<table>
<thead>
<tr>
<th><strong>Title</strong></th>
<th>Conclusion: Explaining coercive confinement in Ireland: Why was the past such a different place?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Authors(s)</strong></td>
<td>O'Sullivan, Eoin; O'Donnell, Ian</td>
</tr>
<tr>
<td><strong>Publication date</strong></td>
<td>2012-06</td>
</tr>
<tr>
<td><strong>Publisher</strong></td>
<td>Manchester University Press</td>
</tr>
<tr>
<td><strong>Link to online version</strong></td>
<td><a href="http://www.manchesteruniversitypress.co.uk/cgi-bin/indexer?product=9780719086489">http://www.manchesteruniversitypress.co.uk/cgi-bin/indexer?product=9780719086489</a></td>
</tr>
<tr>
<td><strong>Item record/more information</strong></td>
<td><a href="http://hdl.handle.net/10197/6292">http://hdl.handle.net/10197/6292</a></td>
</tr>
</tbody>
</table>
Conclusion

Explaining Coercive Confinement: Why Was the Past Such a Different Place?

Eoin O’Sullivan and Ian O’Donnell

The contemporaneous accounts reproduced in the preceding twenty-six chapters of this book demonstrate that convent, hospital and prison walls were more permeable than is conventionally thought to be the case. As the wide range of contributions in Parts I to III shows, the consequences and privations associated with coercive confinement attracted intermittent interest during the early decades of the Irish state. By gathering together these original source materials we hope we have added historical and interdisciplinary depth to the debates about punitiveness and social control which we outlined in Chapter 1.

In this final chapter we have three objectives. First, we provide an update on the trend in coercive confinement, indicating which sites grew in importance and which shrank, and bringing our analysis from the early 1970s to 2009. Secondly, we highlight the limitations of existing accounts of the existence and operation of the various institutions upon which we have focused.Thirdly, we offer a new framework for explaining why the level of coercive confinement remained stubbornly high for so long before beginning an accelerating downward spiral in the latter part of the twentieth century.

Trends: Past and Present

The opening chapter of this book set out what might be termed the parameters of pain, in so far as they can be delineated, between the early 1920s and the early 1970s. Subsequent chapters presented insider accounts to add empirical depth to our theoretical context. Now we bring matters up to date by continuing the time series to the end of the first decade of the twenty-first century and by casting a reflective eye back over the pattern that emerges, longitudinally.
As we have seen, the first half century of the Irish state was characterised by a low prison population but a determinedly high overall level of coercive confinement that persisted until the 1950s. Figure 28.1 completes the picture. A cursory glance at the upward trajectory in the level of imprisonment in Ireland would suggest a country that had begun to take a very definite punitive turn. Overall, the daily average number of prisoners quadrupled between 1971 and 2009, with the rise in the female prison population being most pronounced. Between 1951 and 1971 the number of women in prison halved, continuing a pattern of decline apparent from the late 1920s; but it rose by a factor of six between 1971 and 2009 (see Tables 28.1 to 28.3).²

[Figure 28.1 and Tables 28.1 to 28.3 about here]

Although the prison population had reached an unprecedented high by 2009 the imprisonment rate remained lower than in a number of other European countries.³ But against the rise in imprisonment must be considered the remarkable reversal in other kinds of coercive confinement, a pattern that is shown in Figure 28.2. Accompanying this decline has been a bifurcation of legal safeguards in the realms of mental health and criminal justice. Those deemed mentally ill have benefitted from a comprehensive range of new protections against involuntary incarceration while suspected criminals have seen their rights eroded, with a predictable impact on the prison population.⁴

[Figure 28.2 about here]

In addition to a strong downward trend in the overall use of coercive confinement the relative popularity of the various sites altered significantly. One summary statistic illustrates the changing balance. This is the percentage of the total that was held in prison custody. Given the imperfections associated with the data this calculation is somewhat approximate, but the trend is clear. In 1926, one in forty of those coercively confined were prisoners. By 1971, this proportion had doubled to one in twenty. In 2009 prisoners constituted around one half of the total.

The reduction in the level of coercive confinement was accompanied by a diminution in its intensity. Confinement could entail particular pains such as death
(e.g. through capital punishment until this practice ceased in 1954, suicide, or the accidental deaths that occasionally befell psychiatric patients who tried to escape but perished in the process), mutilation (e.g. deliberate self-harm, leucotomy, or an injury sustained in an institutional workshop or laundry) and injury (e.g. corporal punishment, electroconvulsive therapy in the early days of its administration, the iatrogenic effects of psychotropic medication). By and large, any pains that were externally imposed had vanished by the beginning of the twenty-first century, with the notable exception perhaps of the affront to prisoners’ dignity caused by the continuation of ‘slopping out’ (despite repeated promises to eradicate the practice) and the poor physical condition of some psychiatric hospitals.5

By the end of the twentieth century, the Roman Catholic Church had lost much of the control and obedience that characterized its operations for so long.6 As Joe Lee argues, it was primarily in the realms of sexual morality and the control of education that the Church held sway and in many other areas of public policy it had little influence. However, it is precisely these two areas that shaped the nature of coercive confinement in Ireland and as Lee observes ‘[d]eviants from the idealised self-image were liable to be cruelly punished by the society, no less than the church.’7 This applied to Protestant Ireland as much as to Catholic Ireland and each Church was shaped ‘by the nature of the society in which it found itself.’8

The reasons why the old certainties and deeply-rooted deference for traditional forms of authority came under sustained attack are complex and beyond the scope of this analysis. But they were accelerated by the arrival of the ‘Celtic Tiger’, a shorthand term utilised to describe the remarkable economic prosperity enjoyed in Ireland for more than a decade from the mid-1990s, which was accompanied by major social and cultural dislocation.9 At the beginning of the twenty-first century, Ireland was being described as the most globalized country in the world, a far cry from its previous existence as an inward-looking entity characterised by poverty and emigration.10 The transformation of Ireland had profound implications for the architecture of coercive confinement and below we tease out some of the most salient features of this change process.

Patients, Paupers and Unmarried Mothers
By the late 1980s, the psychiatric hospital population was half what it had been in the early 1960s and, following the publication of a review of psychiatric services in 1984, this downward trend accelerated. Part of this may be explained by the increasing use of out-patient provision, major advances in pharmacology, and the development of locally-based services facilitated by the acquisition of former tuberculosis sanatoriums. Clearly the use of institutional confinement bears an imperfect relationship to rates of mental illness. Although the average population of psychiatric patients declined, admissions increased from the mid-1960s, from 15,440 in 1965 to a highpoint of 29,392 in 1986. By 2002 the flow had dipped to 23,736. The number of first admissions increased from 6,210 in 1965 to a highpoint of 9,018 in 1973 and by 2002 had fallen to 7,111.

This ongoing use of psychiatric hospitals, despite the decline in the average daily population of patients, led Walsh to conclude that, based on first admission data, ‘18 of every 100 males and 15 of every 100 females surviving to age 65 would experience at least one admission to a psychiatric hospital’. According to the Inspector of Mental Hospitals, just under half (45 per cent) of the patients in hospital at the end of 2006 were long-stay, with more than one in four having been continuously hospitalised for over five years. As the in-patient population of public psychiatric hospitals fell for more than fifty years this meant that by the end of the first decade of the twenty-first century it had dipped below that of the prisons (2,812 patients compared to 3,881 prisoners).

From the early 1970s onwards an ever-dwindling number of women were sent, or surrendered themselves, to Magdalen Homes and in 1996 the last such establishment, at Gloucester Street in Dublin, closed its doors for the final time. Similarly, by the late 1970s the County Homes and Mother and Baby Homes where so many unmarried mothers and their babies had hidden in shameful silence were relics of a painful past.

Prisoners and Borstal Boys
From the early 1970s, the daily average number of prisoners began to rise, exceeding 1,000 in 1975. Crime rates also increased dramatically during this period, from, on average, less than 20,000 recorded indictable offences each year in the 1960s to over
As the prison population grew, the penal system came under increasing strain. This situation was exacerbated by the outbreak of the Troubles in Northern Ireland which contributed to an escalation in armed crime throughout the country, an increased case load for the Special Criminal Court and the need to make special provision for politically motivated prisoners.

To cope with these pressures, the number of prison places was increased. This provided some short-term relief but by the early 1980s, additional capacity was required. In 1983, prison governors were, for the first time, permitted to accommodate more than one person per cell. However, this practice did not provide adequate relief and increasing reliance was put on temporary release as allowed under the Criminal Justice Act 1960. By the mid-1990s, the crime rate was at an all-time high, the prisons were overcrowded and the safety valve of temporary release was bringing the system into disrepute. When the Department of Justice, Equality and Law Reform relinquished day to day responsibility for the management of prisons to the Irish Prison Service in 1999, there were fifteen prisons and a daily average population of almost 2,900. By the end of 2009, the average prison population had reached 3,881.

The growth in prisoner numbers took place in spite of a number of important independent inquiries and policy documents emanating from the Department of Justice that recommended capping the population at around 2,200 and striking a more appropriate balance between imprisonment and alternative sanctions.

Troubled and Troublesome Children

The Children Act 2001 formally abolished the terms Reformatory school and Industrial school and replaced them with a single category of children detention school. In practice, the amalgamation of certain Reformatory and Industrial schools under the category ‘special schools for the deviant and disadvantaged’ had occurred in the early 1970s. These institutions show a remarkable decrease in the number of children coercively confined from nearly 6,500 in 1951 to under 500 in 2009 (between children detention schools, special care, high support, and other residential care units for children whose welfare was at risk).

Following widespread allegations of maltreatment and cruelty in both
Reformatory and Industrial schools a Commission to Inquire into Child Abuse was established by the Irish government in 2000.²⁷ In the summer of 2009, the Commission published its five-volume report.²⁸ Every copy was sold on the morning of publication, its contents were headline news for several days and thousands of members of the public signed a book of solidarity that had been opened for the survivors of institutional abuse.²⁹ There was a significant level of interest internationally with media coverage in the UK, Australia, Canada and the US. This interest has been sustained and the various groups representing survivors of institutional abuse have acquired a strong media presence.³⁰

We opened this book with reference to David Garland’s work on the emergence of a ‘culture of control’, an essential component of which was the ascendancy of the prison. Garland threw down the gauntlet to other scholars to respond to his critique with ‘more focused case studies that add empirical specificity and local detail.’³¹ We have accepted this challenge by broadening the analytical lens and probing in detail the changing use of coercive confinement in a country that usually escapes the criminological gaze.

We argue that 1950s Ireland was an era of low recorded crime, but high perceived deviance in the sense that the contravention of social norms was regularly met with an institutional response. It was not uncommon for individuals who strayed to internalise the public view of their ‘wrongdoing’ and their sinfulness (somewhat akin to a process of ‘secondary deviance’³²) and to accept the stigma and their need to repent. Together with families’ connivance and rejection, this was enough to keep them out of sight even when the legal basis for their detention was ambiguous or non-existent. If the doors had been left open it is likely that many of those in convents, hospitals and other non-criminal-justice institutions would have stayed put. At the beginning of the twenty-first century the paramountcy of prison in Ireland – which in the 1950s was a minor part of the apparatus of control – seemed beyond challenge. Its growth stood in marked contrast to the decline in other forms of coercive confinement. In this regard, it could be argued that decarceration is the central story from which imprisonment has recently been an exception.

The Shape of Confinement
While the formal institutions of the criminal justice system (with the exception of Reformatory schools), the poor law institutions (i.e. County Homes), and the public psychiatric hospitals were funded and managed by the state, the remaining institutions were managed primarily by congregations and orders of the Roman Catholic Church (see Table 1.4 for a matrix of role allocations). Over time, there was a decline in the role of non-state actors in the apparatus of confinement with their place being taken by state institutions and personnel. Rather than seeing the boundaries between the public and private provision of crime control becoming blurred, the state now has virtually exclusive control over the management and funding of institutions of coercive confinement.

While the expressed aim was to reform or to treat rather than to punish, the regimes in some of the Industrial or Reformatory schools, district mental hospitals, County Homes and Magdalen Homes were more austere than those found in many prisons of the twenty-first century. Not only were more people confined in the early decades of Irish statehood, they may have suffered more. In addition to a focus on discipline and labour the religious ethos of the day meant that the need to atone, or simply toe the line, weighed heavily. The experience was inherently stigmatising and while some form of reintegration (perhaps at a spiritual level) may have been possible, the removal from society, in many cases, was total. To further reduce their life chances no route was charted back into the mainstream.

This book has highlighted the limitations of utilising prison populations as the exclusive measure of a society’s level of punitiveness and control. In the case of Ireland, by thinking instead in terms of coercive confinement, the carceral landscape looks fundamentally different. While the scale of institutionalisation, especially in psychiatric hospitals and Industrial schools was relatively high in Ireland, the range of sites of control was not unique. Magdalen Homes existed across Europe and North America. So too did other varieties of mother and baby home. Reformatory and Industrial schools, or their functional equivalents, were to be found in most European countries, Australia and North America and an extensive literature exists on involuntary psychiatric hospitalisation and complex role of families in the admission process. Given the international reach of these various institutions, the analytical framework advanced in this book might provide a useful heuristic device for scholars
in other jurisdictions. At the very least, the reinsertion of a historical frame of reference acts as a counterpoint to the dystopianism that is sometimes found in accounts of penal change where recent rises in a country’s prison population are the sole pivot around which the analysis rotates.

We noted in Chapter 1 that the use of Industrial schools was disproportionately high in Ireland after Independence. When reviewing the operation of the Industrial school system in 1926, the Department of Education observed that ‘the number of children in Poor Law Institutions has decreased in Saorstát Éireann as compared with England and Wales. This appears to be due largely to the fact that Industrial Schools are utilised to a much greater extent for destitute children in Saorstát Éireann than in England and Wales.’

This was an enduring feature of Irish arrangements. For example, in 1949 there were fewer than 300 children in Industrial schools in the six counties of Northern Ireland compared with over 6,000 children in the twenty-six counties across the border. We have already observed that Ireland was not unique in its choice of sites of coercive confinement but it seems clear that the relative usage of the different institutions varied over time and across countries.

**Explaining Coercive Confinement**

Having made the intellectual case for thinking more expansively about the nature of changes in the institutional response to deviance (Chapter 1), and provided first-hand contemporaneous accounts of institutional life that depict the quotidian harshness of coercive confinement between the early 1920s and the early 1970s, however it may have been experienced, and whatever it may have been intended to achieve (Chapters 2 to 27), we turn now to an exploration of why the infrastructure that supported these arrangements lasted as long as it did, and why it crumbled when it did. The institutions described in the preceding sections of this book for the most part either no longer exist (Mother and Baby Homes, County Homes and Magdalen Homes) or have vastly reduced inmate populations (psychiatric hospitals and residential facilities for children). The exception is the prison, which not only survives, but thrives.
There are several perspectives that might be expected to shed light on these trends. These are reviewed briefly before we explore the relative importance of church, state and family. Ultimately, none of the existing accounts, by themselves, fully explains the nature and extent of coercive confinement in twentieth-century Ireland. We conclude by suggesting an alternative – and integrative – framework that relates levels of coercive confinement to changes in the rural economy.

**Supply-Side Explanations**
First of all, there is a potentially simple supply-side explanation. After Independence, some 133 institutions of confinement dotted the Irish landscape. The existence of this elaborate infrastructure ensured that an institutional solution was readily available for social problems and obviated the need to develop alternatives. The availability of so many places of confinement, in other words, kept the demand for them high. This effect of an oversupply of places was most evident in rural areas where the rate of psychiatric hospitalization was disproportionately high (see Table 28.4) and population decline was most evident.

![Table 28.4 about here](image)

The psychiatric hospitals resisted shrinkage as they made a major contribution to local economies that were not well served by industry. In particular, they provided a source of employment for part-time farmers and others who could do little more than subsist on the land. There was a reciprocal relationship here. Psychiatric hospitals reduced the financial burden that problematic members placed on certain farming families (the ward easing the pressure on the meagre homestead), while simultaneously supporting the rural economy by providing opportunities for steady employment. This created a degree of embeddedness and interdependence that would take time to dismantle. (The determining importance of the availability of places is not an iron law, of course. As we have already noted the number of penal institutions shrank from fifteen in 1922 to six in 1960 (including women’s prisons and the Borstal)).

**Crime Trends**
Relatively, the rapid increase in the prison population since the 1970s may be correlated with the disappearance of the ‘policeman’s paradise’ and rising recorded
Allied to this was a growth in the number of criminal justice professionals such as probation officers and prison psychologists that, in turn, reinforced the existence of the system and broadened its reach. Aside from occasional concerns regarding ‘delinquents’ and ‘tinkers’, it was not until the 1960s that a sustained concern about crime emerged. In 1970, over 30,000 indictable crimes were recorded by An Garda Síochána, double the number recorded in 1960. In response to this increase politicians consistently highlighted the very high rates of detection in Ireland and stressed that, comparatively speaking, the crime rate in Ireland was low. For example, in 1965, the Minister for Justice, Brian Lenihan, informed the Oireachtas that ‘no efforts are being spared in the war on crime but, as Deputies are aware, there appears to be a world-wide increase in crime.’ He added that:

> It is some consolation, perhaps, for us to know that the incidence of indictable crime per 100,000 of the population is far lower here than in neighbouring countries and that our police detection rates are far higher both as regards our cities and rural areas when compared with corresponding entities abroad.

The relationship between rates of crime and levels of punishment is imperfect, but it is reasonable to see the increasing use of imprisonment as a response to a rise in the incidence, complexity and seriousness of law breaking (from a comparatively low base) as well as reflecting growing political intolerance.

Transcarceration

Perhaps what was going on can be understood as a process of ‘transcarceration’, by which we mean a redistribution of people across the various sites of confinement, for example from psychiatric hospitals to prisons? There is some evidence of transcarceration in the early period in that as the remit of the County Home narrowed and became more specialised, the number of children held within them declined with most being absorbed by the Industrial school system. Likewise, as noted in Chapter 1, those requiring psychiatric care were gradually moved from County Homes to psychiatric hospitals. Similarly, those with more specific ailments such as blindness or a learning disability, were increasingly transferred to specialised institutions, established by orders such as St John of God, the Rosminians and the Brothers of
Charity. In other words there was some redistribution of the population across the various institutions but the overall numbers coercively confined remained stable between the early 1920s and the late 1950s (as shown in Figure 1.2).

This was followed by a period of decarceration. By the end of the twentieth century the prison was the primary site of coercive confinement and many of the other institutions had closed their doors for good. While the prison population increased dramatically it is clear from the raw numbers coercively confined (see Figure 28.2) that the prison could not possibly have absorbed more than a small fraction of those who would formerly have been catered for in other types of institution. A clear gender dimension to this pattern is evident. Where women and children are concerned, and taking a span of almost ninety years, Ireland is a case study not in transcarceration but in decarceration. There has been a real, and enduring, shift in the extent to which institutional confinement is seen as an acceptable response to poverty or sexual transgression and also in the extent to which non-criminal-justice institutions are deemed suitable for persons convicted or remanded in custody by the courts (as Magdalen Homes had been in earlier years).

Nor was it the case that new criminal justice agencies came to absorb large numbers of individuals who in former times would have faced institutionalisation. In the Republic of Ireland the decline of the mental hospital population and the growth of the prison population were not accompanied, in any meaningful manner, by a growth in community-based sanctions or other instruments of social control. By 1972 there were twenty-four probation officers, a number that grew to forty-seven by 1974, with officers now deployed regionally and a caseload of nearly a thousand. Despite this modest growth, probation remained something of a Cinderella service, with criminal convictions generating approximately twice as many custodial as non-custodial sanctions each year.

A programme for diverting young offenders from prosecution was initiated by An Garda Síochána in 1953, and put on a formal (albeit non-statutory) basis ten years later. This development, in conjunction with changing conceptualisations of childhood, contributed to a lessening dependence on the institutional coercion. As Denis O’Sullivan argued, it was only from the late 1960s, that a ‘social risk’ model
of child care, which had influenced policy for the previous hundred years, became displaced by a more developmental model of child care. This was brought about by the discovery of the ‘deprived child’ in Ireland. Previously, child care intervention had been viewed as ‘a means of social control rather than of individual fulfilment.’

Rather than focusing, almost exclusively, on the physical needs of the child, the need to incorporate emotional and psychological dimensions in promoting the welfare of children gained acceptance. A more explicit focus on the rights of the child followed later.

So, if the hypotheses touched upon above – the availability of institutional accommodation generating its own demand, rising crime, transcarceration – yield at best a partial explanation, where are we to look next for understanding?

**An Integrative Framework**

Over the past two decades a number of accounts have been offered to explain the scale, nature and, in some cases, longevity of institutional confinement in Ireland. Less has been written about the reasons why decarceration has been so marked (and, equally, gone so unremarked). A difficulty with the majority of existing explanatory frameworks is that they have tended to focus on one form of confinement only and, as a result, have developed explanations that may fit the experience of that particular institution but have limited generalisability. Another problem is that some of these accounts restrict their focus to the pre-Independence period or confine themselves to an analysis of either the role of the state or the church (rarely both, and seldom recognising the part played by the family). While these frameworks may help us understand a particular form of confinement, a key objective of this book is to make visible and explain the totality of coercive confinement in twentieth-century Ireland and beyond. We turn our attention next to some of the best known of the extant explanations.

**The Role of the State**

The role of the state in relation to the institutions of confinement described in this book has been set out in a variety of sometimes contradictory ways. Recent accounts of the Reformatory and Industrial school system highlight this. For example, Bruce
Arnold attributes responsibility for the oft-times abusive regimes that flourished in these schools largely to the Irish state which is seen as having failed in its duty of care to those under its authority. Arnold graphically contends that:

The Irish State bathed its hands in the blood of generations of innocent children tormented by the prison warders who took charge of them and who were, in the main, nuns and brothers of different religious orders. The State imprisoned these children. They were not imprisoned by the religious orders, who did not have the power in law to do so. The State constructed the regime of committal, punishment and privation that ruined the lives of those incarcerated in the industrial schools and reformatories.\(^{55}\)

In Arnold’s account the full coercive power of the state was brought to bear on the most vulnerable of its citizens. Moira Maguire, on the other hand, contends that the dominance of an institutional model of provision for destitute children was due to the miserly nature of the Irish state in that ‘when the Irish Free State came into existence, a vast and extensive religiously-run system existed to provide for “problem” children, and it was convenient and cost-effective from all perspectives to allow the system to continue…The local authorities, who were responsible for relieving poverty and destitution, were often stingy and mean-spirited in dispensing relief and this, too, resulted in children living in poverty or being committed to industrial schools.’\(^{56}\)

According to this account, it was a mixture of indifference and tight-fistedness on the part of the state that allowed the Reformatory and Industrial schools to prosper during the middle decades of the twentieth century. Why bother to innovate at a time when resources were scarce and the costs associated with allowing the status quo to continue could be borne?

This indifference and unwillingness to allocate public funding to relieve the poverty of the families from which the occupants of Industrial schools in particular were drawn can be contrasted with Anthony Keating’s argument that the system of institutional child care provision in Ireland was the outcome of deliberate policy choices which were ‘dictated for much of the twentieth century by the alliance and sensibilities of a generation of clerics, politicians, and civil servants who, like most postcolonial elites, viewed the success of their mission as worthy of any sacrifice.’\(^{57}\)
Rather than malign neglect then, this was the working out of a set of agreed imperatives.

Robbie Gilligan offers a more subtle and nuanced thesis, where what he terms the ‘public child’ (the boy or girl placed in a Reformatory or Industrial school) was a marginal consideration, lacking advocates in the political, legal or policy worlds, whereas the ‘private child’, as evidenced by the introduction of legal adoption in 1952, was accorded a more privileged place in public policy. This explanation, which suggests that children of different social classes were treated differently, chimes with Margaret Lee’s account of those who worked in the Reformatory and Industrial schools. Lee’s position is that ‘the religious who managed the industrial schools until the late sixties failed to treat the children with due dignity because these same religious were trapped within the social class structure, and the gospel values did not penetrate the secular value system ... Irish society or its political leaders were not capable of giving justice to the children because they too adhered firmly to the class system.’ Barry Coldrey, a Christian Brother who has written extensively on the role of his congregation in child welfare in Ireland and Australia, also argues that an explicit aspect of these institutions was their role in reforming the working classes.

Coldrey states his case in the following terms:

Each industrial school, farm school, orphanage and reformatory was a ‘total institution’ where staff sought a complete regulation of the daily life of each inmate with the objective of remoulding the personality. The institutions shared a common aim: they wished to make respectable working class adults from rough working class youth. They wished to recast the proletarian family; to reform the improvident working class culture; and to tame the undisciplined behaviour of young people.

In some accounts of the range of institutions utilised to manage women and girls, the spectre of a patriarchal Irish state is raised. For example, Úna Crowley and Rob Kitchen argue that ‘County Homes, Mother and Baby Homes, Industrial and Reformatory Schools, and Magdalen Asylums formed a network of independent institutions that incarcerated women who transgressed society’s sexual norms as defined by Church and state, and the offspring of such a transgression, by physically
removing them from their communities and placing them in supposed sites of reform. As a result, unmarried mothers and their children were sent to these sites to be remade as women deemed appropriate. Similarly, Harry Ferguson opines that Ireland, after Independence, was:

in every sense a deeply patriarchal system, as the male-dominated ISPCC [Irish Society for the Prevention of Cruelty to Children], the police, the education department, Catholic Church and the industrial schools sought to correct so-called ‘immoral women’. The judgement of deviance by parents and children and the consequent regime of appropriate treatment in the schools and beyond depended on a view of appropriate gender roles and sexuality. Unless worked with, such children would be a huge threat to the future social order. Treatment was framed in terms of moral reclamation, and a return to the lost state of childhood innocence.

Elaborating this theme, James Smith argues that what he terms Ireland’s ‘containment culture’ emerged in the late 1920s and was specifically concerned with sexual immorality, in particular a simmering anxiety about unmarried mothers. According to this perspective, ‘church and state embraced the institutional impulse not only because it accorded with accepted practice – punishing women for sexual transgressions while avoiding male culpability – but also because it sustained the collusive relationship with respect to moral purity and the project of national identity formation’. A pristine state required unblemished citizens and wayward women posed a threat that needed to be neutralized.

Other analysts, when exploring aspects of institutionalisation in the twentieth century have stressed the need to place both the institutions and the practices that occurred within them in context. For example, Moira Maguire and Seamus O Cinnéide argue that ‘The complaints that have been made by former industrial school residents thus must be evaluated within the context of the prevalence of corporal punishment in homes and schools generally …it is clear that throughout Irish society a certain level of violence against children was accepted as both normal and necessary’. The same authors go on to posit that ‘it must be acknowledged and accepted that the same attitudes, policies and practices that former industrial school
residents complain about underpinned the treatment of children in their own homes and in national schools. \textsuperscript{65} The argument is that it can be misleading to apply today’s standards to yesterday’s events; that tougher treatment reflected rougher times and the threshold for accepting harsh treatment has been raised over time. Not to recognise this is to paint too bleak a picture of the past. \textsuperscript{66}

The Role of the Catholic Church

Given that the vast majority of Magdalen Homes were managed by female Catholic congregations, it is not surprising that explanations for the existence and internal regimes of these institutions have tended to focus on the role of the Catholic Church. Related themes are highlighted in respect of the Mother and Baby Homes managed by Catholic congregations. Similarly, given that after Independence all Reformatory and Industrial schools were managed by congregations of the Catholic Church or by Diocesan Priests, the contribution of the Church is strongly implicated in any search for understanding about the kind of treatment meted out in these places.

At a broad level, Sean Fagan suggests that the teachings of the Catholic Church contributed to the prevalence of abuse in Church run institutions. For Fagan, ‘That Catholic Ireland could allow the institutionalised physical and sexual abuse that occurred in so many of our institutions for over six decades raises questions about the quality of our Catholicism….We need to recognise the bad theology that was such a negative feature of our religion, unquestioned for centuries, and face up to the challenge of renewal.’ \textsuperscript{67} Articulating a similar viewpoint, Tom Inglis opines that:

Catholic Ireland was not unique when it came to sexual prudery. It was part of a Victorian mentality that had also spread through Protestant Britain and America. What made Ireland unique was how deeply Victorian attitudes and practices penetrated into the Irish body and soul. ... The obsession with sexual purity was connected to both cultural and material interests: to an attempt by Catholics to attain a symbolic victory over their Protestant English colonizers by demonstrating their moral superiority. \textsuperscript{68}

There is an alternative perspective here and Stanislaus Kennedy makes the point that Catholic religious bodies cannot be held solely to blame for incidents of abuse in child
care institutions. She argues that ‘it is glib and facile and all too comforting to be self-righteous about the past. It is easy, but not very accurate, to dismiss what happened in child care in the past as belonging to a past that has nothing to do with us; to demonise individual nuns and clerics or whole religious orders and blame “the Church” for what happened; to distance ourselves from it and exonerate ourselves. What happened was the collective responsibility of society.’ In other words, we must be careful when allocating blame not to absolve those who were not immediately involved in the facilitation of a culture fertile for abuse.

Brian Titley on the other hand rejects arguments that what happened in certain institutions was in some sense the responsibility of society as a whole, and argues in relation to Magdalen Homes that the system’s ‘persistence into recent times provides a unique perspective on the hegemonic power of the Catholic Church in Ireland. Men and women in religious vows were strongly imbued with the spirit of Augustinianism – an outlook that emphasised the corruption and sinfulness of human nature…Female sexuality was considered particularly problematic and in need of strict surveillance and control…Women who strayed from the narrow path of approved behaviour risked incarceration, perhaps for life in Magdalen asylums…the arbitrary judgment of a parish priest on a woman’s moral status was all that was needed for her to be locked away in an asylum. When men of the cloth were the arbiters of sexual decency, and when their theological formation saw sexuality as deviant unless explicitly procreative and within the bounds of marriage, this bred intolerance and severity.

Linking the various perspectives on the role of the state and the role of the Catholic Church, a number of common themes emerge which in part, suggest that priests, nuns and Brothers undertook the work of providing services for women and children in particular, because (1) the Irish state was unwilling to undertake the development of a range of welfare services itself and these congregations and orders took up the slack; (2) the state was unable to develop a welfare infrastructure due the poor economic conditions facing the country after Independence; (3) the state was reluctant to get involved in running these services as they were seen as the preserve of the Church, and thus the state failed in its obligations; (4) the state only intervened in particular areas of social policy, primarily those that impacted on the middle classes and was reluctant to intervene in services for the poor.
In addition to the role of the state and the Catholic Church, others have suggested a role for Irish families in understanding the use of institutions of confinement. The argument here is that Irish families utilized certain institutions to manage their deviant or troublesome members.

The Role of the Family

In her history of the regulation of female sexuality in twentieth-century Ireland, particularly Northern Ireland, Leanne McCormick argues that various asylums for women were actively utilized by Irish parents as offering ‘an alternative for families who felt ashamed by their daughters’ behaviour.’ McCormick holds that ‘as many parents in the same position made the decision not to place their daughters in homes, the Catholic Church cannot be held entirely accountable or held responsible for forcing parents to utilise the institutions. The continued presence of Magdalen laundries run by the Catholic Church in Ireland in the second half of the twentieth century was a reflection of a failure of the states on both sides of the border to provide for and protect vulnerable young women in society.’

In relation to mental hospitals, Elizabeth Malcolm makes a similar point when she suggests that ‘families, police, magistrates, clergy and doctors co-operated to take advantage of lax procedures so as to rid their communities of those deemed troubled or troublesome’. With regard to unmarried mothers, Luddy argues that ‘Like other “undesirable elements” within Irish society, unmarried mothers were expected to be hidden from public view. Moral rescue and spiritual regeneration remained the aims within maternity homes. Unmarried mothers remained social deviants often cast out from hearth and home.’

Families which for a range of economic, social and moral reasons wished to divest themselves of a problematic member, regularly took advantage of the vast network of available institutions. Although indisputably unpleasant places, they sometimes offered strategic resources to the poor and the marginal. With limited alternatives for those who did not emigrate or enter a workforce where opportunities were few and far between, such institutions were an integral element in the
maintenance of social and economic order in Ireland after Independence. As Ciaran McCullagh argued:

It is certainly part of Irish ‘folklore’ that the use of mental hospitals to dispose of ‘surplus’ children was an important resource in the preservation of the inheritance system in rural Ireland. A son, inheriting from the father and bringing a wife into a farm which could only offer a subsistence income, may not have been pleased with the presence of his unmarried and ageing brothers and sisters in the household. Commitment to a mental hospital may have seemed an attractive solution in these circumstances.\textsuperscript{76}

None of the abovementioned explanations is necessarily incorrect, but all are partial and of themselves insufficient to explain the overall shape and trajectory of coercive confinement in Ireland. For example, the line of argument, that the State, in an alliance with the Catholic Church, attempted to impose a rigid sexual morality on the county and incarcerated those who failed to comply with this strict dogma, is perhaps the most popular explanation for coercive confinement in Ireland. Popular films such as the \textit{Magdalen Sisters} provided a graphic account of this line of argument.\textsuperscript{77} There is, of course, some element of truth in this line of reasoning. Catholic Congregation did operate reformatory schools, Magdalen homes, mother and baby homes, orphanages and industrial schools. However, all of these institutions, with the exception of mother and baby homes, predated the establishment of the Irish State, and in the case of the mother and baby homes, the recommendation that they should be established was made in the first decade of the 20\textsuperscript{th} century. Thus, they can hardly be seen as responding to the creation of a Catholic state. Neither were the Catholic Congregations actively seeking individuals to confine. Rather, families, particularly in the case of mother and baby homes and Magdalen homes placed their daughters there. More significantly, with the exception of the Industrial schools, in terms of the scale of confinement, relatively few inmates were contained in the institutions managed by Catholic congregations. The State managed and funded district and auxiliary mental hospitals and county homes were where the majority of coercively contained were located in 20\textsuperscript{th} century Ireland.
To make sense of developments necessitates conceptualizing coercive confinement in its totality, rather than focusing on its component parts in isolation. It also requires viewing patterns, as we do, over a span of almost a century. So if the explanation is not to be found in the above accounts, where does it lie? The core argument that we develop next is that to comprehend the rate and pattern of institutional usage we must think in terms of how church, state and family influenced, and responded to, the social change associated with a reconfiguration of the rural economy. It is to the delineation of a tentative explanation that we now turn our attention.

**Church, State and Family: Adjusting to Changing Times**

The alleged benefits of the agrarian society that was constructed from the mid-nineteenth century were contrasted with the corrupting influence of the urban environment. In Ireland, it can be argued, the term ‘rural’ is vested with a range of symbolic meanings, which are routinely invoked to articulate particular belief systems and to stress the importance and, often, presumed superiority of rural over urban life. Indeed, rural Ireland was offered as an Arcadian utopia by both nationalist and Catholic ideologues from the late nineteenth century onwards, whereas ‘urban life symbolised all that was essentially non-Irish and threatening to the ideal Catholic Social Order.’ The city was seen as an ‘alien institution’ and this anti-urbanism, according to Mervyn Horgan, was ‘directed more towards Dublin than any of the smaller cities or larger towns, as all of these were entirely dependent on the surrounding countryside.’

In contrast, rural Ireland, or more simply the countryside, was idealized as a site where the family farm could harmoniously integrate its various members in a seamless web of domestic and community obligations and reciprocities. Upon these happy homesteads were sustainable parishes founded and the latter would facilitate national regeneration. The commitment to the countryside was deep. For example, under the County Boards of Health (Assistance) Order 1924, it was specified that ‘no child shall be boarded out in any town or village without the consent of the Minister’, a provision that was only removed in 1954.
The ethnographic work carried out in rural Clare in the 1930s by the Harvard anthropologists, Conrad Arensberg and Solan Kimball gave qualified academic support to such a worldview with their description ‘of an integrated set of relationships within families, and between families, kin groups and neighbours in rural Ireland’.  Although neither the theoretical nor the empirical substance of this thesis was left unscathed by the end of the 1970s, the belief in the positive attributes of the ‘rural’ over the ‘urban’ remained.

At risk of oversimplifying a complex and contested history, it would seem that there is considerable agreement that the process of land redistribution initiated from the 1870s resulted in the emergence of peasant proprietors, the dominance of the stem family, which according to Rosemary Harris is ‘a family that exists generation after generation on the same holding through a mechanism that in each generation sheds from the farm all children except the heir’, and the principle of patrilineal and impartible inheritance. According to David Fitzpatrick ‘[b]y the early twentieth century at latest, Irish households seem to have been changing hands, more often than not, according to the stem mode of succession’.

While the pervasiveness and longevity of the ‘stem family’ have been subjected to considerable debate, the existence of this family form in the rural West of Ireland until the 1950s seems reasonably clear. It was seen as an economic response by peasant proprietors to maintain and consolidate their land-holdings. This contrasted with the earlier system of (largely) tenant farmers and land subdivision amongst heirs. The emerging stem family, according to Eugene Hynes, was in turn receptive to the changes taking place in the Catholic Church in Ireland, which stressed sexual prudery and familial obedience. These changes saw greater adherence to ‘Roman’ doctrine, resulting in the ‘devotional revolution’ and generating a symbiotic relationship between farmers and the Catholic Church that endured for many years. In the thesis offered by Hynes, a clergy-farmer alliance emerged in the post-famine period as agriculture became increasingly commercialised. In his words:

... land, a specific form of capital, became the basis of status and power. The supply of land was fixed, so that a family could, normally, increase its capital at the expense of other families. As the amount of land needed for an
acceptable living standard gradually grew, so the number of farm families declined and every family was threatened with slipping down to an unacceptable level. Each family had to discipline itself for the struggle necessary to avoid losing its position. It was this threat which was mainly responsible for the persistence and consolidation of the stem-family system along with authoritarian Catholicism.\(^92\)

In other words the Catholic Church reflected and reinforced the underlying values and beliefs of rural Ireland rather than imposing a new normative system. As Joe Lee argues, “[t]he churches, however, merely reflected the dominant economic values of famine Ireland…Priests and parsons, products and prisoners of the same society, dutifully sanctified this mercenary ethos, but they were in any case powerless to challenge the primacy of economic man over the countryside.”\(^93\)

The new system of inheritance resulted in a situation whereby only one child (usually a son, but not always, and not necessarily, the eldest) would inherit the farm,\(^94\) and the remaining (surplus) siblings, in a rough descending order, emigrated, primarily to England (and in the case of the offspring of the small farmers this was preceded by a period of servanthood on larger farms);\(^95\) the more fortunate females were provided with a dowry\(^96\) that would allow marriage or entry to religious life, the less fortunate entering domestic service; were educated, particularly to acquire posts in the public service or in dioceses and congregations of the Catholic church; remained on the farm in a celibate subordinate role to the heir;\(^97\) or were institutionalized in the extensive network of psychiatric hospitals and other sites of coercive confinement that dotted rural Ireland.

On the latter point, it is of note that Arnsberg and Kimball in their classic account of the ‘dispersal’ of un-provided for family members\(^98\) did not make reference to institutionalisation, when at the time of their research, the Mental Hospital in Ennis, built in 1868 for 260 inmates held a daily average of 689 patients, with the Inspector of Mental Hospitals noting that the admission rate at this hospital was ‘very high.’\(^99\) Those from the western counties of Ireland were most at risk of incarceration in psychiatric hospitals. As Table 28.4 showed, the risk of incarceration
in mental hospitals increased the further west one lived (with the notable exception of Donegal).

In terms of social class, agricultural workers were disproportionately represented amongst hospital residents with a rate of 3,465 per 100,000 population in 1963 compared to 123 per 100,000 for employers and managers. Until 1991, agricultural workers had the highest risk of entering and remaining in a psychiatric hospital; they were displaced in 2001 by unskilled manual workers who had a rate of 314 per 100,000 compared to 253 for their agricultural peers. While not discounting the possibility that some of the correlates of mental illness, such as alcoholism and isolation, may have been more pronounced in the West of Ireland, there is no consensus about the significance of these factors and they are unlikely to explain the observed pattern.

The type of family formation described above existed in a strong form until the late 1950s, but gradually faded thereafter, its demise hastened, initially, by the state-initiated industrialization of rural Ireland and, later, by agricultural changes resulting from membership of the European Economic Community from the early 1970s. We can see the extent of these changes by examining records of occupational status. In 1926 the census revealed that 56 per cent of total Irish male employment was in agriculture. The quite diversified rural economies of the 1870s had been replaced by an economy dominated by family farming, with most of the active population being either farmers or farmers’ ‘relatives assisting’. Furthermore, while the status, security and well-being of the peasant proprietors themselves improved substantially over the period in question, the life chances and the local reproduction opportunities for non-inheritors painfully contracted.

Terrence Dooley has argued that the land question, and the body established to manage land redistribution, the Land Commission, played a significant role in Irish social policy in the first fifty years after Independence. For Dooley, ‘the Land Commission became the most important state institution of the twentieth century – its impact on rural society matched only by the Catholic Church – and the most important vehicle of social engineering in modern Ireland.’ As the Inter-Departmental Committee on Land Structure Reform in 1978 put it ‘[b]y a series of
Land Acts dating from 1870, the landlord / tenant system which had obtained since the 17th century was eliminated and replaced by a system of owner-occupancy. In all, 414,000 tenants became full owners of their lands, totalling some 14 million acres.\textsuperscript{103} The work of the Land Commission consolidated the prevailing model of small farm proprietorship and provided a form of social security by facilitating self-sufficiency through the allocation of land, rather than the redistribution of income, a model more often found in developing countries.\textsuperscript{104}

Mainly as a result of policy changes stemming from the publication of the landmark document \textit{Economic Development}\textsuperscript{105} in 1958 and the general expansion of the role of the state in the Irish economy,\textsuperscript{106} male industrial manufacturing employment grew by 107 per cent between 1961 and 1981 outside Dublin and Leinster, where such job growth was only of the order of 20 per cent. Indeed, in Dublin city such employment actually fell, as the traditional industrial base declined. State commitment to off-farm employment was further endorsed by the Buchanan report of 1968, which advocated the dispersal rather than concentration of industry in Ireland and the introduction of the Smallholders Assistance Scheme, better known as the ‘farmer’s dole’ in 1966.\textsuperscript{107} Thus, much of the economic modernization project was focused on rural Ireland where new sources of employment and income supplementation lessened the demand for institutional options to siphon off family members, whether as inmates or staff.

\textbf{Ruralism and Coercive Confinement}

Rural fundamentalism, as described by Damian Hannan and Patrick Commins, outlines how the economic survival of the family farm required a mechanism to manage those members of the family who were surplus to economic requirements in addition to mechanisms to deal with anyone who threatened the model of impartible inheritance.\textsuperscript{108} For Commins, rural fundamentalism ‘may be thought of as a set of values and beliefs by which a positive view was taken of the family-owned farm as the basic unit of agricultural production; having a numerous class of landowners; farming as an occupation; agriculture as the basis of national prosperity; farm or small-town living.’\textsuperscript{109}
This form of ruralism, we argue, contributed to high rates of coercive confinement in a variety of ways. The district mental hospitals became a favoured repository for those who did not voluntarily emigrate or had not availed of the limited educational opportunities to seek betterment outside of the locality or otherwise absent themselves from the family home to find employment. What better place for the supernumerary spinster or bachelor (or, indeed, in time, for the ageing and unproductive former matriarch or patriarch)?

It was those who remained on land that they could not own and women who gave birth outside of marriage who created obstacles to the preservation of the stem family. Illegitimacy threatened the viability of the family farm by disrupting the system of inheritance and by lessening the likelihood of marriage. Both the deviant mother and the potentially threatening child needed to be managed. Raw economics rather than a concern with sexual morality ensured that many of the mothers of such children were incarcerated in various institutions for lengthy periods of time and their children adopted, fostered, institutionalized. As Margaret O'Callaghan has argued, ‘The sexual moral sanctions of the Irish Catholic Church had material reinforcement insofar as female virginity was a vital bargaining-counter in the movement to better land. Children born out of wedlock were repudiated, as they too could present threats to property.’

The mother, if she did not (or could not) emigrate was placed in a Mother and Baby Home or a County Home and her children, if confined in a Mother and Baby Home were generally adopted in Ireland or in the US, while the children of the mothers contained in the County Homes were either fostered, a practice that was used sparingly, or placed in Industrial schools. Thus, they would have no claim on the land or, indeed, any knowledge that they might have had anything to inherit. In some cases, the mothers returned home, but others were placed in psychiatric hospitals and in some cases, Magdalen Homes. Children born within wedlock, but whose mental or physical disability rendered them unproductive on the family farm were regularly deposited in increasingly specialist institutions.

In order to speed up the cycle of inheritance or rid the farm of unwanted relatives, large numbers of men and women were committed to psychiatric hospitals,
a process facilitated by minimal statutory safeguards. Thus, it may be argued that the
desire for the preservation of a particular type of rural Ireland, and an unrestrained
impulse to maintain the stem family and the associated economic advantages,
effectively displaced those rendered superfluous by these processes.

There is another vital piece to this story. This is that surplus sons and
daughters, largely drawn from farming communities, entered religious life in their
droves thereby providing a personnel resource that was cheap (vow of poverty),
flexible and uncritical (vow of obedience) and sexually immature but morally certain
(vow of chastity). As long as this source of recruitment remained plentiful the
operation of a wide range of institutions could continue, at little direct cost to the
state, and with the tacit support of families that saw the advantages of having a child
or two enter religious life in terms that were both economic (fewer mouths to feed)
and social (enhanced community standing).

As regards the secular clergy, Jeremiah Newman’s study of vocations to the
Maynooth seminary from 1956 to 1960 showed that 73 per cent of those who entered
were from rural families, generally large ones, and he concluded that ‘it is reasonable
to suppose that the same holds for vocations in general.’¹¹³ In Lee’s acerbic
interpretation, the Irish clergy were ‘strong farmers in cassocks’.¹¹⁴ Coldrey has
argued that recruitment into the Christian Brothers congregation ‘was heavily rural in
Ireland,’¹¹⁵ and Titley suggests that ‘[d]uring the nineteenth and twentieth centuries,
secular priests generally came from rural stock.’ According to Titley, ‘the Irish rural
classes regarded having a priest in the family as a mark of social distinction – a visible
sign of upward mobility.’¹¹⁶

In terms of nuns, Margaret Peckham Magray notes that the foundresses of the
major indigenous female congregations came from relatively wealthy backgrounds.
So too did many of the early entrants as evidenced by the dowries they brought with
them. But by the end of the nineteenth century women from the poorer rural areas
were joining in greater numbers, in particular the Mercy and Presentation Sisters, two
of the larger congregations. In some cases these entrants were lay rather than choir
sisters.¹¹⁷ The dramatic decline in vocations can be seen in Figure 28.3.
That the number of institutionalized adults and children declined, as did rural Ireland, is no coincidence. The preservation of rural Ireland required coercive confinement just as it required emigration. Economic development allowed for the surplus members of rural families to be employed outside of the family farm and for those on marginal holdings to maintain the land. Thus, the economic necessity to remove surplus members waned as new opportunities opened up.

As the small farm declined in significance along with the changing rural economy the pressure to find institutional outlets for children who were seen as economically disadvantageous (either as inmates or priests, brothers, nuns and medical attendants) declined also. This choked off a key source of referrals and personnel. Table 28.5 shows how the decline in coercive confinement after the mid-1950s is correlated with the reduction in the pool of rural dwellers which sustained the system in so many ways. These trends were reinforced by a concomitant reduction in family sizes.

By the 1970s the rural economy had changed in ways that had massive implications for coercive confinement. It took some time for these changes to impact on the size of the population in psychiatric hospitals where a cohort of those detained involuntarily continued to grow old and die on the wards. However this group of increasingly elderly celibates was not being replaced by a new generation that needed to be disposed of. Also, the attractiveness of a life of religious devotion was waning, with fewer vocations and increasing numbers quitting as Brothers, priests and nuns. These trends were reinforced by better drug treatment for mental illness, a different emphasis on involuntary detention, deepening concerns about human rights and a growing awareness of the need for review mechanisms for long-stay patients.

Another way that rural fundamentalism helps us to understand patterns in coercive confinement is when we consider the waning commitment to this notion as a political priority and a defining feature of the Irish state. Part of the picture is rural
dwellers going to psychiatric hospitals, County Homes and Mother and Baby Homes where their guardians are other country people\textsuperscript{119} working as orderlies or in holy orders. But we also have urban adults and children filling prisons, Borstal, Industrial and Reformatory schools, again under the supervision of their rural cousins. This reflects an ideological commitment to the promotion of a rural way of life as the proper foundation of a moral and well-ordered society, a notion best captured in the well-known broadcast by Eamon De Valera on St Patrick’s Day 1943 when he declared that:

\begin{quote}
The Ireland which we would desire of would be the home of a people who valued material wealth only as the basis of a right living, of a people who were satisfied with frugal comfort and devoted their leisure to the things of the soul; a land whose countryside would be bright with cosy homesteads, whose fields and valleys would be joyous with the sounds of industry, with the romping of sturdy children, the contests of athletic youth, the laughter of happy maidens; whose firesides would be forums for the wisdom of old age. It would, in a word, be the home of a people living the life that God desires that men should live.\textsuperscript{120}
\end{quote}

While the core elements of rural fundamentalism may have declined by the end of the twentieth century, the influence of farmers remained powerful according to Brian Girvin who argues that:

\begin{quote}
Farmers have been well-organised and effective lobbyists since the 1960s, but their success is also due to the congruence between farmers, the land and normative assumptions contained in the Constitution. If the values of land and rural life take priority in the Irish worldview, governments have also taken decisions to give priority to these interests. Rural industrialisation, the high cost food policy of the EEC and the Common Agricultural Policy have been accepted uncritically by Fianna Fáil and Fine Gael since the 1960s, even though the cost of such policies have been high for other sections of Irish society. This is a political choice to defend a specific interest and opposition is often characterised as unpatriotic.\textsuperscript{121}
\end{quote}
The ‘alien institution’ that was the city, contained many – children in particular – who were seen to require the invigorating benefits of the rural. The delinquents of Dublin, Cork, Limerick and Waterford, would receive the redemptive benefits of the rural through placement in Industrial schools which tended to be located outside urban centres and boarding-out or fostering on small family farms, largely in the West of Ireland, where they would learn and acquire ‘Irish’ values. Writing about the early years of the Borstal in Clonmel, Conor Reidy shows that the assumed superiority of the rural guided the thinking of the Borstal Association which ‘particularly advocated the country life for those under their care, claiming that proper agricultural training would transform a “city cornerboy” into a decent farm labourer.’ The recuperative value of rural life was based, to some extent at least, on the belief that a lungful of country air and the bone-tiredness that comes from a day spent *amuigh faoin spéir* is the best way to drive out the indolence and evil that are the undoing of many a city-dweller.

The two reformatories for boys, one in Glencree, Co. Wicklow (which finally closed in 1940) and the other in Daingean, Co. Offaly (which remained open until 1973) were located in remote rural areas, although the two for girls were to be found in urban environments (Dublin and Limerick) reflecting the preparation of such girls for work in laundries or as domestic servants. The concentration on supporting rural Ireland meant that urban working class communities, particularly along the East coast, were further disadvantaged. Today, while the primary institution of confinement is the prison there is some continuity in that it still serves as a repository for the urban poor and the ranks of the agents of the criminal justice system, especially police and prison officers, continue to exhibit a strong rural bias.

The grip of the rural on the mind of the political and policy elite began to loosen in the context of a changed approach to economic planning and greater exposure to international winds of change. As a result the agricultural life as the route to moral realignment for rowdy city boys became less attractive (and less easy to justify). This was reinforced by changing conceptions of childhood, free secondary education (introduced in 1967), and greater opportunities for employment in the cities. Also, as the number of people dependent on the land for a living declined (see Table 28.5) so too did the attachment to ruralism.
The institutions of confinement that dotted the Irish landscape from the mid-nineteenth century until their demise in the second half of the twentieth century were not part of a hidden Ireland that was only exposed in the 1990s and beyond. The role, purpose and function of these institutions was widely known and they were extensively utilised. The non-criminal justice institutions became increasingly redundant with the shift from an agrarian society to an urbanized one. This shift was accompanied by the gradual disappearance of the stigma associated with lone motherhood. In addition, the introduction of an unmarried mothers’ allowance in 1973 provided a source of income that allowed women avoid institutionalization and achieve independence. This was described by Finola Kennedy ‘in ideological terms …like stepping on to a new planet.’ Fewer children were adopted (the numbers of children adopted in Ireland continuously declined from 1,414 in 1970 to 200 in 2008) and births outside of marriage increased dramatically (from 2.7 per cent of all births in 1970 to 33 per cent in 2009).

In relation to the psychiatric hospitals, we see a substantial decline in in-patient populations. This is not explained by a reduction in the number of admissions which, as we highlighted earlier, actually increased, but in a shorter average duration of stay and a major reduction in the number of involuntary admissions together with a transformation in the treatment model, from one based on in-patient treatment to one based on the care of out-patients. Improvements in medication may also have assisted in this process. Mental hospitals were no longer thought of as repositories for indefinite confinement. The ushering in of a new treatment model allied to changes in the rural economy lessened families’ dependence on such institutions.

Our point is that the network of institutions of coercive confinement reflected the priorities of the state, church and family as they navigated the early decades of Independence, during which time Ireland gradually moved from being an inward-looking morally censorious place where ruralism and social policy were intertwined, to an open and outward-facing society where advances in medicine, changing conceptions of child care and new social mores gave heft to changes in the rural economy. A more expansive interpretation of the Constitution, and the unenumerated rights it contains, added momentum to these developments. In combination these
transformations meant that the supply of captives and captors for most of the institutions of coercive confinement (with the exception of the prison) went into steep decline. There is a time lag between these changes and the reduction in numbers, largely because of the psychiatric in-patient population reducing over the years through death. This is why the numbers remained stable for so long and why the rate of change began to accelerate after the 1970s.

In addition to explanations that carry force for individual institutions, such as better medical treatments for mental illness, greater social welfare provision for single parents and growing disillusionment with institutional arrangements for children, our analysis suggests that broad structural changes in rural Ireland had a dramatic impact, over time, on the supply of both inmates and staff to the large number of closed institutions around the country. The stability and decline of the incarcerated population were intertwined with the political salience of rural fundamentalism and the changing fortunes of the family farm. By adding this layer of explanation we can come to a fuller understanding, not only of overall shifts in coercive confinement, but of the dynamics of change for patients, prisoners and penitents.

This book has attempted to describe and explain trends in coercive confinement in post-Independence Ireland. While the origins and persistence of particular institutions of social control may have generated significant interest and attracted sophisticated theorising, what is different about our account is that it embraces the institutional landscape in its totality, without losing sight of the factors that are peculiar to particular institutions. This holistic approach motivated our selection of extracts for Parts I to III and directed us towards sources drawn from a range of disciplines. By thinking in terms of ‘coercive confinement’ we have tried to avoid the ‘balkanisation’ that has tended to characterise research in this area (a danger that we highlighted in Chapter 1) and broadened the analytical lens to focus simultaneously and longitudinally on family, church and state. While conscious of the apparent novelty of punitive arrangements at the beginning of the twenty-first century, the adoption of an explicit historical perspective helps us to place contemporary social control practices in an appropriate context.130
When putting the final touches to this chapter an unusual obituary appeared in The Irish Times that captured the essence of our argument. The obituary was for Charlie 'The Hare' Maguire, a man who died on 10 October 2010, aged 77, having spent nearly two-thirds of his life in the custody of the state. Charlie Maguire’s life story encapsulates the way that a rural boy from poor circumstances could become entangled, as a result of parental distress, petty crime and community suspicion, in a variety of institutions of coercive confinement for periods of time that, today, appear breathtakingly long.

Born and raised on a small farm in Co. Cavan, on 14 January 1944 a local priest and Garda decided Charlie’s widowed mother was unable to control him. The 11-year-old was sent to St Joseph’s Industrial School at Letterfrack, Co. Galway. After his release at the age of 16 he spent eight years working on a farm in Galway before making his way home. Blamed for petty crime in the local area, in 1960 he was jailed for two years, with hard labour, after being found guilty of the larceny of five hens. He was found not guilty of stealing sheaves of oats to the value of £2 (approximately €90 in 2010), and a turf spade.

In April 1962, soon after his release, he was charged with setting fire to hay. The alleged offence was part of a dispute with a neighbour and there was some uncertainty about the events in question and Charlie’s role in them, if any. Nevertheless, proceedings were taken. Charlie was found unfit to plead and the court ordered that he be detained at the Central Mental Hospital. Medical staff there assessed him as schizophrenic, but not a threat. In 1963 he was transferred to St Davnet’s Hospital, Monaghan. Twenty years later, in 1983, a psychiatrist at St Davnet’s wrote: ‘If it were possible in some way to have the original charges processed so that he can remain on here as a voluntary patient, he would much appreciate it.’ Unfortunately this did not happen and ‘The Hare’ was held at the hospital for another 27 years, until his death.131

The fact that no photograph could be found to accompany the obituary of Charlie Maguire speaks volumes about how a combination of misplaced concern, vindictiveness and neglect could cause a citizen to be pushed so far to the margins that a return to society becomes a fantastical impossibility. This, in a nutshell, is the
story of coercive confinement and it emphasises one of the key messages of this book, namely the need to look backwards to make sense of today.
Table 24.1

Imprisonment Rate per 100,000 Population

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1926</td>
<td>50.6</td>
<td>6.8</td>
<td>29.0</td>
</tr>
<tr>
<td>1951</td>
<td>29.5</td>
<td>3.0</td>
<td>16.5</td>
</tr>
<tr>
<td>1971</td>
<td>60.4</td>
<td>1.6</td>
<td>31.1</td>
</tr>
<tr>
<td>2009</td>
<td>169.0</td>
<td>5.9</td>
<td>87.0</td>
</tr>
</tbody>
</table>

### Table 24.2

**Daily Average Number of Prisoners**

<table>
<thead>
<tr>
<th></th>
<th>1926</th>
<th>1951</th>
<th>1971</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>762</td>
<td>445</td>
<td>903</td>
<td>3,749</td>
</tr>
<tr>
<td></td>
<td>(88%)</td>
<td>(91%)</td>
<td>(98%)</td>
<td>(97%)</td>
</tr>
<tr>
<td><strong>Female</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>100</td>
<td>43</td>
<td>23</td>
<td>132</td>
</tr>
<tr>
<td></td>
<td>(12%)</td>
<td>(9%)</td>
<td>(2%)</td>
<td>(3%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>862</td>
<td>488</td>
<td>926</td>
<td>3,881</td>
</tr>
<tr>
<td></td>
<td>(100%)</td>
<td>(100%)</td>
<td>(100%)</td>
<td>(100%)</td>
</tr>
</tbody>
</table>

### Table 24.3

**Committals to Prison under Sentence**

<table>
<thead>
<tr>
<th></th>
<th>1926</th>
<th>1951</th>
<th>1971</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>2,056</td>
<td>1,578</td>
<td>2,996</td>
<td>9,704</td>
</tr>
<tr>
<td></td>
<td>(67%)</td>
<td>(85%)</td>
<td>(92%)</td>
<td>(89%)</td>
</tr>
<tr>
<td>Female</td>
<td>1,018</td>
<td>285</td>
<td>248</td>
<td>1,161</td>
</tr>
<tr>
<td></td>
<td>(33%)</td>
<td>(15%)</td>
<td>(8%)</td>
<td>(11%)</td>
</tr>
<tr>
<td>Total</td>
<td>3,074</td>
<td>1,863</td>
<td>3,244</td>
<td>10,865</td>
</tr>
<tr>
<td></td>
<td>(100%)</td>
<td>(100%)</td>
<td>(100%)</td>
<td>(100%)</td>
</tr>
</tbody>
</table>

Table 24.4
The Geography of Madness

<table>
<thead>
<tr>
<th>County</th>
<th>No. In Mental Hospitals</th>
<th>Rate per 1,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Co. Dublin</td>
<td>599</td>
<td>3.6</td>
</tr>
<tr>
<td>Co. Kildare</td>
<td>319</td>
<td>4.8</td>
</tr>
<tr>
<td>Co. Meath</td>
<td>381</td>
<td>5.7</td>
</tr>
<tr>
<td>Co. Donegal</td>
<td>705</td>
<td>5.8</td>
</tr>
<tr>
<td>Dublin Co. Borough</td>
<td>3,185</td>
<td>5.9</td>
</tr>
<tr>
<td>Limerick Co. Borough</td>
<td>301</td>
<td>5.9</td>
</tr>
<tr>
<td>Co. Louth</td>
<td>427</td>
<td>6.2</td>
</tr>
<tr>
<td>Co. Wicklow</td>
<td>371</td>
<td>6.2</td>
</tr>
<tr>
<td>Co. Wexford</td>
<td>549</td>
<td>6.3</td>
</tr>
<tr>
<td>Cork Co. Borough</td>
<td>524</td>
<td>6.6</td>
</tr>
<tr>
<td>Co. Carlow</td>
<td>224</td>
<td>6.6</td>
</tr>
<tr>
<td>Waterford Co. Borough</td>
<td>200</td>
<td>6.9</td>
</tr>
<tr>
<td>Co. Tipperary</td>
<td>903</td>
<td>7.0</td>
</tr>
<tr>
<td>Co. Laois</td>
<td>330</td>
<td>7.0</td>
</tr>
<tr>
<td>Co. Monaghan</td>
<td>368</td>
<td>7.1</td>
</tr>
<tr>
<td>Co. Offaly</td>
<td>376</td>
<td>7.2</td>
</tr>
<tr>
<td>Co. Limerick</td>
<td>639</td>
<td>7.4</td>
</tr>
<tr>
<td>Co. Cork</td>
<td>1,985</td>
<td>7.7</td>
</tr>
<tr>
<td>Co. Kilkenny</td>
<td>516</td>
<td>8.0</td>
</tr>
<tr>
<td>Co. Westmeath</td>
<td>442</td>
<td>8.2</td>
</tr>
<tr>
<td>Co. Kerry</td>
<td>1,010</td>
<td>8.3</td>
</tr>
<tr>
<td>Co. Cavan</td>
<td>534</td>
<td>8.7</td>
</tr>
<tr>
<td>Co. Mayo</td>
<td>1,164</td>
<td>8.8</td>
</tr>
<tr>
<td>Co. Longford</td>
<td>296</td>
<td>9.0</td>
</tr>
<tr>
<td>Co. Clare</td>
<td>714</td>
<td>9.3</td>
</tr>
<tr>
<td>Co. Galway</td>
<td>144</td>
<td>9.3</td>
</tr>
<tr>
<td>Co. Waterford</td>
<td>427</td>
<td>9.5</td>
</tr>
<tr>
<td>Co. Sligo</td>
<td>584</td>
<td>10.3</td>
</tr>
<tr>
<td>Co. Roscommon</td>
<td>726</td>
<td>11.4</td>
</tr>
<tr>
<td>Co. Leitrim</td>
<td>431</td>
<td>11.6</td>
</tr>
</tbody>
</table>

Table 24.5

The Rural Roots of Coercive Confinement

<table>
<thead>
<tr>
<th></th>
<th>1926</th>
<th>1951</th>
<th>1971</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Males</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural labourers</td>
<td>125,161</td>
<td>84,294</td>
<td>35,425</td>
<td>6,207</td>
</tr>
<tr>
<td>Farmers’ child</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>/ relatives assisting</td>
<td>192,321</td>
<td>140,175</td>
<td>46,989</td>
<td>-</td>
</tr>
<tr>
<td>Farmers / farm managers</td>
<td>222,791</td>
<td>200,316</td>
<td>163,975</td>
<td>66,916</td>
</tr>
<tr>
<td><strong>Females</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural labourers</td>
<td>1,248</td>
<td>363</td>
<td>144</td>
<td>827</td>
</tr>
<tr>
<td>Farmers’ child</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>/ relatives assisting</td>
<td>71,774</td>
<td>30,910</td>
<td>5,932</td>
<td>-</td>
</tr>
<tr>
<td>Farmers / farm managers</td>
<td>48,566</td>
<td>35,960</td>
<td>18,661</td>
<td>5,132</td>
</tr>
<tr>
<td>Domestic servants living in</td>
<td>37,683</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professed clergymen (all clergy 2006)</td>
<td>4,917</td>
<td>5,101</td>
<td>3,106</td>
<td></td>
</tr>
<tr>
<td>Nuns</td>
<td>9,228</td>
<td>11,638</td>
<td>796</td>
<td></td>
</tr>
<tr>
<td>Christian Brothers and other monks</td>
<td>1,111</td>
<td>1,625</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theological students</td>
<td>2,802</td>
<td>4,027</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mental attendants</td>
<td>2,432</td>
<td>3,827</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warders and wardesses</td>
<td>246</td>
<td>264</td>
<td>3,392</td>
<td></td>
</tr>
</tbody>
</table>

[Source: Census of population, various years.]
Figure 28.1
Imprisonment Rate, 1926-2009
Figure 28.2
Coercive Confinement (excluding imprisonment)
Figure 28.3
The Decline in Vocations
Endnotes

1 While not every institution of coercive confinement was intended to be punitive (the prison is an obvious exception) there can be little doubt that, with few exceptions, all were experienced as punitive.

2 Even these new peaks underestimated the degree of change as many serving prisoners were granted temporary release under the Criminal Justice Act 1960 to ease overcrowding and they served out their time, unsupervised, in the community. For example in 2009 the daily average number of prisoners on temporary release was 535 in addition to 3,881 behind bars, giving a total prisoner population of 4,416. See Irish Prison Service, Annual Report (Longford: Irish Prison Service, 2009), p. 16. A device to counter overcrowding was not needed during the first fifty years after Independence when prisoner numbers were low and, for a time, contracting.

3 The World Prison Brief maintained by the International Centre for Prison Studies in London shows that in 2010 the rate of imprisonment per 100,000 population, excluding persons on temporary release or unlawfully at large, was 99 in Ireland. This compares with 103 in Austria and 154 in England and Wales. The lowest rates were to be found in the Nordic countries (e.g. Finland – 60; Sweden – 78; Norway – 71).


4 The rights of accused persons have been curtailed through, for example, restrictions on bail. Post-release supervision arrangements have been put in place for some ex-prisoners and the time served before parole is granted has been extended. In addition other due process protections have diminished. See C. Hamilton, The Presumption of Innocence and Irish Criminal Law: ‘Whittling the Golden Thread’ (Dublin: Irish Academic Press, 2007). By contrast, those with psychiatric disorders have benefited from a range of additional safeguards most notably as set out in the Mental Health Act 2001. See, M. Donnelly, ‘Treatment for Mental Disorders and Protection of Patients’ Rights’. Paper presented at the

After a series of eleven visits to the biggest and busiest prison in the country (Mountjoy Prison in Dublin) between November 2008 and July 2009, the Inspector of Prisons, Judge Michael Riley, noted: ‘I have witnessed 7 prisoners sharing a 4 man cell where the sanitary requirements were met by 3 buckets. Similarly I have witnessed 3 prisoners sharing a cell and sharing the same “slop out” bucket. This amounts to inhuman and degrading treatment’. Inspector of Prisons, Report on an Inspection of Mountjoy Prison (Tipperary: Office of Inspector of Prisons, 2009), para. 4.8. An inspection of a large psychiatric hospital in Dublin in August 2009 concluded: ‘It is difficult to convey the extent of dilapidation of the St. Ita’s Hospital building. Long corridors in poor conditions, toilets with no privacy, paint peeling, mould in showers, broken furniture, ill-fitting doors, cramped dormitories, the smell of urine, poor ventilation and a bare drab environment were clearly evident ... It should be acknowledged that people live in these appalling conditions and that there were little or no plans evident to rectify the situation.’ Mental Health Commission, 2009 Annual Report Including the Report of the Inspector of Mental Health Services: Book 2 (Dublin: Mental Health Commission, 2010), p. 45.


Ibid., p. 142.


Although advances in psychopharmacology are often cited as a key impetus in the decline of psychiatric hospitals across the Western world, Novella makes the point that such explanations, what he terms the ‘conventional psychiatric account’, are but one in a range of possibilities. He concludes with the observation, particularly apt in respect of the Republic of Ireland, that ‘although we are dealing with processes which started more than five decades ago, the quest for accurate explanatory models seems far from having been completed.’ E.J. Novella, ‘Theoretical Accounts on Deinstitutionalization and the Reform of Mental Health Services: A Critical Review’, *Medical Health Care and Philosophy*, 11: 3 (2008), p. 313.

G. Jones, *Captain of all these Men of Death: The History of Tuberculosis in Nineteenth and Twentieth Century Ireland* (New York: Clio Medica, 2001).


A. Daly and D. Walsh, *Irish Psychiatric Units and Hospitals Census, 2006* (Dublin: Health Research Board, 2006). In 1981, over 2,000 (15.5 per cent) inmates of a much diminished psychiatric hospital population were diagnosed as mentally handicapped. Twenty years later, just under 400 (9.1 per cent) inmates of psychiatric hospitals were so designated. See Walsh and Daly, *Mental Illness in*...
Ireland, 1750-2002, p. 75. For a critique of the retention of those with a mental handicap in psychiatric hospitals, see A. Ryan, Walls of Silence: Ireland’s Policy Towards People with a Mental Disability (Kilkenny: Red Lion Press, 1999).

Walsh and Daly, Mental Illness in Ireland, 1750-2002.


These establishments were firstly described as residential homes for children, then special schools for the deviant and disadvantaged, and then schools for young offenders.

For further information on the background and work of the Commission, see C.
Brennan, ‘Facing what Cannot be Changed: The Irish Experience of Confronting Institutional Child Abuse’, *Journal of Social Welfare and Family Law*, 29: 3-4 (2007), 245-263. The Commission’s terms of reference were as follows: a) to provide, for persons who have suffered abuse in childhood in institutions during the relevant period, an opportunity to recount the abuse, and make submissions, to a Committee, (b) through a Committee to inquire into the abuse of children in institutions during the relevant period, to inquire into the manner in which children were placed in, and the circumstances in which they continued to be resident in, institutions during the relevant period, to determine the causes, nature, circumstances and extent of such abuse, and without prejudice to the generality of any of the foregoing, to determine the extent to which the institutions themselves in which such abuse occurred, the systems of management, administration, operation, supervision, inspection and regulation of such institutions, and the manner in which those functions were performed by the persons or bodies in whom they were vested contributed to the occurrence or incidence of such abuse. See section 4(1) of the Commission to Inquire into Child Abuse Act, 2000 as amended by the Commission to Inquire into Child Abuse (Amendment) Act, 2005.

28 Commission to Inquire into Child Abuse, *Report* (Dublin: Stationery Office, 2009). In a moving reminiscence written in the wake of the report’s publication, one of Ireland’s leading literary figures, John Banville, recalls the almost inevitable route into institutionalisation for certain classes of children. J. Banville, ‘A Century of Looking the Other Way’, *The New York Times* (22 May 2009), p. 21. Banville’s observation that knowledge of these institutions was relatively widespread found its way on to the stage at the Abbey Theatre on 30 January 1961, in a play, entitled *The Evidence I Shall Give* by a district court Judge, Richard Johnson.


Primary deviance is seen as a behavioural lapse; the individual does not define themselves as deviant. Secondary deviance is created through name-calling, stereotyping and stigmatization. As a result of these processes a deviant identity is confirmed. The new status is often accepted by the individuals concerned who reorganize their lives accordingly. The idea that social reaction and control cause deviancy is associated with theorists such as E. Lemert, *Social Pathology* (New York: McGraw Hill, 1951) and H. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: The Free Press, 1963).


This calls to mind the remarks made by Senator Connolly O’Brien in 1960, and quoted in Chapter 1, when he described confinement in a Magdalen Home as more stigmatising than a prison term.


41 This included, in descending order, fifty-two Industrial Schools, thirty-two County Homes, nineteen District and Auxiliary Mental Hospitals, fourteen Prisons, ten Magdalen Homes, four Reformatory Schools, two extern Homes for unmarried mothers and a single Borstal Institution.


In a classic formulation, transcarceration is described as a process whereby for ‘delinquents, deviants and dependants ... their careers are likely to be characterised by institutional mobility, as they are pushed from one section of the help-control complex to another’. See J. Lowman, R.J. Menzies, and T.S. Palys (eds), Transcarceration: Essays in the Sociology of Social Control (Aldershot: Gower, 1987), p. 9.


Frank Martin argues that ‘[s]ince the 1980s, the Irish High Court and Supreme Court have had to become interpretatively creative in order to “discover” unenumerated children’s rights within the penumbra of the text of the Irish Constitution.’ F. Martin, The Politics of Children’s Rights. (Cork: Cork University Press, 2000), p. 19.


65 Ibid.

66 Conflicting interpretations of the role and purpose of Industrial schools are, of course, not confined to Ireland. For a recent overview of debates on the purpose of Industrial schools in the UK, where the author concludes that they ‘cannot be understood as anything other than a central and invaluable part of the child protection movement’, see M. Moore, ‘Social Control or Protection of the Child?


C. McCullagh, ‘A Tie that Blinds: Family and Ideology in Ireland’, *Economic and Social Review*, 22 (1991), pp. 208-209. Tom Garvin, in his book about Ireland in the 1950s makes a similar point when he claims that: ‘[e]everyone had heard tales of people being committed to mental hospitals because they were unwanted by family or spouse even though perfectly sane….Many quietly approved of the penal treatment of unmarried mothers, homosexuals and others who defied or ignored the public orthodoxies of the time; the regime was not universally unpopular; public opinion was itself censorious, conservative and rather authoritarian in a normally easygoing way.’ T. Garvin, *News from a New Republic: Ireland in the 1950s* (Dublin: Gill and Macmillan, 2010), pp. 201-202.

For a critique of this portrayal of the Magdalen Asylums, see L. McCormack, ‘Sinister Sisters? The Portrayal of Magdalene Asylums in Ireland in Popular Culture’, *Cultural and Social History*, 2 (2005), 373-381.


For further details, see C. O Grada, ‘Primogeniture and Ultimogeniture in Rural Ireland’, *Journal of Interdisciplinary History*, 10: 3 (1980), 491-497.


See for example, D. F. Hannan, *Displacement and Development: Class, Kinship and Social Change in Irish Rural Communities* (Dublin: Economic and Social Research Institute, 1979).

The devotional revolution thesis is most associated with Emmet Larkin who argues that between 1830 and 1870 the Catholic Church increased its wealth, the clergy were better disciplined and the ratio of priests to people declined significantly. Most importantly, for Larkin, during this period the Irish became practicing Catholics for the first time, with rates of church attendance increasing from approximately 33 per cent to near universal observance. E. Larkin, ‘The Devotional Revolution in Ireland, 1850-75.’ in E. Larkin (ed.) *The Historical Dimensions of Irish Catholicism* (The Catholic University of America Press, 1976), p. 77. The Larkin thesis has been criticised, particularly his figures on church attendance and his interpretation of them. See for example, K. Whelan ‘The Regional Impact of Irish Catholicism 1700-1850’, in W.J. Smythe and K. Whelan (eds) *Common Ground* (Cork: Cork University Press, 1988); T.G. McGrath, ‘The Tridentine Evolution of Modern Irish Catholicism, 1563-1962: A Re-examination of the ‘Devotional Revolution’ Thesis,’ *Recusant History*, 20: 2 (1991), 512-523; M.P. Carroll, ‘Rethinking Popular Catholicism in Pre-Famine Ireland, *Journal for the*


92 (Hynes, 1978: 152).


94 For example, Patrick McNabb in his study of rural Limerick between 1958 and 1964 noted that “There are a great many variations in the system of inheritance. Primogeniture is favoured only when certain other conditions are fulfilled. It is unlikely that the eldest son will inherit if he shows scholastic ability. The majority thought that the son who had no interest in school would inherit, or, if there were a few such sons in one family, then the father’s favourite would be chosen. It also happens where there are a few such sons working on the farm, that the father may show no preference and keep them in suspense until he dies’. P. McNabb, ‘Social Stucture’ in J. Newman (ed) The Limerick Rural Survey (Tipperary: Muinter na Tire, 1964). Kennedy also suggests that in four case study areas of rural Ireland from 1911 to the early 1930s, ‘primogeniture was not the dominant practice in any of the study areas’. L. Kennedy, ‘Farm Succession in Modern Ireland: Elements of a Theory of Inheritance’, The Economic History Review (NS), 44: 3 (1991), p. 486.

95 Breen shows that in 1926 there were 36,044 male farm servants in Ireland, but this had declined to 5,332 by 1966. R. Breen, ‘Farm Servanthood in Ireland, 1900-40’, The Economic History Review (NS), 36: 1 (1983), 87-102.

96 Breen has argued that the dowry system began to decline in the 1950s, but “[u]ntil that time, dowry was paid among the farm families and those who had shops and businesses in rural areas. For marriage into any of these groups, it was necessary that a woman “bring in” a dowry.” R. Breen, ‘Dowry Payments and the Irish Case, Comparative Studies in Society and History, 26: 2 (1984), p. 286.

97 Another consequence of a large population of single celibate males was a persistently high rate of interpersonal violence over the closing decades of the


100 Walsh and Daly, *Mental Illness in Ireland, 1750-2002*, p. 73.

101 Martial status has been offered as one of the most important determinants of admission to psychiatric hospitals, which in turn explains regional variations in admission rates. As Walsh and Walsh outline, the ‘population decline in the West, due to net emigration and low natural increase, has resulted in an unfavourable population structure characterized by an excess of single and elderly persons. The high percentage of single males in these regions is particularly important as these persons are more likely to suffer hospital admission.’ D. Walsh and B. Walsh, ‘Mental Illness in the Republic of Ireland – First Admissions’, *Journal of the Irish Medical Association*, 63 (1970), p. 369.


K.H. Connell most famously put forward the argument for an underlying materialist motivation for family relations in rural Ireland when he stated with characteristic pungency that ‘the average peasant, it was said, takes unto himself a mate with as clear a head, as placid a heart and as steady a nerve as if he were buying a cow a Ballinasloe fair.’ Liam Ryan, in a similar vein, suggested that marriage in rural Ireland could be viewed as ‘not when a man needed a wife but when the land needed a woman’. L.Ryan, ‘The Changing Irish Family’, The Furrow, 45: 4 (1994), p. 212.

For example, Paul McQuaid, a child psychiatrist who surveyed the reasons for children coming into care in thirty institutions in the Archdiocese of Dublin in the mid-1960s, listed illegitimacy as the single biggest reason, at nearly 30 per cent. See P. McQuaid, ‘Problem Children and their Families: Assessment and Referral for Institutional Care’, Studies: An Irish Quarterly Review, 60: 238 (1971), 155-168. The Reformatory and Industrial Schools Systems Report claimed that 19 percent of children in Industrial Schools ‘were known to be illegitimate’ (Dublin: Stationery Office, 1970), p. 9.

Consider that at the end of March 1963, 41 per cent of the nation’s 19,800 psychiatric in-patients had been resident for at least eighteen years. For more than one in ten of them, the mental hospital had been their home for over twenty-eight years. J. Robins, *Fools and Mad: A History of the Insane in Ireland* (Dublin: Institute of Public Administration, 1986), p. 200.

In an anthropological account of the asylum in Sligo Jamie Saris suggests that for both the mental asylums and the workhouses (later the County Homes) ‘these institutions recruited the sons of Catholic tenant farmers to fill their lower ranks, eventually providing one of the few avenues of social mobility other than emigration as the rural social structure became increasingly rigid in the second half of the 19th century’. A. J. Saris, ‘Producing Persons and Developing Institutions in Rural Ireland’, *American Ethnologist*, 26:3 (2000), p. 701.

To put these comments in perspective it is worth recalling that De Valera was the most influential political figure in twentieth-century Ireland. He was Taoiseach from 1932–1948, 1951–1954 and 1957–1959. He was elected President of Ireland in 1959 and held office for two seven-year terms until his retirement from public life in 1973. His views were widely shared and the national aspiration was to an ascetic form of Roman Catholicism.


It was not until December 2010 that the first Dublin-born Commissioner of An Garda Síochána was appointed by the government (his parents hailed from Mayo). Liam McNiffe in his history of An Garda Síochána shows that in the period 1922-1952, just over one quarter of recruits came from the five counties that make up the province of Connaught, with only 5.5 per cent recruited from Dublin. Nearly 40 per cent of these recruits listed their previous trade as a farmer. L. McNiffe, A History of the Garda Síochána (Dublin: Wolfhound Press, 1997), pp. 48-49.

Active judicial review, especially since the 1960s, has permitted the development of a large corpus of jurisprudence on the role of the Constitution in protecting individual rights and on restricting state power. J. Casey, Constitutional Law in Ireland (Dublin: Sweet and Maxwell, 3rd edn, 2000); D. Gwynn Morgan, The Separation of Powers in the Irish Constitution (Dublin: Round Hall Sweet and Maxwell, 1997). This trend has been bolstered by the increasing prominence of human rights law.

Paul Rock has described as ‘chronocentrism’ the tendency to avoid writings that are more than fifteen years old. P. Rock, ‘Chronocentrism and British Criminology’, British Journal of Sociology, 56: 3 (2005), 473-491.