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## **Interrogating Institutionalisation and child welfare: the Irish case, 1939-1991**

Sarah-Anne Buckley and Caroline McGregor

### **Abstract**

The topic of institutionalisation and child welfare in Ireland has garnered increasing national and international public and scholarly attention over the past twenty years. This is not an Irish phenomenon, as governments internationally have utilised commissions to investigate a range of historical abuses against children and young adults, many in an institutional setting – with over twenty being conducted in countries to date (see Age of Inquiry, <http://www.lib.latrobe.edu.au/research/ageofinquiry/>). Ireland has conducted four such inquiries to date, with one of these focusing on institutional structures, the others on sexual abuse and the Catholic Church. One of the most recent shocking historical revelations opens the paper – the discovery of the burial of 796 children in a septic tank in a mother and baby home in Tuam, Co. Galway. This is currently part of an ongoing investigation (<http://www.mbhcoi.ie/MBH.nsf/page/index-en>). Following this, the historical approach – a history of the present - is explained. This approach raises questions rather than seeking the answers. With this in mind, a number of questions about the past use of institutions in Ireland are posed with a view to helping us to illuminate the ongoing importance of this issue to the present day. These relate to the nature of institutionalisation in Ireland and the development of law and policy prior to and after the Second World War.

To interrogate the theme of institutionalisation in Ireland in depth, our questions lead us to a discussion where three critical themes of particular significance are explored: the role of economics; parentage and gender; and the relationship between the State and the Church. We conclude with a commentary on why such interrogation of institutional care in Ireland is important in the present to inform policy and practice in Ireland and in a wider global context.

### **Introduction:**

Glenamaddy Children's Home in County Galway, in the West of Ireland opened in a former workhouse in December 1921, under the management of Sister Hortense and the Bon Secours nuns. At that time, there were 87 infants under-10, and 26 mothers. Due to the derelict state of

the home, it was decided to relocate, and after the intervention of the Archbishop of Tuam, the decision was made in 1925 to transfer the children to the Tuam workhouse (Buckley & Cunningham, 2017). In 2014, when one thought there could be no more shocking revelations in Ireland after the revelations of the Commission to Inquire into Child Abuse in 2009 (known as the Ryan Report), a mass grave in the Tuam Home was discovered by local historian Catherine Corless.

Mother and Baby Homes such as the one referred to here, were officially endorsed by the Catholic Church and state authorities in 1927 as a solution to illegitimacy (Buckley, 2017). Pregnant women unfortunate enough not to have family take them in or deemed deserving enough as a first time offender for a more 'charitable' intervention (Skehill, 2004) were consigned to the homes to give birth. The women were required to work there for two years afterwards, unless they could provide £100 to leave (Goulding, 1996). Their children were often adopted illegally and even after adoption was legalised in 1952, illegitimate children remained outside the legislation's remit. While conclusive figures are not available, at least 2000 Irish children were sent to the US from 1950 to 1980 (Milotte, 1988). Babies were also used for medical testing by universities and pharmaceutical companies (Dwyer, 2016), while GRO records show 23,000 births occurred in mother and baby homes during their operation. In 1927 1,020 unmarried mothers were institutionalised nationally, 235 in special institutions and the remainder in County Homes. The number of unmarried mothers in the three Sacred Heart run homes (Bessboro, Sean Ross and Manor House) ranged between 266 and 352 from 1928-1942. The Catholic Church-State nexus enabled authorities to retain enormous control, particularly over the social reproduction of labour and the lives of the women living in these homes.

Tuam demonstrates the need for continued interrogation in the present of the conditions within which certain categories of children - in this case those deemed both illegitimate and undeserving, lived. We approach this paper with a recognition that the history of institutional care for children in Ireland is a complex and nuanced one. Disclosures of systemic abuse and systematic failure to protect children from abuse and neglect in institutional care (Commission to Inquire into Child Abuse, 2009) and more recently again in the mother and baby homes has exposed a particularly disturbing facet of the past previously not known to the same extent by most. In this context, it is important that this is understood in the moment itself and not from the myopic and limited vision of the present. It is too glib for example to argue that somehow there was less enlightenment in the past about matters of abuse and neglect and the needs of

children (O’Sullivan, 2002). Factual history tells us differently. Awareness of the damage and illegality of child abuse is evident from the mid-nineteenth century and was legislated against accordingly. In presenting this history, we take a history of the present approach to problematise discoveries of abuse and harm in the past within the context of the present day.

### **Methodology: Our Approach to History and the Present**

We take a history of the present approach in this paper influenced by Michel Foucault (1977) and Adapted by Mitchell Dean (1994). This approach challenges revisionism – a form of rewriting historical fact for instrumental purposes – and presentism – a practice of judging and assessing the past from the perspective and knowledge base of the present (See Dean). Our biographies place us well within the principles of a history of the present which aims to use an interrogation of the Past to illuminate the present (See Skehill, 2007). One author of this paper is a social historian and the second author a social work academic with an interest in history. Both share a common interest in the history of Irish childhood and the relevance of this history for the present day. The paper is written from the viewpoint that evidence and accuracy of reporting from key moments in the past is crucial to ensuring authentic and reliable histories. We are keen to illuminate key ‘moments’ in the past that reveal the nature and form of discourses and practices. As far as possible, we give you the original sources as reference, using secondary sources carefully and selectively to supplement this and facilitate future researchers to carry on the investigation of experiences of and interventions with children and families in Ireland in the past. We emphasise the need for caution regarding the high risk of revisionism when one addresses matters of the past from the present position (Foucault, 1977). To help focus the use of history to inform the present, the purpose must be clear from the start - to narrate for the reader an account based on our own historical work and interests of a case study of institutional care for children in Ireland. A history of the approach poses questions that allow for a focused inquiry to follow (See Skehill, 2007). The opening questions that frame this paper are as follows: What was the nature of Institutionalisation in Ireland? What moment can we return to in order to understand its wider context and legitimation? How did it persist during the mid-twentieth century? And how has it turned out today to be a rarely used option for children in need of alternative care? The exploration of the main evidence surrounding these questions results in three core themes emerging strongly around Economics, parentage and Church-State relations. The discussion narrates these themes as a way if illuminating the nature and form of discourses and practices. This in turn informs the conclusion that comes around to

the question of what we can learn in the present from this illustrative analysis of institutionalisation in Ireland.

### **Institutionalisation and Ireland's 'Architecture of Containment': What was the nature of Institutionalisation in Ireland?**

James Smith's description of Ireland's twentieth century institutional landscape as the 'architecture of containment' (Smith, 2009) is an apt portrayal of the prominence of Irish institutions in the twentieth century. While Smith was referring primarily to Magdalene Laundries, the list included industrial and reformatory schools, Mother and Baby Homes, County Homes, psychiatric facilities (asylums), prisons and borstals. More recently, this architecture has been mapped for the *Atlas of the Irish Revolution* demonstrating the widespread nature of institutionalisation from a visual perspective. By the mid-twentieth century, O'Sullivan and O'Donnell estimate that approximately 1 per cent of the population of the state was incarcerated in these institutions, which, along with emigration, absorbed the surplus, deviant and 'undesirable' in society (O'Sullivan and O'Donnell, 2014). In 2009, the Report of the Commission to Inquire into Child Abuse (Ryan Report) described the emotional, physical and sexual abuse that occurred in the schools as 'systematic' and 'endemic'. It attacked the 'deferential and submissive attitude' of the Department of Education and outdated system of 'large-scale institutionalisation' (CICA, 2009). Between 1869 and 1969, 105,000 children were placed in the schools and over 15,000 in reformatories. In 1924 there were more children in industrial schools in the Irish Free State than there were in all of the industrial schools in England, Scotland, Wales, and Northern Ireland combined (Buckley, 2013).

### **What moment can we return to in order to understand its wider context and legitimisation?**

#### **Summary of Child Welfare Legislation, 1838-1939**

This section, although far from exhaustive will briefly outline the history of child welfare legislation prior to the Second World War. While focused on the national contexts, the British State is central to this narrative, as are developments internationally as is reflected in legislation surrounding midwifery, foster care, prevention of infant mortality and child cruelty. However,

religion and sectarianism are prominent features of the Irish case, especially after independence in 1922.

Throughout the nineteenth century, children, and in particular poor children came to the attention of the State and religious orders under the auspices of education, health, welfare and delinquency (Buckley, 2013; Buckley and Riordan, 2017). Religion and fears or proselytising were central to the manner in which educational and punitive institutions developed and expanded (Luddy, 1995), and institutionalisation is a common theme. One of the first institutions opened to cater for poverty in Ireland was the workhouse. Following on from the English Act of 1834, in 1838 the Poor Law (Ireland) Act was passed and 130 workhouses were built throughout the country. With regard to children, as Virginia Crossman's work has demonstrated, most children in Ireland were placed in the institution as opposed to 'boarded out' or fostered, as was the case in Scotland. Even after the introduction of the 1862 Poor Law Amendment Act which allowed boarding out of children up to the age of eight years, Poor Law guardians in Ireland were very reluctant to utilise this option (Crossman, 2009). While there are regional variations to this, it is fair to say that a sporadic and disparate system developed that was greatly influenced by local concerns. In particular, there was much opposition to the placement of children within the workhouse by philanthropists, Irish nationalists and the Catholic Church, citing high infant mortality rates and 'immoral surroundings'. As was the case in England, children were separated from their parents at two years of age and were to receive three hours of education per day.

Following on from the Poor Law Act, in 1858 the Reformatory Schools (Ireland) Act was passed, followed ten years later by the Industrial Schools (Ireland) Act (Barnes, 1989). The first reformatory was opened in 1858, with the first industrial school opening in 1869. By 1875 there were fifty industrial schools in Ireland, with the highest figure being seventy-one. At its height in 1898, there were 7,998 children in industrial schools, with 6,000 still in the workhouses. 105,000 children were committed to industrial schools by the courts between 1869 and 1969, with 15,899 children committed to industrial schools in the same period (Raftery & O'Sullivan, 1999). The official association of the schools with the prison system ceased in 1924; when the general supervision of the system was placed under the Department of Education. In regard to infant and child welfare – there are a number of important acts to mention, such as the 1864 Introduction of Civil Registration of Births and Deaths; the 1872 Infant Life Protection Act; the 1894 Infant Life Protection (Amendment) Act; and the 1908 Children's Act. In particular, this series of legislation focused on nurse children, 'baby-

farming' and the issue of parental rights in regard to placement of children in institutions like industrial schools (Buckley, 2012; Breathnach, 2015). In 1903, the Employment of Children Act dealt specifically with street traders and begging – many of whom ended up in industrial schools and other institutions. One of the missed opportunities at this time was the discussions surrounding the opening of day industrial schools in Dublin. There were also acts that did not apply to Ireland but were introduced in England – for example the 1906 School Meals Act which was opposed by the Catholic Church, and the 1907 Notification of Births Act, which was made compulsory in 1914 (Earner-Byrne, 2007). Perhaps the most significant piece of legislation prior to independence – the 1892 Education Act introduced compulsory education up to the age of twelve years, therefore extending the period of childhood for many Irish children.

In 1922, the Irish Free State was established and over the coming years, the government of the now twenty-six-county Irish State would exert its influence in the area of institutionalisation, child welfare and education. Illegitimacy and unmarried mothers were of particular concern to authorities. Traces the history of illegitimacy from the nineteenth century, putative fathers under the Poor Law were being pursued for maintenance from 1862. From the beginning, the problem and solution to 'illegitimate children' and 'illegitimate mothers' was seen to be a financial one. From 1921, a series of mother and baby homes were set up by the State and private religious organisations. In all, there were ten such homes set up. Officially, the approach taken to placing women in these homes can be seen in the 1927 *Report of the Commission on the Relief of the Sick and Destitute Poor, Including the Insane Poor* which stated in regard to boarded-out (fostered) children - 'if they happen to be illegitimate, the stigma of their birth becomes known and they are shunned' (p.88). In reference to men and gendered attitudes to sex and maintenance, the commission argued: 'We share the view placed before us that at present the law gives the man every loophole for escape from the shame and dishonour that is cast upon the woman and the time is ripe for an amendment of the law'. In 1925 'the total number of illegitimate births was 1,662' but, in comparison to children deemed legitimate, 'Mortality five times greater'. The report also suggested a 'State Children Department'.

The first significant change in reference to the industrial schools occurred in 1924, with the transfer of responsibilities for industrial schools and reformatory schools to the Minister for Education. It also signalled the introduction of the Courts of Justice Act, which proposed to set up children's courts in the four larger cities. In 1926, the School Attendance Act would raise the age of compulsory schooling to fourteen years, and in conjunction with the 1929

Children's Act would lead to the prosecution of many thousands of parents for school non-attendance and the transfer of children to industrial schools (Fahey, 1992; Daly, 2009). In 1930, the Illegitimate Children (Affiliation Orders) Act was passed – followed swiftly by the Legitimacy Act in 1931. Much of the legislation dealt with perceived moral concerns – such as illegitimacy and juvenile delinquency, and institutionalisation of those seen as threats to the social order was a common theme during this time. In 1936, the Cussen Report into the industrial and reformatory school system was published – the first investigation into the schools in independent Ireland.

How did it persist during the mid-twentieth century? **From the Emergency to the 1970's**

1939 is a key moment for this piece for a number of reasons – the beginning of the Second World War (or the Emergency as it was known in the Irish Free State), and the first reference to the need to legalise adoption – a measure which would have an immediate effect in decreasing the number of children kept in institutions after its introduction in 1952. The road to the legalisation of adoption was a long one in policy terms with many objections blocking the introduction for decades (Skehill, 2004). Much of this was due to opposition by the Catholic Church (among others). For parents and children, this meant a narrative inclusive of long waits and the use of illegal adoptions in Ireland and abroad. For example, from the 1940s to the 1970s, numerous Irish children, mostly illegitimate, were sent to the United States in illegal adoptions organised by Catholic and some Protestant agencies (Maguire, 2002; Milotte, 1997). What led to the introduction in 1952 has been debated by different scholars, however, the embarrassment caused by a number of illegal adoptions being reported in the international press may have contributed, in particular the adoption of an Irish boy, Tommy Kavanagh, by the actress Jane Russell. Similarly, an article in the German newspaper *8 Uhr Blatt* in 1951 under the headline '1,000 children disappear from Ireland' appears from official records to have hurried along Church and State officials. In early 1952 the Episcopal Committee issued a statement in favour of legal adoption provided that certain safeguards were enshrined in the legislation. The most important safeguard was contained in Section 12(2) which stated: 'The applicant or applicants shall be of the same religion as the child and his parents or, if the child is illegitimate, his mother'. Once the legislation was drafted, it became illegal to send legitimate children abroad but not illegitimate children. As a result, the legislation did not deal with the

export of children to the U.S., an occurrence that would only end in the 1970s with the introduction of an allowance for single mothers (Maguire, 2002).

With regard to institutionalisation, the Registration of Maternity Homes Act (1934) was critical to the operation and safety of children placed in Ireland's numerous mother and baby homes. In June 2014, a story emerged regarding the Tuam mother and baby home and the incredibly high infant mortality rate which garnered international media attention. In the 1940s, government officials were aware of rates as high as 50-60%, a shocking figure for a private or public home (Earner-Byrne, 2007). In regards to Tuam, it was a State funded home and therefore requires significant attention, as is now being conducted through an Interdepartmental committee and commission. In 1944, children's allowances were introduced with the proviso that mothers could not collect the payment, fathers only, and the allowance would only apply for the third child upwards. Unlike other countries, the term family allowance was rejected as it was seen to be too socialist and would take the emphasis off the breadwinner (in most cases the father) to provide for his family (Garrett, 2015). In 1966, the Guardianship of Infants Act afforded some rights to fathers and unwed mothers, further bolstered in 1987 with the Status of Children's Act (Skehill, 2004). Perhaps one of the most significant pieces of legislation in regard to illegitimate infants and their parents was the 1973 single mothers payment. Numerous scholars have shown that in the following years the number of children being placed in mother and baby homes and for adoption decreased significantly, demonstrating that economic support as well as changing attitudes to single parents or unmarried parents could have an effect on the choices made by people.

**how has it turned out today to be a rarely used option for children in need of alternative care?**

In regard to institutionalisation, 1970 marked the publication of the Kennedy Report – seen by many as the beginning of the end for the industrial and reformatory school system (O'Sullivan, 2014). While the report did not address issues of abuse as would later emerge in the 2009 Commission to Inquire into Child Abuse (or Ryan Report), most commentators signalled it as a triumph for child welfare and a shift from a focus on institutional to family based care. However, it was not a panacea. In fact, as Nell McCafferty pointed out in 1971 a year after its publication, the Kennedy Report had achieved very few of its aims in the immediate aftermath. Children were still being held in certain industrial schools and reformatories; Justice Kennedy was still sending them there through the children's courts;

neglect and abuse were still occurring in both the industrial schools and the newly opened residential homes. Poverty, a chief cause of many of the placements was not being tackled in any concrete manner by the State. In June 1972, the Campaign for the Care of Deprived Children (CARE) published a pamphlet on children's services in Ireland. The aims of the organisation were 'to promote the welfare of deprived children in Ireland . . . to look for improvements in children's services and to emphasise that children should be maintained in their own family where at all possible and that services should be based on this principle' (Buckley, 2012, p.146). More specifically, it stressed the importance of the social and emotional environment of the developing child, adequate assessment of medical, psychological and educational problems and reform in the legislation affecting children, especially child offenders. Lastly, it aimed to encourage the raising of standards in child care and the development of training and professional services. The Task Force on Child Care was established in 1974 and reported in 1980. The report reiterated some of the Kennedy Report recommendations and developed a detailed framework for a system based on prevention and early intervention with children and families with some dissention between the Members resulting in a main and a minority report. The 1980 report listed in great detail how such a model of service should be developed based on prevention, early intervention and family support. Many commentators reflect on the protracted nature of the introduction of the new legislation which effectively created the legislative context for the reform first mooted by Kennedy and reinforced by the Task Force that had a long run in as regards its writing (1974-80) and run out in its results (1980-1991) (Skehill, 2004). Since the Child Care Act in 1991, Ireland's child welfare system has sought to develop a more proactive approach to child protection and family support (See Devaney & McGregor, 2017). Foster care, some of it kinship based care, now accounts for more than 90% of care arrangements in Ireland and institutional care is used only in exceptional circumstances. But the historical legacy is not as easy to erase with just having policy change.

### **Three Critical Themes**

As aforementioned, we can only recount the historical development of institutional care in Ireland through description of developments in law and policy so far without needing to offer some critical analysis of the inherent themes that are dominant in this narrative. From our experience of researching the history of childhood and child welfare in Ireland, three specifically powerful themes are highlighted below. They are not claimed to be exhaustive but illustrative of the nature and form of institutional care as a practice, a regime, a policy and a

methodology of care. These themes are: A rudimentary model of economics; parentage and gender and the relationship between State and Church.

### **Economics (Rudimentary Model)**

*‘The State shall endeavour to ensure that the strength and health of men and women, and the tender age of children shall not be abused and that citizens shall not be forced by economic necessity to enter avocations unsuited to their sex, age or strength (Article 45.4, Bunreacht na hÉireann)*

The industrial and reformatory school system in Ireland was a nineteenth-century British construction (similar to other European models), supported by successive Irish governments until the late-twentieth century (the last school closed in 1984). Representing one of a number of institutions kept in place to deal with perceived social and moral problems, it was accepted then and now that the principal reason for the placement of many children was poverty in families (Fahy, 1934). Illegitimate children were also over-represented, as were children whose parent/s were viewed as having ‘questionable morals’. While from the 1920s and especially after the Second World War Britain, the United States and other Western countries had begun to move towards developing a welfare state, in Ireland the Church and State retained control of certain families through the use of institutions. This was not the only option – nor we would argue was it the cheapest option. In fact, from 1923, grants to industrial schools averaged £100,000 per annum while capitation grants per child were between 11s and 15s per week in the 1940s (Buckley, 2013). Contrasting with other welfare payments, home assistance payments to families (which often had to cover families of six plus) were on average 6s per week (O’Cinneide, 1969). Similarly, while there were regional variations, payments to foster families did not exceed 6s per week. The NSPCC dealt with the issue in 1948 in their annual report discussing the possibility of day centres instead of long-term stays in industrial schools:

The financial aspect discloses a similar picture to the case of the children dependent on social service allowances, in the model centre, the cost of keeping each child during working hours is 7/8 per week, of which the mother pays 2/6, yet if any of the children had to be committed to industrial schools they would cost the State 15/-. The cost to the rates of the odd 5/- or so per head of the children accommodated in such centres if set up by local authorities would be amply justified.

(NSPCC Report, 1948)

There appears from the parliamentary debates to have been three issues in regard to the economics of the schools – cost, an aversion to boarding out/fostering, and the problems with conducting inspections. If children were to be boarded out, inspections would have to occur regularly, inspectors would need to be hired and trained and adequate supports put in place. As we know from the reports of two inspectors, there could be huge variation in the treatment of children by foster parents, and monitoring and adequate payment would be necessary to protect children. Both were measures the State was not inclined to take when they could just as easily place children in a large institution run by the religious orders. Within the history of the institutions, cost has become a major issue in the historical record. In the Cussen Report in 1936, it recommended improvements in the standard of food, education, leisure and play – none of which were taken on board. Economically, it appears the institutions were receiving sufficient funding to care children. Whether this money was being misappropriated or mismanaged is debatable – the capitation grant system meant that funding was dependent on numbers which would be problematic from the 1950s when placements were decreasing. A final point in regard to the schools is the fact that many parents were also supplying a weekly contribution, most court ordered (Raftery and O’Sullivan, 2009). Now to examine the issue of parentage and gender in relation to children placed.

### **Parentage and Gender**

***Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock, shall enjoy the same social protection.***

*(Article 25, UN Declaration of Human Rights)*

As has been eluded in aspects of this article, the social stigma attached to unmarried motherhood in Ireland has received much attention by scholars – looking not only at institutionalisation, but migration, infanticide, abortion and women’s rights more generally in independent Ireland (Luddy, Farrell, Valiulis, Rattigan, Garrett,). A turning point in this narrative was legislation passed in 1973 allowing unmarried mothers to claim some welfare, although this was merely a first step in a long road to acceptance (Connolly, 2005). Presently, an interdepartmental group and commission is examining the history of Ireland’s mother and baby homes following the discovery of the bodies of infants in Tuam in 2014. Historically, the move towards Irish independence was imbued with gendered issues: the suffrage campaign

which had threatened gender roles and provided a demand for women's new role in the Irish Free State, discussions of sexuality and sexual morality which had emerged from the suffrage and labour press, and the politicisation of prostitution and venereal disease by nationalists and feminists (Luddy, 1995). Yet for many women involved in the revolution – suffrage would be the last gain they would experience in terms of rights. Politically, socially and economically, the 1920s and 1930s would see the introduction of censorship, the abolishment of legal divorce, a ban on women sitting on juries, the introduction of the civil service marriage bar and a ban on contraceptives. With Cumann na nGaedheal in power for the first ten years of the Irish Free State's existence, they would attempt to balance the books and balance the demands of the Catholic Church. In 1932, Fianna Fáil emerged from its excommunication and began a sixteen-year reign. That year also saw the Eucharistic Congress showcase an extremely Catholic Ireland, with Eamon de Valera embracing the hierarchy and they him. In 1937, the new Constitution *Bunreacht na hEireann* reflected this in law with the special position of the Catholic Church being enshrined. Women's special place in the home was also enshrined – a fact that drew opposition then and for many years after and remarkable, the patriarchal denotation of the family in Article 41 of the Irish Constitution remains unchanged to this present day.

The focus on mothers and reproductive rights was not new in the Irish Free State - motherhood had become a focus of State and voluntary efforts from the early 1900s (Earner-Byrne, 2007). Unmarried mothers suffered most from the focus on female sexuality in the Irish Free State. Socially and economically, they were signalled as a deviant group, and as a group they were over-represented in cases of infanticide, abortion and forced emigration (Earner-Byrne, 2007). Encompassed in this debate is the notion that the focus on women's supposed 'immorality' offered a welcome distraction from the realities of poverty, unemployment, poor housing and high infant mortality and the question of the State's responsibilities in this regard. The issue of birth control was also driven underground from 1930 to 1970, leading to the importation of illegal contraceptives, back-street abortions, the continuation of infanticide and prosecutions for those that broke the law. Cases surrounding all of the above could be found littered through the press and court reports – yet with regard to change, the only area of debate accessible was in the context of social morality and censorship. Reproductive rights were now a moral, not a medical issue. Furthermore, the issue of birth control and maternal health copperfastened the emerging alliance between the Catholic members of the medical profession and the Catholic hierarchy – seen very clearly in the opposition to Noel Browne's 1951 Mother and

Child Scheme – an opposition concerned with poor and working-class women receiving free medical advice when pregnant and of child-bearing age – particularly from doctors outside the Catholic faith.

In regard to institutionalisation, the interaction between private institutions, public institutions and society in the case of unmarried mothers is critical. Many families placed their daughters in homes and Magdalene laundries – secrecy being paramount (Smith, 2009). These women were not afforded the rights of married women, with marriage being seen as critical to the family enshrined in the constitution. Father’s rights and fatherhood are also key to this narrative – but have only come to the fore since the 1980s and remain a contentious issue today.

### **Relationship between Church and State**

‘The State recognises the special position of the Holy Catholic Apostolic and Roman Church as the guardian of the Faith professed by the great majority of the citizens.’ (Article 44.1, Irish Constitution, Amended 1973).

The special relationship between Church and State in Ireland is well-established. Thinking about child care specifically, it is chilling in the present to note that in 1939, the State, via the Department of Education, removed the policy of Inspectors of Boarded Out Children inspecting the children in industrial schools placed from statutory care (i.e. the workhouse or county home) on the basis that the job the religious were doing on behalf of the State was such that it did not require such supervision and inspection. This trust typifies the symbiotic nature of Church-State relations across a range of social, cultural and political domains in Ireland through the period of our concern here. This relationship has been subject to much publication and debate regarding many facets of Ireland during the twentieth century in particular (Whyte, 1980; Ferriter, 2000). When one talks about the ‘Church’ in Ireland during this period, it is almost exclusively the Catholic Church that it referred to. In the Irish Free State from 1922, more than ninety percent of the population were Catholic. To a greater or lesser degree, every government from 1930-1991 was strongly influenced – some more than others – by its morals, teaching and control. And the Church played a major role in social and civic life through dominance of social, medical and educational service delivery. As Skehill (1999) shows, this influenced the development of the child care system and the professionalization of social work which she describes as being predominantly ‘socio-spiritual’ for much of the mid-twentieth century after which a stronger secular influence emerged largely due to the association of training and education with the UK system.

**Commented [S1]:** Or here may be the place for the Mother and baby home inclusion. I would use the ignoring of Irish children and the glorifying of nationalist heroes type argument here also.

With regard to Institutional care, it is crucial to note that the majority of the institutions – mostly industrial schools – were run by Catholic religious orders. As aforementioned, arrangements were that the State paid a stipend per child housed within the industrial schools and despite the provision for fostering (boarding out) since the 1850's, the large institution became the most common form of care for the child in need of it. These children in need of care were predominantly either from families who were impoverished and destitute and those from unmarried mothers, especially those who were the second or third child of an unmarried mother who had been classified as 'undeserving' under official government policy in 1927 (see Skehill, 1999) and unable to get help from alternative voluntary services, also mostly run by religious. The predominance of this care arrangement can be attributed to the slow development of statutory child care and community based services and the symbiotic relationship between Church and State especially when it came to matters of policy and practice relating to children and families. For example, the boarding out system, developed from the statutory workhouse system, never gained significant ground despite the calls from advocates for the value for children and calls from advocates for family based care for children in the 1930's and 1940's by organisations such as the Joint committee of Women's Societies and Women Social Workers were minority discourses within a dominance of institutional care.

The reason for the interdependent relationship between the Catholic Church and the various bodies of the statutory authorities are complex and manifold and important to understand in depth. The result was a clear predominance of power within the hands of those delivering and managing Catholic-run services such as the industrial schools and a lack of space for any other discourse of welfare for children and families such as home-based care and material assistance for families in poverty or support for unmarried mothers to keep their children (Skehill, 1999; 2004). As evidence from the Commission to Inquire into Child Abuse upholds, the power those in charge of the institutional care homes had was almost total, endorsed by the Catholic authorities who worked most hard to protect its own members from exposure for illegal acts of abuse and cruelty under the Children Act 1908 (CICA, 2009). The power of the Church authority was supported by the state financially, socially and through a collusion of limited governance and tolerated, if not facilitated, by social context that vilified those who acted outside of the morals of the Church with this immorality - such as sex outside of marriage- taking precedence in terms of harshness of treatment of such women who 'offended' – while turning a blind eye to those who acted outside of the law of the land – i.e. those who abused children within the institutions. This almost total power was coupled with

the relatively limited power of individuals and families within communities who sought to challenge or bring to light practices of objectification, abuse and neglect.

### **Concluding commentary**

The themes we have drawn from this history highlights some central to other child welfare systems and the learning remain pertinent for the present day especially in countries which are presently undergoing de-institutionalisation (e.g. some Eastern European Countries) and in jurisdictions that are facing ongoing challenges in relation to harm and abuse of children in the past within such institutions Reflection on the history of institutional care in Ireland should help other countries, also interested in facing up to and addressing their own histories of care of certain categories of marginalised children. We have demonstrated a process of identifying a specific history of the present set of questions and taking an approach that demands the truth of the moment and the illumination of the present through interrogation of the past. It cannot be revised or explained away through the passage of time. Children in institutions today in other jurisdictions may not be the same 'category' of children as in Ireland but they are likely to share the same characteristic of being among the most marginalised and least likely to have had an advocate, a family or a concerned person watching out for them and their welfare. It may not be the same type of care we are interrogating in the present but it is highly likely to be delivered through some set of relations between the State and other powerful actors in society. With regard to the parents, it would not be those who had children outside of marriage who are most vilified presently but it is likely that we still engage with categories of mothers or parents to whom the attitude of society is negative, judgemental, moralistic and/or exclusionary. Looking at the history of institutional care of children in Ireland, we can learn that there were malevolent and benevolent enterprises and intentions and the experiences need to be recognised as multifaceted and nuanced. The greatest shadow and discourse that has permanently shaped a history that cannot be rewritten is the evidence, stark and extensive, that for many children who grew up in institutions in Ireland, their experience was objectification, lack of power and absence of a champion for their human rights. Learning from the history of institutional care in Ireland shows us how the form and nature of alternative child care arrangements at any one time are strongly aligned to a complex set of factors which emphasise the importance of an intense understanding of Power and power relations, abuse of power and impact of this on children Adult survivors and relatives are still alive in Ireland seeking justice and compensation for the explicit wrongs of the past to them and/or their loved ones or their ancestors. The fact that we are still far behind in the development of child protection policy

relating to retrospective disclosure of abuse suggests that full responsibility for the past is still in the waiting (see Mooney, 2017) It also illustrates the complexities of gender, parentage and child welfare in highlighting how certain attitudes resulted in the objectification of the children. It also shows the impact on service of the complex interplay of morals, economics and structures from those in power on the manner and nature of care of the most vulnerable and least protected children in society. And finally, the paper shows the importance of interrogating the past to inform the present through offering an in-depth analysis of the nature and impact of institutionalisation in Ireland that continues to impact on the present child welfare and protection system using a well-informed and systematic history of the present approach.

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#### **Notes:**

The report of the Commission to Inquire into Child Abuse was published on the 20 May 2009. The commission was set up in 2000. For a copy of the report see [www.childabusecommission.ie](http://www.childabusecommission.ie). The report is referred to as CICA.

Section 44 of the Children's Act (1908) states: 'The expression "industrial school" means a school for the industrial training of children, in which children are lodged, clothed and fed, as well as taught.'