of her experiences. She has managed in a very forthright manner to reflect on her own experiences and identify numerous issues that exasperated the situation. The legal process that pertains to dealing with marital breakdown, is basically not fit for purpose; family law is shrouded in secrecy due to the in camera rule; the consequent lack of information and procedural guidelines makes dealing with the family law courts a game a roulette; this is Chloe's opinion and I have to say judging by other participant's views there seems to be collective agreement on this.

Chloe's case is somewhat different than previous participants in the sense that she was the one mother that I managed to locate that had a career that allowed her to live by independent means; this raised a number of issues that previously have not surfaced in this study, issues of legal costs for example. However what is interesting is that despite being financially secure or comfortable at the very least, Chloe faces many of the same issues as other mothers; feeling the full responsibility of child rearing for example. This is an issue that has been raised on numerous occasions and is one that I can identify with and is also one that makes me quite angry; the idea I suppose of fathers' rights without obligations and the fact that many women in this study make significant sacrifices for the sake of their children's relationships with their fathers, particularly in fighting for financial support; many including Chloe who do not pursue this matter as it has an adverse effect on relationships surrounding their children.

Overall there are a number of issues raised by all participants that mirror Chloe's experiences to a certain extent, however by her own admission Chloe has been able to handle many of these effectively and without adverse effects mainly due to her education which has generally



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given her the confidence to tackle these issues; this is definitely something that I can relate to in the sense that knowledge positively takes away the element of fear in any situation.

**Vignette – Diane**

Diane is the mother of two special needs boys, one of which is profoundly mentally and physically disabled with the other having a diagnosis of Asperger's syndrome with ADD. She was six years married when the marriage fell apart due to what she describes as bullying and abuse, as well as unfaithfulness on her part and a depressive episode that ended with her requiring hospitalisation as a consequence of the abuse. Even though she made the decision to terminate the marriage, she found it more difficult than anticipated to deal with her ex-husbands anger, threats and violent behaviour towards her.

In addition when mediation failed she agreed through the separation agreement to take on all of the family debt which amounted to thousands of pounds, but was happy with the maintenance and other arrangements set out. She describes the court experience as strange as if she had to prove herself worthy of a divorce and didn't feel particularly well represented through the legal aid board. Following the mandatory four year wait a divorce was granted subject to the terms of the separation agreement, it was after this that maintenance payments were stopped; with consistent promises of I'll pay next week Diane borrowed money to keep with her bills, three years later and still no maintenance has resulted in more financial hardship for Diane, which is a consistent theme throughout the narrative; an attempt to recover maintenance left Diane with the impression that her ex-husband may go to jail as a result of court action and dropped the case as a consequence.

Even though some services that Diane dealt with were according to her useless there were others that she found extremely helpful namely, Housing and parts of the Social Protection system; services for her children are hard to access and almost non-existent as well as any type of counselling services for herself. While Diane does have a limited support network in terms of a new partner that she sees at the weekends his attempts to financially help her leaves her feeling like she is a "beggar" and while she does rarely socialise with women from the local community these are not "true friends" as many took her husband's side when they separated.

The onus of responsibility is another consistent theme running through the narrative, responsible for all the care of the children, responsible for obtaining services for the children, financially and emotionally supporting them, responsible for all their school work and all that goes with having special needs children; but it is the onus of responsibility placed on her to deal with her ex-husband that she finds particularly difficult in the sense that if she wants

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maintenance for the children she has to go to court to retrieve it, despite their being a court order, if she wants to receive particular Social Welfare payments then she would have to report that he ex is receiving his payments illegally, she makes the point that how can she do these things and still keep the peace for the sake of her children.

Overall Diane is of the belief that until attitudes in wider society change there will be a continuation of the massive burden placed on women in her situation. It is acceptable for men to walk away from their families and not be held responsible for providing for their children, she states that the majority of single mothers that she knows are all in the same situation in this regard. There needs to be what can be described as a cultural shift where such behaviour is no longer acceptable, which will in turn penetrate the legal system. In addition Diane argues that services are badly needed to support women who find themselves in this no win situation.

### **Reflective Journal-Diane**

Diane's story is clearly one of significant responsibility, caring for two children with special needs one of which is profoundly physically and mentally disabled is something that I cannot even attempt to understand, or even articulate my feelings on except to note my profound respect and admiration for the courage that she portrays, particularly when a fuller picture of her life emerges from the interview.

Sympathy for the abusive marriage she suffered and empathy for the financial devastation that occurred as a result of the marriage breaking down, experience tells me that the human spirit has a significant capacity for endurance but Diane's story truly highlights how big that capacity actually is. I would've imagined that making the decision to terminate her marriage would really be the most difficult part of the process but I have never been more wrong. The continuation of abuse and emotional blackmail, using her own spell of depression to terrify her into thinking that her kids could be removed into their fathers care; taking on all of the family debt, not pursuing maintenance orders, bowing to all demands and agreeing to changes in routines to keep the peace and ensure a continuation of good relations between a father and his children seems totally unbelievable but is a reality for Diane.

Diane gives an extremely articulate account of her experiences and to be honest I have never felt such anger for any participant as I did for Diane; already battling day to day life trying to care for her children she feels powerless when it comes to dealing with issues pertaining to

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her ex-husband, no maintenance for over three years, no support expect for one weekend a month, no back up in trying to get services for the children, living on carers allowance while her ex-husband claims for the two children on his dole payment and receives payments that rightfully should be hers (BTSCFA). Responsibility for resolving these issues rests on her shoulders, if she wants maintenance then she has to go to court (again) to retrieve it, if she was to receive the correct Social Welfare payments then she has to report her ex-husband to Social Welfare, services for her children she has to fight tooth and nail or pay privately which is not an option. The onus of responsibility for all of the above definitely weighs heavily on her shoulders and as a consequence of fear and feelings of hopelessness it really is easier for her not to rock the boat so to speak. Normally at this stage in the reflective process I would most likely be putting forward the view that in order for the system to work to its full advantage people have to engage and be prepared to help themselves. This is not the case in this instance however, Diane's situation I see in an entirely different light; while her story is not all bad and she has come across some brilliant people within the Housing and welfare systems that have actually surpassed their remits to ease her burden I cannot help but wonder is she correct when she says that society is wrong when it doesn't in anyway reinforce morality into those that don't meet their responsibilities and that this attitude permeates the legal system, where significant pressures are placed on the shoulders of mothers and very little accountability is laid at the feet fathers.

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### Vignette – Fay

Fay was in her mid-twenties with a toddler and a two week old baby at the time of her separation. Before the interview officially began Fay talked about violence in the marriage as well as her ex-husbands problems with addiction to gambling and alcohol. Despite such issues she was surprised when her husband of thirteen years just “upped and left” and went to England; she describes a situation where she was left with absolutely no money and little knowledge of how to go about seeking assistance. Fays gives vivid descriptions of disastrous encounters with Social Welfare personal and delays in receiving assistance due to stringent rules and regulations, she speaks about grudgingly accepting help from her mother who by her own admission she wouldn’t really have a close relationship with. Fays narrative is littered with examples of barriers to her receiving State financial assistance prior to her legal separation, her lack of knowledge of State assistance procedures contributed largely to the numerous negative situations that occurred. The fact that her marriage was based very much on the traditional male breadwinner / patriarchal model also contributed to problems in seeking assistance as well as dealing with banks, mortgage and utilities.

This type of patriarchal attitude was according to Fay very much present in the legal system when seeking help to achieve legal separation, both a legal aid solicitor as well as a privately hired solicitor suggested that there was “no need to overdo it and oh a little thing like you, you’ll be alright, you’ll find someone to look after ya”. That said, Fay does acknowledge some satisfaction in terms of the legal separation agreement.

In addition to patriarchal attitude, Fay also encountered attitudes taken by those in the local community as well as “friends taking sides” against her as well as attitudes of those working in local welfare offices leading to feels of shame and guilt throughout the whole process.

Finances are the biggest issue addressed throughout the narrative as well as the lack of information and assistance available. Fay speaks of her experience of a system “that is not set up for women and children rather to protect him and his assets, where the rules and regulations that she encountered were non-existent when it came to her ex-husband adhering court ordered maintenance and access agreements.

Joint loans taken out without her knowledge, debt mortgage arrears, electricity being cut off reveals a picture of a young mother in dire straits, rural location and illness in the family (both her father and her child) exposes additional areas of pressure where assistance was a

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slow and arduous process and in actual fact added complication to the welfare administrative procedure already underway, resulting in her actually losing entitlements that she had in her own words fought so hard to receive in the first instance.

Fay's views on what would've have made the transition easier is similar to that of others; Easily accessed information as well as access to a more personalised one on one support for all areas including rural communities, more decision making powers for CWO's with less stringent rules and regulations or at the very least each situation to be looked at on an individual basis and her advice for others in similar situations is to be assertive.

### **Reflective Journal-Fay**

Fay's narrative has elicited a somewhat mixed reaction in me; I have total empathy for her and the situation she found herself in, coping with a new baby is difficult at the best of times, without the added stress of being left to cope with the fallout of marital breakdown. In addition to the trials associated with having a new baby and toddler to look after Fay was thrust into the chaos of dealing with State assistance structures with no prior knowledge of such. By her own admission she was swamped by the details, rules and regulations that have to be adhered to in such cases before any assistance is forthcoming; her descriptions of dealing with Social Welfare personal are quite vivid and if I'm honest somewhat disturbing, she describes her encounters as "horrific and absolute abuse". While I myself have experience of dealing with the same structures in similar circumstances I could never say that I experienced any such horror or abuse. They absolutely were intimidating but I found that with clear articulation and honesty progression was very much possible.

It's safe to say that Fay's situation was made worse by the fact that she lived in a remote rural location with no transport and no local support network, local attitudes and friends "taking sides" definitely added to the burden of the situation. Descriptions of attitudes faced by Fay were interesting in the sense that they highlighted very much a cultural norm in the rural community, the view that "sure a lovely little thing like ya sure you'll find someone to look after ya" while probably a quite normal view in many communities throughout rural Ireland, is actually quite disturbing when it comes from a legal aid solicitor who is supposed to be representing your best interests. Being from a rural community myself I can absolutely empathise with Fay particularly given the fact that her husband was born and raised in that community making her somewhat of an outsider and therefore the one responsible for the situation in their eyes.

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Other situations that elicited an emphatic response from me include the extreme debt accrued, dealing with banks due to mortgage arrears and utility companies for the same reason, incurring additional debt to finance her legal separation, having to accept help from some members of her family despite having a difficult past relationship with them, having to deal with illness in the family in terms of both her father and son and having to do it all alone. Definitely I have to say I would be sympathetic to Fay's experiences of the rules and regulations that are attached to assistance payments as they are without doubt very confusing and constraining in many ways.

Having said of all that and to reiterate there are many incidents that are undeniably gruelling and distressing for Fay, conversely her narrative throws up unexpected reflections for me. While I accept that Fay's marriage was based on the traditional male breadwinner/patriarchal model, I am having great difficulty with the idea that she had absolutely no knowledge of the financial affairs of the household, mortgage and utility arrears, lapses in life and home insurance payments, in addition to loans being taken out in joint names that she was unaware of. While I don't doubt that, that was the situation, I don't understand it, which is in all probability a reflection of me who has never experienced such a relationship and who has always had complete understanding and participation in such matters.

In addition I don't understand her actions in relation to the receiving of welfare assistance, having secured OFP payment following many weeks of trials and tribulations she left her marital home to move in with her father, now I understand that he was ill and had to be cared for, but I don't understand why she didn't approach the Social Welfare and discuss the situation to formulate a solution that wouldn't have resulted in the removal of assistance payments, to my mind many of the decisions made by Fay and the consequent actions only served to exasperate the situation. Even though she admits to being somewhat naïve to the workings of the system I find it incredible that anyone who having been through the system and in desperate need as she described would put her payment in jeopardy; again speaking from experience it is an arduous task to obtain welfare payments and when it basically comes down to your children being hungry or not as stated by Fay then why jeopardise your only source of income regardless of the reason?

My last point I make with some hesitation but it has to be acknowledged by me in order to be true to the reflection process; I can't help but see and hear a sense of entitlement throughout Fay's narrative, while I accept that the system of support that is in place is difficult and

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ambiguous I have to be honest and say that there is also a need for certain rules and regulations and even though I believe that the ones that are in existence today do absolutely have a constraining effect on agency and progression, I am also of the belief that problems described by Fay can be for the most part avoided if there is an acceptance of individual responsibility and a proactive approach to working within the confines of the system. I have to say that the subtext of entitlement regardless of actions made me somewhat uncomfortable.

So definitely a mixed bag in terms of reflections on Fay's narrative, absolutely sympathetic, empathetic and distressed at the situation she found herself in with two very small children to care for alone but paradoxically perplexed at decisions made and actions taken that exasperated the situation but I am mindful of the saying "walk a mile in my shoes".



**Vignette – Gina**

Gina married in 1994 when she was six months pregnant, she married due to what she describes as family interference; living in a rural community meant that one was supposed to be married before having children. Even though she did have a form of marriage counselling before her wedding where she was advised not to go ahead with the marriage, she disregarded this advice. Almost immediately having moved into his family home with his father and sister in residence it became obvious that her husband had a violent temper and an alcohol addiction problem. Within two years Gina left the home and took shelter in a refuge for domestic violence victims; whilst there she became ill and was told that if she went to hospital as advised her child would be taken into care as there was no one to mind him; left with no alternative she returned to the family home and managed to gain part time employment to ready herself to leave again which she managed to do six months later.

Having received emergency Housing and welfare payments Gina began the arduous process of legal separation. Citizen's advice was no use and she had no knowledge of what to do, upon advice from her CWO she contacted legal aid. Gina paints a very grim picture of the trauma that she suffered trying to get paperwork in order for Social Welfare and trying to get a judicial separation which took two years.

In addition to the legal separation Gina applied for a decree of nullity from the church which all in all took approximately four years to achieve, this she describes as being far worse than the legal separation due to the degree of in depth digging by the church representatives and the amount of witness testimony required. She was actually legally divorced for two years before the church recognised her marriage as invalid.

Throughout all of these situations Gina describes her experience of being a lone parent, bringing up the child alone with very little family support and no help from her ex-husband, situations such as the child having to attend Temple street children's hospital for fifteen years, having very little money, being constrained by Social Welfare rules in terms of hours you're allowed to work and the severe lack of any information and anyone to talk to or properly advise her illuminates a picture of loneliness and hardship. Constant court battles, maintenance, access, passport arguments led to almost consistent contact with the legal system and on-going battles with her ex-husband.

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Although her child is now in his first year of university there are still issues over maintenance and legal issues in regard to his being able to have contact with his half sibling, so even though many years have passed it seems that the battles will continue, but are now transferred to so against father rather than ex-wife against ex-husband.

### **Reflective Journal-Gina**

There are a lot of things in life and in other people's situations that I can relate to; for instance I can absolutely relate to the complete unpreparedness that Gina felt when dealing with relationship breakdown; while I will reiterate here that I was not married, I too faced into the unknown in terms of single parenthood and what that meant in relation to dealing with a system of Social Welfare that I had no prior knowledge of. The paperwork, the rules and regulations the being sent from A to B and the feelings of utter hopelessness when you don't know if you are coming or going. Thankfully I learned exactly what was what in a relatively short space of time and really once I was up and going that was that apart from reviews or moving house.

What I cannot begin to relate to in any way is first of all the abuse that Gina suffered, the battle to leave in the first instance and then having achieved that the consistent battles with the courts, her ex-husband, battles with State systems such as Housing and Social Welfare and to top it all off to do battle with the Catholic church leaves me astounded yet again at the ability of the human mind to keep going.

Gina's story invokes images of loneliness in the first instance and hopelessness to a certain extent but it also makes me want to pat her on the back and say all credit to you for coming out the other side so to speak.

However I have to be honest and highlight some of the things that I just don't understand, despite having what seems to a fairly good relationship with her father and an amicable one with her sister and at least some contact with a brother, she seemed to be very much alone in all of her endeavours. Even asking that question is most likely very much a reflection on me and my life in the sense that I would have no hesitation picking up the phone and saying to all help me out... but having said that I immediately remember the times that I would think maybe it isn't fair to keep relying on the same people and put the phone down; so upon reflection maybe I do understand more than I thought.

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Gina's need to get a church annulment does surprise me out of all the people I spoke to in preparation for and while conducting this research, she is the only one that has embarked on that path, possibly a reflection of her upbringing or the community that surrounds her, I really don't know but this is defiantly one area where I would have to differ. I can categorically say that I would not have the slightest interest or regard for the church and definitely would not put myself through, members of religious orders delving into my most personal business effectively having to relive the trauma of the marriage over and over. Although I have to say that even though I may not understand her decision I absolutely respect it and have seen the power of local communities immersed in teachings and opinions of the church which can be extremely strong to say the least.

Overall I admire Gina's will and determination, despite all the trials and tribulations she has managed to rear her son single handed and continues to do so supporting him as he embarks on the path to university, which I am sure will bring with it its own difficulties but I have no doubt that whatever this chapter brings, she will face it head on and with the great strength she has shown over that past number of years.

**Vignette-Grace**

Grace married in the 1970's and had five children before her separation in 1995; the marriage was bad for a time with her husband having an alcohol problem and they separated at her instigation. As a consequence of his refusal to pay any sort of support Grace ended up going to her local CWO who were extremely helpful but was given money on condition that she sought a maintenance order straight away which she did and found the judge as accommodating as possible and was awarded one hundred and seventy five pounds a week to be paid into the court which he did for a time. However it wasn't long before he decided to pay it on the mortgage rather than directly to Grace, which was fine for as long as it lasted, however pressure from Social Welfare for him to contribute more resulted in him giving up his employment and refusal to continue with the mortgage payments. Two part time jobs and taking in summer students allowed Grace to pay the mortgage and look after the kids, advice was to get a divorce and settle the matter once and for all.

Legal aid facilitated the divorce and while Grace found them good they failed on two occasions to show for court proceedings resulting in Grace representing herself. The judge awarded fifty six thousand pounds to her ex-husband as his share of the home and the remaining one hundred and ninety four thousand to Grace to be paid when the youngest child was eighteen or twenty three if in education. The following year Grace came under pressure to buy her ex-husband out of the house for twenty thousand, the only way she could do this was to sell the house and move out of the city to a town in the midlands where house prices were cheaper, she didn't mind doing this as it achieved closure.

All responsibility for the children fell on Grace there was no input on any level from her ex-husband she managed to rear them all with financial difficulty; however it is heart-warming to hear that she was and still is far happier divorced from her ex-husband than she ever was when they were married, so no regrets.

Grace outlined what would have made things easier would have been more information for mothers in this situation, tailored advice, somewhere you could go and all that you needed to know under one roof from people trained in such matters. In addition some form of maintenance enforcement where the onus is placed on the father to pay rather than on the mother to continuously follow through the courts for payment that is already by order of the court.

### **Reflective Journal- Grace**

Grace's experience of separation and divorce provokes feelings of admiration in me a mother to five children at a time when separation wasn't all that common in Ireland. Her story was told with significant elements of humour, not something I have come across thus far and while it is refreshing I am under no illusions of the difficulties faced by Grace. Given the fact that she separated from her husband in 1995 she had to grapple with an old system of Social Welfare as it wasn't really until the late 1990's that the system began to change for mothers parenting alone.

Having said that it was interesting for me to see the gratitude with which she received a deserted wives allowance and nothing else in terms of State support; unlike today where there is rent allowance and special payments for specific hardships, the fact that she worked two part-time jobs whilst raising five children without any input from her ex-husband is commendable.

One thing that sticks in my mind from Grace's interview is the fact that while state support has moved on and families are definitely the better for it, some things haven't changed. Again we are back to the issue of non-payment of maintenance. Some attempt by Social Welfare to collect additional money over and above the mortgage payment from Grace's estranged husband resulted in him giving up his employment and stopping all payments, this is not an isolated phenomenon; time and time again we are seeing this issue arising.

The courage Grace showed in dealing with this issue was impressive, selling the house leaving all her friends and family and moving to the country because it was cheaper was truly an act of courage to my mind. Given that I found myself in a similar situation I can loosely relate to this although I have to strongly point out that I had one child and I moved home to a significant support network not away from one.

I have to say the more interviews I analyse the more difficult I am finding it purely in the sense that this whole thing of the onus of responsibility resting on the shoulders of mothers and the fear and uncertainty surrounding the outcomes of legal proceedings creating a massive burden on women who are already dealing with so much; and the fact that in Grace's words it has been this way since "time immemorial" makes it all that much more difficult to comprehend.

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### **Vignette-Ivy**

Ivy's situation is a tough one to describe as it is very different in many ways from the previous participant's I have spoken to. Ivy has been through two marriages, one divorce a spousal death and truthfully chaos and drama are the words that come to mind. If you didn't know better you could mistake her story as one from a dramatic novel. Ivy's story is different in the sense that she is the one participant whose separation occurred pre 1997 and before legal separation or divorce were allowed in Ireland.

It was very interesting to hear experiences from this perspective; married away from home in the 1960's because she was pregnant and had to get married and less than ten years later arrived home with two children and the clothes on their back due to her husband's gambling addiction. What is illuminating is how Ivy describes herself as middle class and someone who was used to having much and plenty, these status based comments litter the transcript and it is interesting to see how she believes her middle class status shielded her from many of the negative undertones that were often associated with separation at that time.

Having a holiday home here and parents that gave her massive financial assistance really did buffer Ivy from the reality of being a lone parent in 1970's Ireland and I can't help but wonder what would've happened if she had no such support, although she did work and kept a lodger to make ends meet and her description of the introduction of the deserted wives allowance as 'magic' was telling because we in this generation are used to such supports.

The fact that she lived with a man that was also separated for twenty three years before marrying him was also telling in the sense that there is a certain portrait painted of Ireland really until the nineties of it being very conservative, catholic and proper for want of a better word where deviations from social norms were unacceptable and severely frowned upon; Ivy's story puts a somewhat different slant on that as in if one is from a particular class they are to a large extent buffered from typical societal expectations to a certain extent.

After all those years with her second husband it saddens me to reflect on the way it all turned out; alcoholism, abuse, barring orders all characterised the life of her second marriage since her divorce post 1997; only to end in the death of her husband seems impossible to believe and a contesting of his will by his off spring has meant that it is only now that things are starting to settle forty years after her first marriage.

### **Reflective Journal-Ivy**

Ivy's interview is what I would describe as a curve ball; in the sense that it is very different from others who have shared their experiences. It is difficult for me to place myself in this story as I wasn't even born when Ivy first married in the late sixties and was only a baby when she separated from her first husband. So for this reflection I think it would be more useful to attempt a somewhat loose comparison with other participants.

What is similar is society's view of separated and divorced women; many of the mothers I have interviewed make reference to prejudice felt and although Ivy does make reference to this it is interesting to note that while she did feel a certain amount of stigma this was more so as a result of her own feelings rather than any direct slur from anyone outside, whereas other mothers in similar situations decades later experienced direct and in your face prejudice.

Abuse suffered at the hands of her second husband and how it was dealt with by local Gardaí is not that far removed from other stories of husbands being let away with it because of their popularity locally "sure there's no harm in him" could be applied to any era.

One thing that has changed is the amount of services available, although it is interesting to note that while Ivy does make reference to the fact that there were none, the support she had from her parents in terms of financial and practical assistance suggests that maybe there wasn't any massive need on her part and possibly wouldn't have required much anyway. Should she have required housing for example that would have highlighted exactly what was available.

Catholic influence is the reason she gives for marrying in the first instance being pregnant outside of marriage was a shame that couldn't be borne, interestingly this is not the first reference to this type of influence; there was another participant that gave the exact same reason for marriage and that occurred some thirty years after Ivy highlighting the prevailing influence of Catholic teachings.

Ivy's story definitely resonates with others in this study which is very thought-provoking in the sense that the time-frames are vastly different; I think that had Ivy not have had the buffer of being middle class and one that was used to much and plenty we would see a lot more similarities. Overall this reflection has been useful to see that while some things have undoubtedly changed, I am not sure that Ireland and Irish society has progressed beyond recognition.

**Vignette-Jackie**

Jackie was a married stay at home with three children and had some idea that things were not well in the marriage but did not realise how bad things were until her husband gave her six months to change or he was leaving and although she was of the impression that things were progressing well six months on her husband announced his decision to go, leaving her and the children distraught.

Given that she was on a career break and a stay at home mom she was solely dependent on her husband for income and had to go through legal means to receive maintenance on the advice of Social Welfare; even before the court process begun things turned nasty and an altercation over access resulted in her obtaining a safety order, mind games and bullying ensued; a section 47 was served against her and she was investigated for child neglect which was later disproven.

The biggest battle Jackie faced was to do with finances and the reluctance of her ex-husband to pay towards the upkeep of the children; he was ordered to pay €75 per week maintenance for the three children and half of all major expenses such as Christmas, school and communions and although he does pay the €75 a week any other money was not forthcoming a situation that still remains presently.

There has been a complete breakdown of communication between the pair and there are issues with the kid's relationship with their father and their reluctance to visit him due to his living arrangements and lifestyle.

Overall the onus of responsibility resting solely on the mothers shoulders seems to be a major problem, ways of bucking the legal system through falsified avadavat of means and the costs of returning to court means that this is a situation that is set to continue. Despite Jackie's return to full time work financial circumstances are financially precarious. Also issues with the legal system overall in terms of decisions made on the basis of Judges humour with no transparency elicits reluctance to return to court to have things settled.

Clear precise information is needed for people in this situation preferably delivered by a caring person who can help with all aspects of the situation, all in one place and on a one to one basis.



### **Reflective Journal-Jackie**

The first thought that comes to mind when revisiting Jackie's interview is frustration; frustration at the chaos that ensued following her separation and frustration at the chaos and uncertainty that is on-going. Jackie was a stay at home mom for ten years before her separation, I can definitely identify with her lack of confidence and feelings of vulnerability compounded by the somewhat abrupt departure of her husband has to my mind left her reeling which is really no surprise.

What I cannot get my head around is the nastiness that has prevailed since her separation, playing mind games, physical assault and involving social services through accusations of child neglect (disproven); what is becoming increasingly obvious is the fact that the lack of systems in place to deal with all aspects of marital breakdown are not fit for purpose. How is it that one person has the power to bring a mother and consequently her children to the lowest possible ebb and keep her there for as long as he likes?

Jackie's descriptions of her experiences are harrowing, living in fear of reprisal should she make some demand or other, actually not even a demand a right as ordered by a court of law; again we see finances as the biggest issue faced by Jackie, court orders that aren't worth the paper they are printed on; the onus of responsibility resting squarely on the mothers shoulders.

Honestly sometimes when I read and listen to certain interviews I could actually be easily convinced that they are works of fiction, stories made up for some sort of entertainment purpose; but no these are real life experiences of mothers who feel undervalued, let down and voiceless when dealing with certain Irish social institutions. For example a legal system that has no mass on fair and equal distribution of wealth, children's needs or voices, one which allows the onus of responsibility for care and provision rest predominantly on the shoulders of mothers all in direct contrast to the constitution. These are real experiences and it makes angry to think that there are mothers suffering a constant worry on a daily basis which they are powerless to do anything about.

Now I would like to think that, or I have often thought throughout this process that maybe it is just a matter of receiving the correct information or help but now having listened to a fairly broad spectrum of mothers I have a sinking feeling that, that has nothing to do with it. It seems that there are a number of mothers who let things go or bite their lip simply because

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they have no other choice or option for that matter; I have to say it is with a heavy heart that I face into the in-depth analysis of Jackie's interview.

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### **Vignette-Kate**

Kate is a mother of three children, the eldest of which was six when she separated from her husband twenty three years ago. Kate spoke a lot about the lead up to her separation and described her marriage as one of abuse and hardship, her husband a well-respected civil servant had problems with alcohol addiction as well as mental health issues and used go missing for periods of time and leave her to cope with the children with no means of financial support. The level of alcohol abuse meant there was very little money to make ends meet despite her husband's good salary and as a consequence Kate worked many part time jobs to supplement their income.

The repossession of their house was the final straw as she was unaware of the severity of the situation before this; having to leave the family home with three kids and no-where to go was a harrowing experience and the fact that she was not a 'deserted wife' seemed to hinder her quest for support. Having secured a private rented house despite the prejudice she faced as a result of having no husband. Kate subsequently became extremely ill with depression. The fact that her accommodation was a short term lease compounded the stress she was experiencing; eventually she managed to secure a council flat in a high rise in the locality and moved there with her children, she also managed to secure part time work in a local after school until she returned to full time employment many years later.

Even though Kate had an initial separation agreement, problems with maintenance, accesses and harassment forced her to return to court to seek not only a protection order but also a judicial separation; despite being separated for ten years Kate did not seek a divorce due to the fact that divorce legislation did not and does not allow for pension rights to be claimed in a settlement and is therefore subject to judicial discretion without any guarantee of award.

The traumas that Kate suffered were compounded by a lack of family support; family shame and ostracisation were still very prevalent in Irish society at that time. Kate describes the services she accessed at that time as crap, unsupportive and difficult and is of the belief that it was her own mind-set in terms of not willing to be a stereo typical single parent that compelled her to return to work in the civil service and subsequently landed her a high ranking post within a government agency and which was ultimately responsible for achieving her lifelong ambition to obtain a university degree.

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Kate's views on how things have changed for lone parents are interesting; she is of the belief that things have gone to the other extreme in the sense that women in this situation today are not empowered in anyway and that supports are focused in the wrong areas, it is her view that investment in State childcare would have and would now make a significant difference to those parenting alone the lack of which has not improved any great deal in over twenty years.

### **Reflective Journal-Kate**

Kate's story of marital breakdown is interesting in the sense that she separated in the 1990's, twenty three years ago; even though her story is quite harrowing in many ways it is also uplifting. Despite the extreme hardship she went through for many years subsequent to her separation there is a real sense of a happy ending for her. Her own words sum up her experience better than anything I could write; "what doesn't kill you makes you stronger" a very appropriate adage.

Heart wrenching is a term that I would use to describe my own feelings when listening to her story; abuse, alcoholism and mental health issues were all part of her married life and even though she spoke in very matter of fact manner about most of these issues her descriptions of experiences where her children were affected were quite difficult to hear. As she said herself it's one thing suffering yourself as an adult but it quite another when children are suffering.

So vivid were her descriptions that I could actually feel her sense of hopelessness when her house was repossessed and she effectively became homeless with her three children, no family support and no services to turn to, you could nearly sense the abject fear that she experienced even all these years later.

Anger and almost disbelief are still feelings that are also very prominent as I reflect on her story; anger that she was ostracised not only by society in general but also by her own family, it seems absolutely nonsensical to me that her own mother would tell her she would be better off dead than separated, in addition to the hardship she faced when trying to find somewhere to live without a husband's guarantee that rent would be paid. Now I am very aware that my incredulity is most likely due to the fact that we live in a different Ireland to the one that existed twenty three years ago and while there is no denying that there is prejudice still towards one parent families I have never come across such blatant bigotry. What riles me even more is that fact that her husband was a high ranking civil servant in the community

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which seemed to made her task to secure support for herself and her children all the more difficult.

I admire the fact that despite suffering such hardship and debilitating depression as a consequence, Kate has really against all the odds managed to “pull herself up by her boot straps” in that she has not only reared her three children single handed all of which have grown up happy and successful, she achieved a university degree and has for a number of years held a high ranking position with a well-known government agency.

The biggest thing to hit me while writing this reflection is the fact that while undoubtedly things have improved for lone parent families many of the issues faced by Kate are still prevalent today, issues such as childcare, maintenance and prejudice are all still very much in existence; which reinforces my belief that this research to ascertain the effectiveness of family policy in meeting the needs of lone parent families is undeniably warranted.

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### **Vignette-Liz**

Liz married at nineteen and knew almost immediately it was a mistake as the violence started on her honeymoon. She became pregnant very early on and decided to try and make the relationship work for the sake of her child. She remained in the marriage for over eight years until her son became the target of violence from his father, a support group that she was attending for women who were victims of domestic violence at the time assisted her in making a decision to leave once and for all.

She fled to a shelter for domestic violence victims where she stayed for a number of weeks and began a legal process for separation. The court was a harrowing experience for Liz as she was being represented by legal aid that really according to her had no interest in properly representing her. This section of the interview outlines what occurred in the family court at the time. Having been to a local psychologist for a number of years she sought him out to vouch for her during the proceedings; however it turned out that he was a witness for her husband, a top barrister was representing him and they were ordered through mediation where the psychologist was appointed to mediate the case he recommended that she receive a lump sum and no maintenance or further recourse, this was granted and the house was ordered to be sold by a friend of her husbands.

In the meantime her son was struggling with a number of issues and any form of support was in short supply, Liz returned to work and lived with her parents who enabled her to work the long hours needed to make a success of her career. Liz describes this whole period of her life as a battle, constant solicitors letters and no shows for access arrangements made life difficult; however new legal representation that she was able to pay for assisted her in achieving a divorce and also supported her through the situation.

A full confession by her ex-husband a couple of years ago confirmed what Liz already knew; he had paid her psychologist a substantial amount of money to testify against her and mediate in his favour, the house was sold by a friend of his and his barrister went to court to represent him in the family law court having instructed his solicitor to stay away; so Liz's belief of the existence of a 'boys club' was confirmed.

Presently however Liz is focused on her son and his psychological treatment which is still a work in progress she is happy in her work and has a brilliant support network in terms of family and friends. She does however believe that the system of family law needs to be

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looked at particularly in terms of the in camera rule; supports for women in such situations need to be increased and there needs to be more supports for teenagers with psychological problems.

**Reflective Journal-Liz**

Disbelief and absolute amazement characterises my thoughts on Liz's experiences of divorce most accurately; the majority of the interview is taken up with descriptions of the court system and how she felt she was railroaded by corruption, accusations of underhandedness and the existence of a 'boys club' used to ensure her ex-husbands success in the courts are mind blowing. In fact I would go as far as to say that you would be forgiven for thinking that you were listening to some sort of movie set in the gangster era of 1920's America.

What is extremely disturbing to me is the fact that she felt completely voiceless and intimidated throughout the whole legal process; her descriptions of the court left me disturbed to say the least, her there with her legal aid solicitor having spent a number of weeks in a shelter for victims of domestic violence and him there with a barrister (because his solicitor was sick and unable to attend) her psychologist testifying on his behalf and a number of other expert witnesses; the whole scene put me in mind of a lion's den. Made worse by the fact that such a ploy worked, she was left with a once off payment of forty five thousand pounds with no maintenance or further means in the future despite the fact that her husband was a man of substantial means.

Having gained full custody of their son was a massive relief according to Liz as any other result would have been absolutely intolerable due the abuse they suffered at his hands. Although I have to say that the consequences of that abuse were almost as horrific to me as the descriptions of the abuse itself eighteen years of counselling, anxiety, depression, and suicide ideation characterise her sons life; I cannot begin to contemplate having to deal with that situation pure terror wouldn't even cover it.

Overall I found Liz's interview the most difficult thus far to reflect on, my mind is a whirl of emotions at the minute and of course the logical side of my brain is screaming why did you allow yourself to be stepped on like that, why didn't you stand up and be counted, why did you let them away with it; but of course that's easy for me to think, I wasn't a young abused mother faced with the mite of the legal system and the damnation of the so called 'experts' there for the purpose of ensuring that I got as little as humanly possible.



**Vignette-Sandy**

Sandy's story begins with an admission of discontentment for some time prior to her separation; emotional separation from her husband and father of her two children a distancing, he had returned to full time education and completed his nursing degree, he was progressing and she was stagnant at home, minding the children, which continued until a particular night that ended in her receiving medical treatment for physical battery. The guards attended and she was advised to seek protection from the courts. Although she sought a barring order the judge deemed that she was not injured enough to justify such an order and granted a protection order, leaving her in the vulnerable position of being in the same house as her husband.

Upon receipt however her husband upped and left, clearing all bank accounts first; so began the numerous court appearances. Sandy's transcript is littered with discontentment in relation to the legal system, her biggest issue is the feeling that her opinion and needs were disregarded which she attributes to the fact that she was not a professional like her husband she was "just a mammy".

Constant pressure from her ex-husband led to numerous court hearings, social services and child protection being called and solicitor's letters pertaining to child neglect have all been a persistent theme; emergency contact details in the children's school changed and putting the house up for sale without her knowledge all highlight vindictiveness evident in her ex-husbands behaviour. Despite all this Sandy is determined to keep the peace for the sake of the children and therefore does accommodate his demands and will continue to do so if it better for the children.

Family support is a strong influence in her ability to face these battles; emotional and practicable support provided by her parents enables her to keep going, particularly at the beginning where sorting out Social Welfare took a substantial amount of time and effort. Some services were helpful in this endeavour, citizens advice for example was very helpful; legal aid were not. Sandy is of the opinion that a one stop shop for information for people in this situation is badly needed. She believes that society needs to change its attitude to divorced women and give mothers more credit for the job they do.

**Reflective Journal-Sandy**

Definitely a mixed reaction in me to Sandy's story; her feelings of what I would describe as inadequacy prior to her separation is something that I can absolutely relate to, that fact that her ex-husband had progressed beyond her in terms of his level of education and his newly acquired professional status is difficult to come to terms with, particularly when you are the one that enables that process.

Difficulties in acquiring assistance in terms of Social Welfare payments and information is something that we are seeing time and time again and although such issues were undoubtedly affecting, they don't seem to be as momentous here as with some other participants, a good and helpful support network definitely seems to buffer the extremes.

As I have previously stated in other reflections I never had any dealings with the court system subsequent to my own relationship breakdown and was naïvely it seems always of the belief that the system was fit for purpose; Sandy's experience however tells a whole other story, the fact that anybody can launch and persist in a campaign of vindictiveness by consistently making reports to child protective services, sending solicitors letters accusing child neglect (all of which had been disproven) shocks me.

What is even more shocking is the way that Sandy has resigned herself to this being her way of life for the foreseeable future. The altruistic way she accepts what is nothing short of consistent abuse because she wants to keep the peace for her children's sake, while admirable on one hand is totally and utterly unbelievable on the other. Unbelievable in the sense that why are these her only options? It amazes me that nothing can be done to curb this type of behaviour; surely if a report of child neglect or abuse has been disproven on several occasions then evidently false statements are being made.

Maybe her reluctance to act on this reinforces her view that more help and information is needed for people in such situations, somewhere that one can go, a one stop shop to get the correct information required to address this and other matters pertaining to marital dissolution; or maybe it goes back to her feelings of inadequacy and her view that her ex-husband is seen as superior due to his professional status something which she definitely experienced/felt on a number of occasions, particularly in the court system.

Regardless I get the distinct impression that this will not always be the case as Sandy has also returned to education and dreams of completing a degree in the future, this coupled with the

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support network that she has around her leaves me in no doubt that she will progress past this chaos and succeed. Overall I have to say I admire her altruistic nature and hope she can move on to be more than “just a mammy”.

**Vignette-Sasha**

Sasha had one child from a previous relationship and was pregnant with her second child when she married; despite having reservations in the lead up to her wedding she proceeded with the marriage and went on to have two more children and by the time her fourth child was born she knew the marriage was over. She separated from her husband at her own instigation and had a separation drawn up by means of a paid solicitor as she was unaware of the existence of legal aid. Even though arrangements for access and maintenance were agreed almost immediately her ex-husband decided not to see the children and paid no maintenance.

During the period before her divorce Sasha became involved with a new partner and it was decided that they would move from a rural community in the west of Ireland to the east of the country where he owned a house. The situation with her ex-husband remained the same and the responsibility for care and financial provision for the children rested solely on her shoulders and that of her partner who was happy to provide.

It was at the time of divorce that issues of access and maintenance were addressed; represented by legal aid who Sasha felt had no vested interest in her case and found the whole experience cold and traumatic but was lucky in the sense that she had a barrister friend who was able to advise her. A substantial amount of money was owed on maintenance and an attachment of earnings was granted. Access is supposed to be once a month but this doesn't usually work out although he does have some contact with the children.

Overall the legal system was the most challenging for Sasha, the unknown, the lack of information, Sasha is of belief that a support system is definitely required for this, somewhere you can go to meet someone and ask questions and make decisions without being rushed. Other issues faced include issues with maintenance and Social Welfare and the difficulty surrounding the rules that pertain to welfare payments particularly when no maintenance is being received. Issues with societies attitudes to lone parents and different "rules" for both genders; acceptable for fathers to opt out and views of mothers who are divorced.

Services accessed in the east of the country were, nothing in the west of Ireland, Rainbows support group brilliant for the children as well as other forms of counselling.

Current situation is that Sasha has since remarried and has another child (number 5) and is very happy in her second marriage all the children have settled with the exception of her eighteen year old daughter who is having difficulty which could be attributed to the fact that

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her own father lost contact followed by her step father or could be just teenage issues. All are happy in their home; Sasha still has the support of her old friends and family and has managed to make new ones in her local area.

### **Reflective Journal-Sasha**

The first I would say on reflection in relation to Sasha's story is that it elicits a sense of positivity in me; while she absolutely suffered many of the same challenges that other participants spoke about; her experience doesn't seem to have had a very negative effect which we saw in other interviews. In this case I am left with a sense of well-being whereas there have been times that I worry and ponder what lies ahead for many of the mothers that I have spoken to; really I suppose a feeling of would they ever find peace.

Having said that, Sasha's story does also provoke other feelings common to other stories that I have already reflected on, injustice being central to these; injustice at the fact that she had to go it alone when the father of her children decided to opt out and in addition the commonly held view that really this was ok, the significant burden of responsibility that Sasha has shouldered is also an injustice as is the case with many mothers I have interviewed for this study. Really at this stage this research is finding many commonalities some of which I had not envisaged; really I had no idea the onus of responsibility was so absorbed by mothers and even though I have to be honest and say that this has been the case in my own situation, particularly in recent times I had no real expectation that this would be a common experience; which leads me to think that maybe this is part of the problem, the lack of research in this area means that such experiences are unknown in the public arena and are therefore somewhat internalised and accepted especially by those who are in this situation.

On a more optimistic note, it is interesting and important to reflect on the fact that Sasha's story while disturbing in many ways, is heart-warming in others and why this is the case. Despite the fact that Sasha had four children at the time of her separation and was in dire financial circumstances she met and has since married her second husband. This type and level of support seems to have a significant impact on outcomes for families, this is not the first time I have alluded to this and is something that I will have to analyse carefully going forward.

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Overall while yes there has been some traumatic experiences in this story the good outweigh the bad; the children are the focus of both partners and family seems to be all encompassing and while there have been issues with one of the children, I have to say that Sasha makes a great case for the success of blended families; a good outcome from a difficult situation.

**Vignette – Steph**

Steph separated from her husband in the late 2000's following a time of physical and mental abuse exasperated by alcoholism and large debts. She has three children who were all small at the time of separation. Issues over her estranged husband's abuse of his sisters were raised following the separation and Steph's fight to protect her children and enlist services to assist in this process followed. Her husband's violence and stalking made the whole situation almost unbearable. Difficulty in accessing and maintaining services was a significant issue for Steph; dealing with some services was harrowing in terms of how she was made to feel, guilty, undermined and belittled.

All-encompassing support from her family and friends definitely helped but was ostracised by those that were her friends; moving nearer to her family and away from that community helped that situation. Significant stress in the court and lack of understanding and empathy in the legal profession were nerve-wracking for Steph; decision by the court to allow overnight access despite documented history of abuse; a battle ensued and eventually the decision was repealed under a different judge. Some form of cohesive communication is needed between services in badly needed according to Steph. Court decisions based on judges personality is a problem and found one particular judge very biased in favour of her ex-husband.

Male dominated legal system means that there should be more support systems in place for women to guide them from start to finish, information on here to go and what to do. In addition enforcement of maintenance orders and changes to that system needed. Awarded maintenance was paid sporadically, onus of responsibility to retrieve maintenance and return to court was on her and had to do so a number of times.

Overall dealing with the protection of her children was the most harrowing of all her experiences, dealing with the HSE was generally good bar a couple of exceptions, some garda attitudes were demeaning and distinctly reluctant to deal with domestic issues.

Thankfully things have improved in recent times, the children are shortly to be removed from CPS at risk register, Step is at the moment working in a part time job that she likes and in a CE course two days a week with a view to returning to university to do retrain in another area, so the future looks bright for Steph and her children.

### **Reflective Journal-Steph**

Steph's experiences of marital dissolution are probably some of the most harrowing that I have come across due to the fact that these experiences are wrapped up in other more complex and horrendous issues surrounding abuse of children. Allegations of her ex-husbands abuse of his sisters in the past and their belief that Steph's children were at risk add a totally new dimension to topics covering women's experiences of marital breakdown and divorce; a topic really that I cannot relate to only to say that I cannot begin to imagine the horror and worry Steph experienced when she was informed of such happenings.

There is no doubt in my mind that her education and profession as a staff nurse definitely assisted her in her quest for help and information. She recruited a number of services to work with the family to ensure her children's safety and wellbeing. It is very interesting to hear that despite her knowledge and ability to seek help and information that this process was very difficult for her; finding assistance was by all accounts quite daunting.

Interesting also was the fact that she felt humiliated and belittled by some of the services she accessed particularly the courts and Social Welfare for example, so even though Steph was in a better social position than most of the women I have interviewed her experiences were in some cases similar, surprising when you think that social position and education may act as a buffer to such things.

The essential help and support provided by some friends and family is highlighted in the text a number of times, something I can in some ways relate to, it seems that Steph has significant support which has enabled her to work and improve her level of education, also this unwavering support has been essential in terms of emotional support for herself and her children.

Now for the inevitable anger statement which seems to be consistent throughout all of my reflections. If an educated, well supported woman like Steph has problems accessing information, services and family support and has experienced shame and humiliation at the hands of State institutions then how in god's name do women who have no such support feel? It is amazing to me that still in twenty first century Ireland women who have experienced marital breakdown are in some cases made to feel responsible, guilty and shameful by the very institutions that were set up to support those in need in the first instance; coupled with that is being ostracised by the local community in some cases. So not only do women have to



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deal with the marital breakdown, the effects of that on both themselves and their children, the financial effects, the legal process and any acrimony that may occur they also have to deal with wider societal prejudices; I have definitely learned that there is a lot more to the experience of divorce than I ever thought possible.

## Appendix II

### Request for Research Participants



Rosemary Crosse

Department of Political Science and Sociology

National University of Ireland Galway

[rosemary.crosse@nuigalway.ie](mailto:rosemary.crosse@nuigalway.ie)

0870629631

**Project Title:** Irish Mothers, Separation and Divorce an Exploratory Study: Examining Experiences, Services and Policy. My name is Rosemary Crosse and I am conducting a PhD study within the Political Science and Sociology Department of the National University of Ireland Galway, I would greatly appreciate your participation in this research project;

This research is about exploring mother's experiences of marital dissolution and their views on the availability and helpfulness of support services within their own locality. I would appreciate your support in participation and if possible recruitment of mothers who may wish to contribute to this research on an anonymous basis. The following criteria for participants are as follows;

All participants must be legally separated under the Judicial Separation and Family Law Reform Act 1989 or divorced under the Family Law (Divorce) Act 1996

All participants must have biological children who were in primary school at the time of the divorce/separation

All participants must be of Irish nationality (Every country's experience of a particular phenomenon is different, and therefore in order to account for tacit knowledge and examine the relatively new occurrence of divorce in Ireland from a mother's perspective it is necessary for me to include only mothers of Irish nationality in this study)

## Appendix II

All participants must have a good standard of English, as all interviews will be conducted in English and no interpreter will be present.

All participants must voluntarily agree to participate in the interview process and informed consent is required.

The main aim of this study will be to explore how mothers experienced and dealt with the dissolution of their marriage; through a one to one interview lasting approximately one to one and a half hours. The research will seek to identify the particular needs of these mothers and assess their views on local support services in meeting these needs. It is ultimately the intention of this study to try and understand, how valuable/helpful existing social policy and service provision in Ireland is, in supporting mothers who have experienced marital dissolution.

It is anticipated that this research will fill a substantial gap in existing knowledge in this area; despite the fact that legal separation has been available in Ireland since 1989 and divorce since 1997 there is still a notable lack of understanding in relation to the needs of mothers in this situation. Given that in excess of eighty eight thousand people are currently divorced in Ireland and approximately one hundred and twelve thousand are separated according to recent CSO figures; and with the majority of children residing with mothers, it is evident that social policy and service provision have a significant role in supporting mother headed families through consequent transitions that inevitably occur following marital breakdown.

Therefore an examination of the effectiveness of social policy and the value of service provision in this area is warranted; to ascertain whether the needs of this increasing percentage of the population are actually being met through the States 'families first' approach to social and economic policy making. Furthermore it is anticipated that the originality of this research will be significant in creating an awareness of the realities faced by mothers in this position and consequently will highlight the necessity of effective, practical, useable policies and services that reduce the likelihood of negative outcomes that are sometimes documented in cases of marital breakdown.

**Note:** *This research has been approved by the NUI Galway Research Ethics Committee*

Thank you very much for taking the time to read this information sheet, and if you have any questions or require any further information please do not hesitate to contact me.

Appendix II

Rosemary

Crosse

## Appendix III

### Participant Information Sheet



#### **Postgraduate Research Study**

**Irish Mothers, Separation and Divorce an Exploratory Study: Examining Experiences, Services and Policy.**

#### **Participant Information Sheet**

You are being invited to take part in a research study. Before you decide, it is important for you to understand why the research is being done and what it will involve. This participant information sheet will tell you about the purpose, risks and benefits of this research study. If you agree to take part, I will ask you to sign a Consent Form. If there is anything that you are not clear about, I will be happy to explain it to you. Please take as much time as you need to read it. You should only consent to take part in this research study when you feel that you understand what is being asked of you, and you have had enough time to think about your decision.

Thank you for reading this.

#### **What is the purpose of the study?**

It is the intention of this study to try and understand, how useful existing social policy and service provision in Ireland is in supporting mothers who have experienced marital breakdown.

#### **Why have I been chosen?**

You are one of 20 mothers being invited to take part in this study, as in order to understand the usefulness of Irish social policy and service provision in supporting mothers who have faced marital breakdown;

### Appendix III

We must first explore the experiences of mothers who have been in this situation;  
Only mothers who have been in this situation can truly offer insight into this topic;  
Your story can help develop an understanding as to what needs to be done to support mothers who have experienced this type of significant change in their lives.

#### **What will participation involve?**

First of all I would like to make clear that it is entirely up to you to decide whether or not to take part in this study. If you decide to take part you will be given this information sheet to keep and asked to sign a consent form. Even if you decide to take part you are still free to withdraw at any time without giving a reason.

An informal in-depth interview will be carried out at a time and place that suits you; the intention of the interview is to explore your experience of marital breakdown; (Emotional, physical, practical impact, changes that occurred in your life as a result, how you dealt with those changes)

The interview will take approximately one hour;

The interview will be recorded and later written into text form;

Please note that;

In line with national child protection guidelines; the researcher is obligated to ensure the protection of children from harm and is therefore required to report any concerns about child abuse or neglect to the relevant authorities.

All information collected about you during the course of this research will be kept strictly confidential, I as the researcher am the only person who will have access to your personal details.

The information collected in this research study will be stored in a way that protects your identity;

The original recordings will be stored securely in NUIG department of Political Science & Sociology for 5 years after which they will be destroyed;

As part of the presentation of results from this study, your own words may be used in text form. However all data will be anonymised so that you cannot be identified;

Reports on the results of this study will not identify you in any way.

**What are the possible advantages in taking part?**

Although this research will not be in any position to change any individuals current circumstances, it is hoped that by giving a voice to mothers in this situation possible recommendations for change may influence policy and service provision in the years ahead; making it more effective and beneficial to those who may find themselves in similar situations in the future.

Some people who have taken part in this type of interview based research have expressed that it was a positive experience which benefited them, in the sense that it provided them with a voice and a forum to talk about issues and experiences that have been significant in their lives. It is possible (but not assumed) that some individuals may feel this way having taken part in this research.

**What are the possible disadvantages of taking part?**

There is the possibility that some participants may become upset or distressed due to the nature of the research topic;

If you feel like you would like to talk to someone about any of the issues that participation in this research may have raised. I will be happy to recommend someone to you.

You can stop the interview at any stage;

You can withdraw from the research at any time without question.

**What happens at the end of the study?**

This research will help to gain an understanding of the usefulness of Irish social policy and service provision in meeting the needs of mothers who have experienced marital breakdown. It is thought that the results of this research will be published in the early part of 2015. Anyone who may be interested in a copy of this study may contact me directly.

**Participants' rights:**

If you have read this form and have decided to participate in this research, please understand that your participation is voluntary and you have the right to withdraw your participation at any time. Your individual privacy will be maintained in all published and written data resulting from this study.

**What if I have a complaint during my participation in the study?**

If you feel that you are not satisfied with how this research is being conducted, or if you have any concerns or complaints in relation to this or in relation to your rights as a participant; please contact the supervisor of this research;

Dr Michelle Millar

315 Aras Moyola

NUI Galway

[michelle.millar@nuigalway.ie](mailto:michelle.millar@nuigalway.ie)

091493634

If you wish to contact someone independent and in confidence, you may contact the Chairperson of the NUI Galway Research Ethics Committee, c/o Office of the Vice President for Research, NUI Galway, [ethics@nuigalway.ie](mailto:ethics@nuigalway.ie).

**Contact details: Researcher**

If you have any questions or if there is anything that you are unclear about please do not hesitate to contact me;

Name: Rosemary Crosse

Email: [rosemary.crosse@nuigalway.ie](mailto:rosemary.crosse@nuigalway.ie)

Phone: 0870629631

I would like to thank you for taking the time to read this, and sincerely thank you for your very valuable participation in this research.





## Appendix V

### Interview Format

I will initially spend some time introducing myself to the participant and invite the participant to do the same. I envisage that this initial conversation will create in as far as possible a somewhat relaxed atmosphere; this is necessary to ensure both the participants peace of mind and to develop a rapport that will allow an unencumbered flow of conversation/information during the course of the interview.

Subsequent to this I will explain how the interview will work i.e. this interview will take approximately 90 minutes and will be tape recorded.

Further to this I will outline the purpose of the study (in a similar vein to the participant information sheet) and particular areas of interest that I would like to focus on. Namely, the experience of marital dissolution, the impact of such on their daily life; emotionally, physically and practically in terms of their present social and economic situation, the transitions that have occurred, as well as the impact on their personal relationships with their children and others. It is also important that I gain understanding of how they felt supported or unsupported by services that they have come into contact with.

I will finish this introduction by highlighting that the interview is more like a conversation, for them to discuss their experiences so that I can understand their point of view. I will also reiterate at this time that they are free to withdraw from the interview at any stage should they wish to do so.

#### **1-Their Experience**

To begin with; if you are comfortable speaking about this can you tell me the circumstances surrounding your separation/divorce? *The purpose of this opening question is to understand the family processes that occurred prior to marital dissolution; as research suggests that it is family processes and not the actual occurrence of divorce that produce negative outcomes. This question will help understand the participants' background and therefore will highlight their holistic needs.*

## Appendix V

2- If we can I would like to return to a point you mentioned earlier? *The purpose of this is to further develop a point that the participant may have made in an effort to gain greater understanding of that particular issue or lead into another area of discussion. Here I will engage in questions where appropriate, this type of interaction may occur several times.*

### **2-Specific Experiences**

3- Can you tell me how the separation/divorce impacted on the practical areas of your life? For example; the economic impact, employment status, transitions such as moving house, parenting practicalities? *Again I may develop a point that the participant has made and ask more about a given issue where appropriate.*

4- Can you tell me about the impact that the divorce/separation had on your emotional/physical health? For example; were you feeling sad, low, worried or did you suffer from any physical illnesses before, during or after the separation/divorce? *Once more there may be particular areas where I require more information and therefore ask questions where appropriate.*

5- Can you tell me about the impact that the separation/divorce on your relationship with your children? For example did you feel that your relationship with them altered and if so in what way? *There is a possibility that I may ask for elaboration on certain points where appropriate.*

6- Can you tell me what type of supports or services you accessed during this period of your life; did you find them helpful or otherwise? For example; counseling, Social Welfare, housing. *Once more there may be particular areas where I require more information and therefore ask questions where appropriate.*

7- Can you tell me what kind/if any support did you receive from your family or friends? *Elaboration on some aspects of their experience in this area may be required.*

## Appendix V

During the course of the interview I will attempt to address key themes;

What if any were the key sources of State, community/voluntary supports or services encountered?

Who were/are the most important sources of personal support?

Throughout the whole period of this transition, what was the most difficult challenging experience?

### **3- Reflections**

What *do you feel* that society needs to understand about the experience of divorce/separation for mothers?

What supports or improvement to services *do you feel* are most important for mothers who are experiencing separation/divorce?

What if anything would have made the transition easier for you or your children?

*It is possible that some or all of these questions may have already been addressed during the course of the interview. If not then this space is an area where the participant can feel empowered and the interview can end on a positive note.*

On closure of the interview the participant will have an opportunity to add anything further or reflect on their stories.

I will end the interview by thanking them for sharing their experiences with me, and chat about how they are feeling, as well as some conversation about their plans for the rest of the day.

Pilot interviews based on this format will be conducted in an effort to ensure its proficiency in addressing the core research questions pertaining to this study.

## Appendix VI

## NVivo Analysis Trail

## Overview of All Readings in NVivo

Theming Framework Reading One	Interviews Themed	Experiences
Reading One - Plot	15	3546
Stage 1. Before	15	308
Stage 2. During the period of separation until divorce	15	1237
Stage 3. After Divorce	15	801
4. What's Needed	14	313
Reading Two - Reading for Personal Pronouns	15	1917
He	13	208
I to You	8	29
They	15	254
Voice of I	15	1049
We	15	120
You	15	257
Reading Three - Reading for Relationships	15	2724
Constraining	15	1100
Enabling	15	764
Reading Four - Reading for the Cultural and Social Context	15	1656
1.Social Institutions	15	1146
2.Social Structures	15	290
3.Culture	14	220

Appendix VI

Theming Framework for Reading One -First Stage Before Separation – Nvivo

Theming Framework – Reading 1 Before Separation	Interviews Themed	Experiences
1. Reading One – Plot	15	3546
1. Before	15	308
Abuse	10	47
Children and Abuse	5	12
Disruption	1	2
Protection	3	7
Subject to Abuse	2	4
Witnessing Abuse	3	4
Economic Abuse	2	4
Effects of Abuse	7	13
Concern for Children	2	2
Mental State	7	12
Physical State	1	1
Emotional	4	14
Physical	7	15
Verbal	3	4
Other Experiences	15	78
Addiction	7	14
Alcoholism	5	10
Gambling	4	5
Affair	2	4
Experiences Concerning Children	6	11
Favouritism	1	3
Indifference	1	1
Preparedness	2	3
Safety	2	3
Debt	3	8
Intimidation	5	13
Aggression	1	1
Demoralisation	4	8
Inciting Fear	2	3
Other Issues	4	6
People's Perceptions	4	6
Trapped	4	11
Services	11	39
State	7	24
Courts	2	10
Issues with Court Experiences	2	8
HSE	3	7
Child Protection	1	1
GP Services	2	2

Appendix VI

Psychiatric-Mental Health Services	2	5
Mediation	1	1
Social Welfare	4	5
Issues Faced	3	4
Positive Experiences	1	1
Voluntary-Charity-Paid Services	6	14
Citizens Advice	1	2
Counselling	3	6
Domestic Violence Services	3	6
Limitations of Services	2	3
Support Network	10	27
Family	0	0
Good Support	5	8
Limited Support	2	2
No Support	2	8
Friend Support	0	0
Good	3	4
Poor	2	3
Services Support	3	6

Appendix VI

Theming Framework for Reading One –Second Stage During the Period of Separation Until Legalities of Dissolution are Finalised – NVivo

Theming Framework – Reading 1 During the Period of Separation Until Legalities are Finalised	Interviews Themed	Experiences
2. During the Period of Separation until Divorce	15	1237
Court	15	174
Expenses	6	16
Orders Made	14	55
Reactions	11	52
Difficulty with Legal Process	11	44
Emotions	9	25
Representation	11	30
Legal Aid	8	20
Legal Aid	10	35
Other Issues with Representation	5	8
Paid	4	7
Unknown Entity	6	21
Expense	3	6
In-Camera	1	3
Incomprehension	3	6
Precedent	1	4
Uncertainty	5	12
Judges	2	4
Possible Judgements	3	8
Views	12	64
Distortion	4	22
Inequity	8	25
Laissez-Faire	7	17
Emotional-Physical Health	15	109
Anxiety	12	44
Fear	11	19
Physical	5	10
Pressure	9	32
Pride	1	4
Relief	4	6
Shame-Guilt	5	7
Financial	0	0
1.Social Welfare	14	72
Attitudes	8	32
Rules and Regulations	13	53
Income Thresholds	2	3
Maintenance and Social Welfare	6	16



Appendix VI

Onus of Proof	2	8
Procedures	9	32
Work and Social Welfare	4	5
2.Maintenance	15	82
Court Orders	12	27
Evasive Measures	5	8
Non payment	6	13
Onus of Responsibility	7	20
Sporadic Payments	6	6
What's the Point	6	10
3.Work	12	44
Attitudes to Work	6	14
Barriers	9	18
Need to Work	5	9
4.Other Financial Problems	14	62
Debt	8	23
Legal Bills	3	6
Other Bills	5	8
Poverty	5	9
Housing	15	93
Court Decisions	8	12
Debt	6	15
Effects on Family	12	40
Fear	7	11
SW Rules	5	13
Other Issues Faced.	15	171
Burden of Responsibility	9	30
Day to Day	3	8
Finances	3	6
Physical Needs	4	7
Well Being	5	13
Effects on Children	11	31
Displaced	5	7
Emotional Effects	6	10
Relationship with Father	7	11
Family Issues	6	21
Intimidation	8	24
People's Perceptions	8	39
Services	14	174
Counselling	1	2
Opinion	10	40
Insufficient Advice	4	5
Lack of Understanding	3	8
Not Enough Emotional Support	3	5
Not Enough Support	5	15
Positive Opinion	2	2
State	13	111
Court	0	0

## Appendix VI

Education	1	1
Guards	2	2
Housing	0	0
HSE	5	19
MABS	1	1
Mediation	4	8
SW	0	0
System Constraints	7	19
Voluntary-Charity	11	45
AA	2	3
Citizen's Advice	4	10
DV Services	4	11
Other	3	7
Rainbows	4	8
SVP	3	7

Appendix VI

Theming Framework for Reading One – Third Stage After Legalities of Dissolution are Finalised – NVivo

Theming Framework – Reading 1 After Legalities of Dissolution are Finalised	Interviews Themed	Experiences
3. After Divorce	15	801
After Negative	14	146
Debt	3	8
Effects on Children	12	52
Emotional Effects	7	21
Relationship with Father	10	25
Relationships with Extended Family	1	4
Health	7	13
Intimidation	8	23
Onus of Responsibility	7	29
All Responsibilities	3	6
Facilitate	4	10
Rights without Obligations	3	8
Safeguard	2	4
People's Perceptions	5	12
System Constraints	11	42
Church	1	1
Court-Legal	8	21
Maintenance	3	7
Guards	1	3
Services	2	3
SW	4	7
After Positive	15	57
Better Emotional Health	9	16
Good Familial Relationships	11	30
Good Support Network	9	14
Financial	13	85
Debt	6	16
Education	3	8
Housing	4	9
Maintenance	10	36
Pension	1	2
SW Issues	7	21
Present Circumstances	15	152
Children	11	33
Consistent Disputes-Issues	9	27
Issues Pertaining to Children	6	10
Legal Resolutions	3	5
Rights Without Obligations	1	1
Strained Relationships	2	9

## Appendix VI

Emotional Health	12	36
Family	5	10
Financial Worries	9	20
Maintenance	3	7
Onus of Responsibility	2	4
SW	4	8
New Relationships	5	11
Support	5	11
Work	5	12

## Appendix VI

### Participants' Views on What's Needed to Make the Separation/Divorce Process Easier

Theming Framework – Reading 1 Participants' Views on What's Needed to Make the Dissolution Process Easier	Interviews Themed	Experiences
4. What's Needed	14	313
Change in Social Attitude	4	8
Changes to Legal Process	10	47
Changes to Family-Divorce Law	6	16
Changes to Maintenance System	6	23
Representation	4	9
Childcare	3	3
Empathetic Institutions	4	16
Financial Supports	4	6
Flexible Regulations	5	11
Information	7	21
Personalised Support	8	34
Counselling	1	3
Group Support	3	6
Qualified Advice	9	22

## Appendix VI

### Theming Framework for Reading Two – Reading for Personal Pronouns – NVivo

Theming Framework – Reading 2 Reading for Personal Pronouns	Interviews Themed	Experiences
2. Reading for Personal Pronouns	15	1917
He	13	208
I to You	8	29
They	15	254
Voice of I	15	1049
Constrained	1	22
Divorce Decree	8	17
Finances	15	133
Maintenance	13	56
Social Welfare Regulations	9	31
Lack of Support	13	75
Family	4	12
Services	12	63
Law	12	96
Legal Representation	11	37
Personal Issues	9	37
Responsibility	14	66
Enabled	7	22
Court	4	6
Education	3	9
Endurance	13	53
Humiliated	11	56
Social Welfare	3	12
Work	1	3
Relief	9	20
Housing	7	12
Support	13	64
Family	10	23
Services	12	39
Trapped	10	35
In Marriage	8	28
We	15	120
You	15	257

Appendix VI

Theming Framework for Reading Three– Reading for Relationships – NVivo

Theming Framework – Reading 3 Reading for Relationships	Interviews Themed	Experiences
3. Reading for Relationships	15	2724
Constraining	15	1100
Broader Social Networks	14	79
Friends	5	9
Wider Community	14	75
Public Perception	9	38
Mother's Views on Their Situation	8	20
Services and Professionals	14	38
Church	1	2
Legal	12	18
Social Services	5	8
Social Welfare	5	7
Teachers	3	3
Work	1	4
Children	14	136
Anxiety	12	60
Dealing with Father Issues	9	29
Provision of Finances	10	20
Sacrifices to Enable Paternal Relationships	5	14
Sole Responsibility	10	19
Ex Husband	15	276
Abuse	11	26
Addiction	7	13
Behaviour Towards Children	12	50
Coercion	14	91
Finances	14	93
New Partner	2	15
Relatives	11	55
Dealing with Bereavement	3	5
Issues with In-Laws	4	8
Lack of Support	9	34
Dealing with Contentious Issues	4	18
Responsibility for Relatives	3	7
Enabling	15	764
Broader Social Networks	15	121
Friends	12	44
Wider Community	12	81
Mother's Own Views on their Situation	1	3
Services and Professionals	0	0

Appendix VI

Education	7	12
Legal	3	7
Other	1	3
Social Services	5	20
Social Welfare	2	2
Voluntary	7	28
Children	15	106
Being Needed	6	19
Children's Relationship with Father	9	16
Positive Relationship with Children	12	32
Protective Nature	11	33
Ex Husband	14	60
Children	9	19
Finances	11	18
In Laws	2	2
Less Constrained	11	20
New Partner	6	25
Relatives	13	85
Emotional Support	9	28
Practical Support	13	66



Appendix VI

Theming Framework for Reading Four– Reading for the Social and Cultural Context – NVivo

Theming Framework – Reading 4 Reading for the Cultural and Social Context	Interviews Themed	Experiences
4. Reading for the Cultural and Social Context	15	1656
1.Social Institutions	15	1146
Family	15	330
Daughter	12	74
Carer	1	4
Supported-Valued	10	51
Unsupported-Not Valued	5	20
Ex- in Law	5	13
Ex-Wife	14	82
Bitterness	2	3
Coerced	8	26
Disrespect	10	19
Respect	5	11
Ridicule	4	11
Sacrifice	4	9
Mother	15	146
Carer	13	34
Emotional Support	12	50
Financial Provider	4	11
Sacrifice	8	21
Sole Responsibility	8	20
Niece	2	3
Partner	4	14
Sister	9	25
Supported-Valued	8	11
Unsupported-Not Valued	5	14
Wife	9	29
Trapped	6	11
Undermined	5	14
Unsupported	5	8
Financial Institutions	10	28
Borrowing	7	12
Post-Separation	5	7
Pre-Separation	4	5
Housing	7	16
Law	15	370
Constrained	14	294
Conditions attached to Protection	6	17

Appendix VI

Court Experience	8	59
Degrading	5	19
Disenfranchised	6	15
Legal Process as a tool	2	10
No Regard	6	16
Divorce Settlements	9	26
Oppressed	7	15
Unequal	7	12
Maintenance	13	89
Non- Barriers to Enforcement	10	36
Non Intervention	6	17
Undervalued	11	44
Mediation	3	6
Other	11	33
Legal System	6	10
Non-Responsive	1	2
Other Legal Issues	6	18
Rights without Obligations	2	5
Representation	12	47
Accusations of Misrepresentation	1	1
Attitudes	3	6
Cost	4	13
Difficulties in Obtaining Representation	2	3
Legal Aid	1	4
Accusations of Misconduct	2	5
Attitudes	9	23
Time Waiting	7	12
Unknown	3	25
Cost	1	16
Fear of Outcome	3	21
Enabled	12	58
Divorce Settlements	11	28
Progression	6	10
Satisfactory Judgements	9	17
Maintenance	5	9
Compliance	1	1
Enforced Compliance	2	6
Initial Compliance	2	2
Mediation	1	1
Other	4	6
Child Protection	1	1
Qualified Advice-Friends	1	1
Spousal Protection	2	4
Protection from Abuse	4	5
Representation	6	12
Legal Aid-Positive	3	4
Private-Positive	3	7
State	15	348

Appendix VI

Court	10	37
Education	8	15
Guards	4	5
Housing	7	18
Council	5	12
Other Issues	1	2
Rent Allowance	3	5
HSE	9	54
Child Mental Health	2	7
Child Protection-Social Work	5	22
Cost of Care	2	6
GP	3	6
Mental Health	1	7
No support	6	25
Other Services	12	129
State	0	0
Legal Aid	8	31
Negative	7	23
Positive	1	1
MABS	2	4
Mediation	2	7
Other	6	9
Voluntary-Charity	0	0
AA	2	3
Citizens Advice	4	11
DV Services	3	7
Other	4	9
Rainbows	4	6
SVP	1	3
Services Needed	11	54
Social Welfare	14	127
Alleviating	10	31
Oppressed	13	91
Emotionally	3	23
Financially	9	27
Rules and Regulations	10	51
Work	14	70
Attitudes in the Workplace	3	11
Barriers-Constraints	10	24
Low Pay-Low Skill	4	8
Need to Work	11	27
Work-Social Protection	4	6
2.Social Structures	15	290
Age	5	17
Difficulties Faced being Young	2	8
Difficulties faced-Older	3	9
Gender	12	61
Inequity	9	29

Appendix VI

Responsibility	3	6
System	8	20
Wider Community	3	5
Insignificant	6	16
Legal System	5	12
State Services	4	7
Roles-Expectations	7	13
Men	3	3
Women	7	13
Status	15	212
Dependent	4	16
On Husbands	3	8
On State	2	6
Economic	13	55
Barriers to Progression	8	14
Changes in SW	1	2
Divorce Settlements	2	4
Lack of Maintenance	5	7
Change in Economic Status	7	17
How they view themselves	11	34
Alone	3	4
Belittled	6	11
Proud	3	4
Stereotyped	6	9
Provider	5	10
Social	15	97
Addict	1	6
Fathers	5	10
Impoverished	5	6
Mothers	9	38
Position in Society	12	52
Insignificant	5	13
Other's Perceptions	5	15
Stereotype	3	6
Personal Perceptions	8	25
Importance of Social Status	5	18
Stereotype	3	9
Suppressed	7	22
3.Culture	14	220
Coping	2	4
Different views of Men and Women	8	21
Law	4	13
Society	4	9
Work	1	1
Motherhood	3	4
Respect for those with Community Standing	4	10
By Professionals	2	8
By Wider Community	2	2

Appendix VI

Stereotyping	6	19
Public	4	14
State Systems	4	7
Traditional Views of Marriage	10	49
Church	5	6
Public Opinion	10	38
State Systems	5	19
Contradiction	3	5

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