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The Irish Family: Blame, Agency and the ‘Unmarried Mother Problem’, 1980s–2021

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The recent *Final Report of the Commission into Mother and Baby Homes* (January 2021) has received considerable criticism for suggesting that the Irish family was as responsible as the churches and state for the mistreatment of single mothers and their children. This article explores a case of two dead babies in mid-1980s Ireland, one single mother, and a rural family that found itself at the centre of an official inquiry. This case provides a prism through which to explore family agency and the official framing of the Irish family as culpable of moral erosion and social destabilisation. In this analysis agency in the familial context emerges as a complex mix of individual and relational exertions comprising conformity *and* resistance.

The Irish family is in the dock. Again. This time it is in relation to the systematic demonisation and institutionalisation of single mothers and their children throughout the twentieth century. The recent *Final Report of the Commission into Mother and Baby Homes* (January 2021)¹ has received considerable criticism for suggesting that the Irish family was at least as responsible as the churches and state for the mistreatment of single mothers and their children.² The executive summary claims:

Ireland was a cold harsh environment for many, probably the majority, of its residents during the earlier half of the period under remit. It was especially cold and harsh for women. . . . Women who gave birth outside marriage were subject to particularly harsh treatment. Responsibility for that harsh treatment rests mainly with the fathers of their children and their own immediate families. It was supported by, contributed to, and condoned by, the institutions of the State and the Churches. However, it must be acknowledged that the institutions under investigation provided a refuge – a harsh refuge in some cases – when the families provided no refuge at all.³

In this finding the most recent report into Ireland’s abuse of its women and children fits into a broader pattern of official inquiries which have tended to generalise about the Irish family without due attention to differentials of power and wider structural issues. In this narrative, women are primarily failed by their immediate circle, the fathers of their children and their own families. The state and the main religious body, the Roman Catholic church, become part of the context, players in the landscape,

¹ *Final Report of the Commission of Investigation into Mother and Baby Homes* (Dublin, Jan. 2021). See <https://www.gov.ie/en/publication/d4b3d-final-report-of-the-commission-of-investigation-into-mother-and-baby-homes/> (last visited Apr. 2022).

² See Caitriona Crowe, ‘The Commission and the Survivors’, *Dublin Review of Books*, Summer 2021. See <https://thedublin-review.com/article/the-commission-and-the-survivors/> (last visited Mar. 2022); Ciara Breathnach, ‘A Dark, Difficult, and Shameful Chapter’, in *Historians’ Watch, Histories of the Present, History Workshop* (21 Jan. 2021). See <https://www.historyworkshop.org.uk/mother-and-baby-homes-report/> (last visited Apr. 2022).

³ Executive Summary, *Mother and Baby Homes Commission*, 1.

reacting to the needs of the family rather than the overarching creators and arbiters of a system of violent order. Similarly, this approach continues an official tendency to frame the Irish family – itself an abstraction – in either explicit or implicit moral terms: the failings are considered to be moral and are moralised. Underpinning this approach is a flattening and simplifying of how families operated, what collective agency a family might have exercised and how that was or could be constrained by class, gender, race, geography and other social, economic or political factors. Any sense of power and/or agency evaporates into an organic system which ‘subjected’ women to harsh treatment. Gone, too, is any consideration of the interdependence of historical actors and the relational aspect of agency which can work to subvert or decentre power structures.⁴

A key aim of this volume is to reconsider families as active participants in the world with the capacity to exert their will and, potentially, reshape the values of community, society and, ultimately, the state. Central to this inquiry is the dynamics of the relational agency within the family *and* the family’s agency as a unit. This is an incredibly complex endeavour as it carries with it the obvious risk of repeating the tendency to present the family as an abstract concept and assume some type of collective coherence. For this reason, this exploration goes to the heart of the inherent tension in the family structure: a collective with individual interests that may not always align or cohere with one another. Can we talk of family agency in the singular? How do we gauge the impact of granular agency – the behaviour of a woman’s ‘immediate family’, for example – and how this might contribute to the shifting sands of wider cultural change?

This article proposes two possible ways of speaking meaningfully about family agency and cultural change. The first is the rooting of our analysis in the dynamics of everyday life, in how families encountered change in daily negotiations. The second, which is closely related to the first, is to adopt Tatek Abebe’s concept of ‘interdependent agency’, which allows us to explore the way in which ‘intergenerational relationships between adults and children play out in everyday life’.⁵ In order to link this everyday dynamic with broader social change regarding the family, this article explores a case of two dead babies in mid-1980s Ireland, one single mother, and a rural family that found itself at the centre of one of the most significant cultural clashes Ireland has ever experienced, known to this day as ‘the Kerry Babies case’.

This case provides a prism through which to explore the official framing of the Irish family as culpable of moral erosion and social destabilisation and enables a consideration of the ways in which ‘the immediate family’ could shape how communal values were performed while not rejecting those values entirely. Crucially, in this analysis agency in the familial context emerges as a complex mix of individual and relational exertions comprising conformity *and* resistance which were rooted in the very moral principles ‘the family’ was accused of flouting. It raises fundamental questions about living with ideology and the ways in which it can be imagined to fit the needs of individuals and, as a consequence, literally reshape everyday family life. In this case, the state and its agents – the police, the judiciary, and the law – were pitched against ‘the family’ and a battle for credibility was played out before the nation. It marks a turning point in the relationship between the state and its agents, such as the judiciary, and the concept of the Irish family.

It is argued here that until the 1980s, the Irish family, while often spoken of in the hushed tones of mourning, due to the always present fear of its imminent decline, was still regarded as vital in shoring up the moral and social *status quo*. The 1980s marked the beginning of the age of the inquiry – Ireland experienced several commissions of inquiry in the 1990s and 2000s relevant to women and children – during which ‘the Irish family’ was repositioned as culpable for the moral cowardice of the nation. This, in fact, represented a subversion of the longstanding pressure exerted on families by churches and the state to excise the ‘unmarried mother’ because she was identified as a threat to decent families and social stability. This article traces the history of that pressure on families, in particular the impact

⁴ Mona Gleason, ‘Avoiding the Agency Trap: Caveats for Historians of Children, Youth and Education’, *History of Education*, 45, 4 (2016), 446–59.

⁵ Tatek Abebe, ‘Reconceptualising Children’s Agency as Continuum and Interdependence’, *Social Sciences*, 8, 3 (2019), 10.

of the concept of respectability. It maps how single mothers became a symbol of moral decay and social instability and, by the foundation of the Irish Free State in 1922, were increasingly framed as a threat to the respectable family and, by extension, the nation. It then examines how, as the moral consensus began to splinter as a result of various social and economic pressures, the single mother continued to serve a particular narrative the state and its agents wished to craft about the Irish family.

The Irish Family and the Respectability Project

Much ink has been spilled on the particular pathology of the Irish family – a self-regulating modern wonder which, following the trauma of the Great Famine (1845–51),⁶ marshalled its resources as a collective and prioritised respectability in the shape of fecund families constituted by marriage. By the 1860s the Irish appeared to have settled in their desire to marry comparatively rarely (a third remaining unmarried), comparatively late in life (26 and 29 years respectively for men and women) and to have comparatively large families.⁷ As a consequence of this social strategy, the Irish marital chain was slow, demanding patience, obedience, sexual abstinence and emigration.⁸ Donna Birdwell-Pheasant argues that in Ireland the stem family endured well into the twentieth century because it enabled a balancing of the key emerging social values that prioritised the viability of the farm and the integrity of the family.⁹ There is, for example, plenty of evidence that the Irish drew strategically on various generations and a network of celibate siblings, uncles, aunts and fosterage to maintain the family at home and abroad (by the nineteenth century this was a vast transnational network).¹⁰ In all of this, blood ties were considered most important and the connection between land and family was regarded as a key stabilising factor in the growth of a new Catholic middle class, which emerged with force in the nineteenth century. This cohort, in alliance with the Irish Catholic hierarchy, held fast to the values of the British Empire in which status was linked to ownership: he who owned his farm, his horse and his church bench owned his social place.¹¹ Indeed, one could argue that the colonial and the Catholic were relational forces in Ireland enabling a new ‘modern’ consensus for governance rooted in a different way of seeing order, best captured in the idea of ‘respectability’.

Although a claim to respectability was broader than class or money, it was the values of the property-focused middle class that set the tone and benchmark of Irish respectability. Nonetheless, the practical implications of this concept were complex and volatile. In theory, any group or person could be held in respectability’s embrace *if* they performed: the ‘respectable poor’ were deserving, for example, because they subscribed to a certain sense of ‘civilised’ behaviour.¹² Respectability involved a feeling for how one ‘should be’ in given situations: deference, self-control and knowing

⁶ The Irish family has been the focus of international anthropological and sociological research. See, for example, Conrad M. Arensberg and Solon T. Kimball, *Family and Community in Ireland* (Clare: Clasp Press, 2001 [1940, 1968]).

⁷ S. H. Cousens, ‘The Regional Variations in Population Changes in Ireland, 1861–1881’, *The Economic History Review*, 17 (1964), 320; Liam Kennedy, Kerby A. Miller and Brian Gurrin, ‘People and Population Change, 1600–1914’, in Liam Kennedy and Peter Ollershaw, eds., *Ulster Since 1600: Politics, Economy, and Society* (Oxford: Oxford University Press, 2012), 67; Patrick Clancy, ‘Demographic Changes and the Irish Family’, in Patrick Clancy, ed., *The Changing Family* (Dublin: Family Studies Unit, UCD, 1984), 1–38; Mary E. Daly, ‘The Irish Family Since the Famine: Continuity and Change’, *Irish Journal of Feminist Studies*, 3 (1999), 1–21.

⁸ See Lindsey Earner-Byrne, ‘The Family, 1880–2016’, in Tom Bartlett, ed., *The Cambridge History of Ireland: Volume Four: Modern Ireland, 1880–2016* (Cambridge: Cambridge University Press, 2018), 641–72.

⁹ The main features of the stem family are unitary inheritance, son inheritance, heir marriage, the co-residence of three generations and the dispersal of non-inheriting siblings. Donna Birdwell-Pheasant, ‘The Early Twentieth-Century Irish Stem Family: A Case Study from County Kerry’, in Marilyn Silverman and P. H. Gulliver, eds., *Approaching the Past: Historical Anthropology through Irish Case Studies* (New York: Columbia University Press, 1992), 205–35, 210, 299.

¹⁰ Timothy Guinnane, *The Vanishing Irish: Households, Migration and the Rural Economy in Ireland 1850–1914* (Princeton, NJ: Princeton University Press, 1997).

¹¹ This process is excellently elucidated in Cara Delay, ‘Confidantes or Competitors? Women, Priests, and Conflict in Post-famine Ireland’, *Eire-Ireland*, 40, 1/2 (2005), 107–25.

¹² For a detailed discussion on ideas of respectable poverty see Earner-Byrne, *Letters of the Catholic Poor: Poverty in Independent Ireland, 1920–1940* (Cambridge: Cambridge University Press, 2017), 91–132.

one's place were all key attributes. In effect 'respectability' became an organising principle, rationalising places and spaces and creating a logic for governance and behaviour, by ordering, protecting and confining. Its greatest trick was to mask the violence used to hold it in place by rendering it normal, for the greater good, thus converting implicit and even explicit violence into reasonable correction, an action to protect the whole. The Irish family was key to this vision of order. In this regard, George Mosse's observation of the European project of respectability is pertinent to Ireland: 'the prevailing sentiment was that the family was a cheap and efficient surrogate for the state, controlling the passions at their source'.¹³

Thus, as it did elsewhere in the world, respectability provided fertile soil for the making of the Irish modern sexual culture embedded in middle-class ideas of private property, progress, governance and control.¹⁴ While behaviour was a crucial determinant of belonging, it was also highly gendered: the muscular nationalism that emerged in Ireland was built on understandings of male and female sexuality which underpinned the vision of a pure nation.¹⁵ Men were to be virile and brave and women pure and devout. That the ideal and the real could often not be reconciled was not a weakness of this ideology but a strength, because the tension created by this disjuncture encouraged conformity and silence.

The Threat of the 'Unmarried Mother Problem'

Threaded throughout the nineteenth-century debates about the putative Irish nation was the idea of 'respectability' as the key to becoming a 'free white nation'. In these conversations the Irish family became an abstraction, an idea of the nation itself. The logic of this connection played out forcefully within families and in families' relations with civil society, the state and its agents, and the churches. The idea of the family as the primary unit of the nation justified significant levels of control and intrusion by key socio-political arbiters of the nation – churches, state, judiciary and educators – on the pretext of protecting the notional integrity of the family. These sentiments were enshrined in the 1937 Constitution of Ireland, which recognised 'the family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law'.¹⁶ This, of course, did not play out equally, and was determined by the degree of a family's social status or proximity to the axis of power. While the determinant was respectability, this was often subjective and could be reshaped to include and exclude depending on the needs of the nation.

Andrew Popp's observation that '[s]ocial status was a family project rooted in familial relations'¹⁷ reminds us that respectability was also relational and reliant on the communal strategies of the family. Writing in the early 1960s, the folklorist Caoimhín Ó Danachair explained that the most precious commodity a family had was its 'good name' and 'many people were quite ready to sacrifice the individual'.¹⁸ This is vital context for understanding how families, particularly those lower down the socio-economic ladder with few resources and a tenuous purchase on the pecking order, may have behaved when the family's good name was threatened. In Ireland the social gradations may have been fine but they were fiercely guarded because the penalties for losing one's place were severe, such as committal to an institution or denial of employment resulting in *de facto* forced emigration.

¹³ George L. Mosse, *Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe* (New York: Howard Fertig, 1985), 21.

¹⁴ See Andrew Popp, 'But to Cover Her Shame': Respectability, Social Mobility, and the Middling Sort in Early Nineteenth-Century England', *Cultural and Social History*, 18, 4 (2021), 501–16; Mary Evans, *Making Respectable Women: Changing Moralities, Changing Times* (London: Palgrave Macmillan, 2020), 96.

¹⁵ Aidan Beatty, 'Counter-Revolutionary Masculinities: Gender, Social Control and Revising the Chronologies of Irish Nationalist Politics', *Irish Studies Review*, 29, 2 (2021), 229–42.

¹⁶ Article 41.1.1, *Constitution of Ireland* (Dublin, 1937).

¹⁷ Popp, 'But to Cover Her Shame', 513.

¹⁸ Caoimhín Ó Danachair, 'The Family in Irish Tradition', *Christus Rex*, 16 (1962), 185–96.

It is hardly surprising then that how ‘the family’ was constituted, who belonged, and the identification of those who threatened its social wellbeing proved so important in the forging of modern Ireland. In the early 1860s, the Catholic church’s attempt to have the single mother segregated from the ‘respectable poor’ in the workhouse represented a crucial battle in its campaign for the soul of the poor relief system.¹⁹ By the 1880s it had triumphed with the Local Government Board advising moral segregation in workhouses ‘to prevent contamination, and to relieve the women of good character from compulsory association with the depraved’.²⁰ The rationale here is worth noting as it was to form a central part of the message continuously relayed to Irish families about single mothers: it was necessary to restrict the freedom of some women in order to protect the wellbeing of others.

These debates were no sideshow – they were the meat of the post-colonial ambitions of a nation. The identification of the ‘unmarried mother’ as a problem of national/public importance served an important function in defining belonging and the limits of the Irish family and nation.²¹ Hence, it is little wonder that the foundation of the two states on the island of Ireland between 1921 and 1922 provided a cultural moment when these values were reaffirmed.²² The anxieties born of this period of rupture and social disorder came quite quickly to coalesce around ‘the unmarried mother’ as a problem; she symbolised a general collapse in morality and, importantly, obedience for which the family was deemed uniquely responsible.²³ In the debates about rising illegitimacy and immorality, the family was seen as the frontline of defence. All social forces were focused on preventing any understanding of the family as a potential refuge for the single mother; rather, it was framed as the bulwark against her.

We can literally track this anxiety in newspapers, journals, commissions of inquiry, and political debates throughout this period. A series of articles in the *Irish Ecclesiastical Record* between 1921 and 1922 established the ‘Unmarried Mother Problem’ as an urgent issue of ‘national significance’.²⁴ As one article in the series declared: ‘This whole subject is of extreme importance, concerning as it does the preservation of a strict standard of moral life in the nation, and the saving from utter ruin of the faith and the morality of so many Catholic girls.’²⁵ The protection of the nation’s ‘good girls’ justified the exclusions of other girls, but this was a system in which all women’s belonging was dependent on good behaviour. A ‘dangerous mother’ could be removed. An ‘immoral daughter’ expelled. A neglectful parent have their children taken away. All of this could be done for one’s own good, for the greater good, for the good of the nation. The permission this ordering gave for the embedding of violence at the heart of social structures is palpable and had real and physical consequences for thousands of people. In the name of order, the space of the nation was moralised, rendering institutions such as Magdalen asylums, county homes (erstwhile workhouses) and mother and baby homes sites of moral correction for single mothers and other categories of ‘deviant’ or ‘wayward’ women.²⁶

¹⁹ Virginia Crossman, *Poverty and the Poor Law in Ireland, 1850–1914* (Liverpool: Liverpool University Press, 2013), 168–97.

²⁰ *Ibid.*

²¹ Maria Luddy, ‘Unmarried Mothers in Ireland, 1880–1973’, *Women’s History Review*, 20, 1 (2011), 110.

²² Northern Ireland was established in 1921 and the remaining twenty-six counties of the island gained dominion status in 1922 with the establishment of the Irish Free State, the present-day Republic of Ireland.

²³ While the Irish revolutionary period lasted between 1913 and 1923, thousands of Irish people were also involved in the Great War.

²⁴ Sagart [Priest], ‘How to Deal with the Unmarried Mother’, *The Irish Ecclesiastical Record*, 20 (July–Dec. 1922), 145–53; Rev. Richard S. Devane, S. J., ‘The Unmarried Mother: Some Legal Aspects of the Problem: I’, *Irish Ecclesiastical Record*, 23 (1924), 55–68; Devane, S. J., ‘The Unmarried Mother: Some Legal Aspects of the Problem: II’, *Irish Ecclesiastical Record*, 23 (1924), 172–88; Devane, S. J., ‘The Unmarried Mother and the Poor Law Commission’, *Irish Ecclesiastical Record*, 31 (1928), 561–82; Devane, S. J., ‘The Legal Protection of Girls’, *Irish Ecclesiastical Record*, 37 (1931), 20–40.

²⁵ Sagart, ‘How to Deal with the Unmarried Mother’, 145.

²⁶ There is evidence that women were sent to these institutions for a range of reasons from being the survivors of sexual abuse, to being deemed at risk to temptation or abuse.

Even within the ranks of the single mother there was a moral hierarchy with those deemed to be beyond reform, usually those who had had more than one pregnancy outside marriage, becoming the subject of particular opprobrium.²⁷ The 1927 *Report of the Commission on the Relief of the Sick and Destitute Poor*, the state's first survey of the welfare services, noted that in Irish county homes there were approximately 629 'unmarried mothers classed as first offenders, and 391 women who had fallen more than once'.²⁸ The report explained that this system permitted 'separating the less culpable from the degraded', to avoid moral contagion.²⁹ This widespread belief in moral contamination meant compassion risked contagion, and in family circumstances this could endanger the future of the whole. Compassion was not just misplaced, it was dangerous because it encouraged vice and harmed good citizens. The papal encyclical *Casti Connubii* (On Christian Marriage) 1930, which was taken very seriously in Ireland by key officials involved in welfare provision, lamented:

We are sorry to note that not infrequently nowadays it happens that through a certain inversion of the true order of things, ready and bountiful assistance is provided for the unmarried mother and her illegitimate offspring (who of course must be helped in order to avoid a greater evil) which is denied to legitimate mothers or given sparingly or almost grudgingly.³⁰

This way of thinking was crucial in silencing any counter-narrative making it much harder for families to support single mothers in their midst. There was some sympathy for 'unfortunate girls', who could be framed as innocent victims of seduction, and even for women who, driven by fear or shame, abandoned their babies or committed infanticide.³¹ However, Louise Ryan and Karen M. Brennan caution against assuming widespread sympathy for women accused of infanticide prior to the 1940s. Indeed, even after the Infanticide Act of 1949, which represented a legal acceptance that this crime was different to other murders, these softening sentiments did not translate into a reimagining of the dominant moral system.³²

Throughout the twentieth century, the majority of single mothers continued to be sent to county homes and many ended up in Magdalene asylums (laundries), the last of which operated until 1996.³³ Several religious-run 'mother and baby homes' also came on stream in the late 1920s and 1930s, to cater for 'the better class of girl', defined as the daughter of a large farmer or professional. However, there is evidence that they dealt with a broader social profile. The contemporary narrative surrounding these homes was that they were the best places to 'reform' women who had morally sinned and that social sequestering prevented moral contamination. These women and their children were never considered as families in their own right, thus, the separation of mother and child was a *de facto* policy of the system.³⁴ A 'good family' was defined by its intolerance of immorality, hence, 'respectable' families were expected not to condone the behaviour of their daughters who conceived children outside marriage by allowing them to live within the family with their 'illegitimate' children. While many families did find a way of keeping single mothers and their children within their fold,

²⁷ Lindsey Earner-Byrne, *Mother and Child: Maternity and Child Welfare in Dublin, 1922–60* (Manchester: Manchester University Press, 2007), 172–220; Maria Luddy, *Prostitution and Irish Society, 1800–1940* (Cambridge: Cambridge University Press, 2007), 201.

²⁸ *Report of the Commission on the Relief of the Sick and Destitute Poor, Including the Insane Poor* (Dublin, 1927), 151, 68.

²⁹ *Ibid.*, 24.

³⁰ See Anne Fremantle, *The Papal Encyclicals in their Historical Context* (New York: G. P. Putnam's Sons, 1956), 239.

³¹ Cliona Rattigan, *What Else Could I Do? Single Mothers and Infanticide, Ireland 1900–1950* (Dublin: Irish Academic Press, 2011).

³² Louise Ryan, *Gender, Identity and the Irish Press, 1922–1937: Embodying the Nation* (New York: The Edwin Mellen Press, 2002), 272–6; Karen M. Brennan, "A Fine Mixture of Pity and Justice": The Criminal Justice Response to Infanticide in Ireland, 1922–1949', *Law and History Review*, 31, 4 (2013), 793–841.

³³ Run by the Sisters of Our Lady of Charity in Sean MacDermott Street in Dublin city, known as Gloucester Street laundry. See Gary Culliton, 'Last Days of a Laundry', *The Irish Times*, 25 Sep. 1996.

³⁴ There were a few exceptions – for example, the Legion of Mary's Regina Coeli Hostel (1930) – which consciously worked to keep mother and child together. Earner-Byrne, *Mother and Child*, 200–2.

employing various strategies from ‘grafting’, whereby a baby was passed off as the child of a married sister, to hasty marriage, this did not happen at a level that resulted in a decline in the number of single mothers in Irish institutions until the 1980s.

By the end of the 1960s Ireland had urbanised, education levels had increased and improved, and average family size had dropped considerably.³⁵ Morally punitive institutions were increasingly perceived as antiquated and unnecessary: adoption was more accessible and acceptable,³⁶ and social attitudes to sexuality and single mothers were changing.³⁷ Crucially, the availability of legal abortion in England forced contemporaries to re-evaluate the impact of a hostile climate for single mothers in Ireland leading, among other things, to a welfare payment for single mothers.³⁸ It was during this period that the official narrative shifted to recharacterise the treatment of single mothers as rejection by their families rather than as a response to an agreed moral sensibility. In 1996, on the eve of the last Magdalene laundry’s closure, the Reverend Mother in charge explained: ‘In their young lives these women were thrown aside by their families and by society. . . . It was a time before families realised that even if a daughter had let them down they didn’t have to hide her away.’³⁹ The clear intention was to present these asylums as necessary evils due to Irish families’ rejection of their daughters. This narrative explanation rested on the false premise that the Irish family was a) one single prototype with no class or power differences and with coherent interests it was capable of expressing in a unified manner and that b) families operated in a uniquely cruel social vacuum of their own, their responses separate to the ideological, social and economic pressures of the world around them. It is an act of obfuscation that ignores the pressures on families exerted in large part by the very churches and state criticising them.

The 1980s and the Gender Politics of a Nation

It is no coincidence that the second-wave feminist movement of the 1970s, so fundamental to women recognising their oppression as structural and systemic, created a space for the single mother to emerge as a human being.⁴⁰ The Women’s Liberation Movement’s launch document, *Irish Women: Chains or Change?* (Dublin, 1971), specifically highlighted the discrimination against single mothers.⁴¹ At its first large gathering in Dublin, in April 1971, the feminist writer Nell McCafferty recalled a woman broke the ‘silence of centuries’ when she stood up and declared: ‘I am a single mother and I am proud’.⁴² Another leading feminist, June Levine, recalled it took minutes for the applause to die down such was the understanding of the depth and cruelty of the stigma associated with single motherhood.⁴³ Apart from raising awareness regarding gender-based discrimination, the women’s movement was crucial in reshaping public discourse. Essential to this process was a generation of feminist journalists, such as McCafferty and Levine, who forged a counter-narrative to the Ireland of ‘respectability’ – theirs was an Ireland of hypocrisy, which fought for the ‘unborn’ but sacrificed children born outside marriage. However, the progress made by these women in the 1970s in securing, for example, the limited decriminalisation of birth control, prompted the guardians of the ‘true Irish

³⁵ The percentage of families with ten or more children dropped from 14 to 3 per cent between 1911 and 1971. Clancy, ‘Demographic Changes in the Irish Family’, 21.

³⁶ Adoption was legalised in 1952.

³⁷ This was evidenced in a more sympathetic framing in public discourse, although nowhere near social acceptance of this kind of motherhood. In 1972, Cherish was established to promote the interests of single parent families. However, the moral perception of single mothers remained ambivalent. See Cherish, *Proceedings of the Conference on the Unmarried Parent and Child in Irish Society* (Dublin, 1974).

³⁸ Earner-Byrne and Diane Urquhart, *The Irish Abortion Journey, 1920–2018* (London: Palgrave Macmillan, 2019), 51–68.

³⁹ Culliton, ‘Last Days of a Laundry’, *The Irish Times*.

⁴⁰ Linda Connolly, *The Irish Women’s Movement: From Revolution to Devolution* (Basingstoke and New York: Palgrave, 2002).

⁴¹ Irish Women’s Liberation Movement, *Chains or Change?: The Civil Wrongs of Irish Women* (Dublin, 1971), p. 1.

⁴² Anne Stopper, *Mondays at Gaj’s: The Story of the Irish Women’s Liberation* (Dublin: Liffey Press, 2006), 141.

⁴³ Cited in Connolly, *The Irish Women’s Movement*, 191–220.

nation' to reassert their power in the 1980s.⁴⁴ They did this by organising a preemptive moral strike in relation to abortion. Although illegal in Ireland under the Offences Against the Person Act of 1861, the right wing pushed to have a complete ban on abortion enshrined in an amendment to the constitution. The belief was that this would prevent the legalisation of abortion on the grounds of privacy, as had happened in the United States,⁴⁵ and ensure that Ireland could not be forced by the European Economic Community [EEC] to change its laws.⁴⁶ Those seeking to reassert Ireland's moral absolutism triumphed: on 7 September 1983 the country voted to insert the eighth amendment into the Irish constitution, which read: 'The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and as far as practicable, by its laws to defend and vindicate that right.'⁴⁷ A doctor could not terminate a pregnancy unless it could be established that a mother would die imminently and directly as a result of the pregnancy.

The abortion debate was replete with ideas of the Irish nation, who owned it and who had its best interests at heart, but there was very little consideration for the women who did not have abortions but had their babies alone and faced huge stigma. In its aftermath the Catholic Bishop of Limerick, Kevin McNamara, while attempting to change the *tone* in relation to the 'unmarried mother' and her child, continued to place her 'outside' the Irish family and to characterise her as an inherent risk to that institution: 'Their [single mothers] needs, however, can and should be met on the basis of individual rights without resorting to the radical solution, the implications of which would be enormous, of substituting a completely new understanding of what constitutes a family.'⁴⁸ This exhortation was undoubtedly based on the reality that the number of single mothers was increasing significantly and the majority of these mothers were opting to keep their babies.⁴⁹ Indeed, the sociologist Tom Inglis has argued that by the 1980s growing numbers of single mothers were no longer willing to live the 'social lie' by concealing their pregnancies, but rather more and more were living openly as a family unit with their child/ren.⁵⁰ Indeed, adoption rates are an interesting barometer of changing social attitudes to single mothers in Ireland. In 1975, for example, 57.4 per cent of births outside marriage resulted in adoption, by 1980 it was 29.9 per cent and by 1990 it had fallen to 8.5 per cent.⁵¹

While the abortion debate had stirred the moral waters of the nation, two tragic cases involving single mothers would shatter any illusions of moral superiority and reinforce the growing feminist narrative of hypocrisy. On 31 January 1984, five months after Ireland inserted a total ban on abortion in its constitution, a fifteen-year-old schoolgirl called Ann Lovett made her way to the Catholic church that overlooked her small village of Granard in County Longford. It was raining, but she came armed with a rucksack inside of which there was a coat and a pair of scissors. She lay down in her school uniform, under the statue of the Virgin Mary and gave birth to a son, who died shortly afterwards. She wrapped her infant in her coat. At 4pm she was discovered by three schoolboys. Shortly after 6pm she died in her local hospital.⁵²

⁴⁴ Thanks to a decade of lobbying, in 1979 birth control was decriminalised for married couples, if they secured a prescription from their doctor. See Laura Kelly, 'Irishwomen United, The Contraception Action Programme and the Feminist Campaign for Free, Legal, Contraception in Ireland, c.1975–1981', *Irish Historical Studies*, 43, 164 (2019), 269–97.

⁴⁵ In the United States, the *Roe v Wade* Supreme Court ruling established the plaintiff's right to privacy extended to her right to an abortion. This was overturned by the US Supreme Court in June 2022.

⁴⁶ Ireland joined the EEC in 1971.

⁴⁷ Article 40.3.3 of the Irish Constitution. The referendum passed by 66.9 per cent, although turnout was low. A second referendum deleted this amendment on 25 May 2018 by a strikingly similar margin, e.g. 66.4 per cent voted to repeal.

⁴⁸ K. McNamara, *The Family Today* (Dublin: Irish Messenger, 1984), 7.

⁴⁹ Eileen Conway, 'Motherhood Interrupted: Adoption in Ireland', in Patricia Kennedy, ed., *Motherhood in Ireland: A Woman Centred Perspective* (Cork: Mercier Press, 2004), 184.

⁵⁰ Tom Inglis, *Truth, Power and Lies: Irish Society and the Case of the Kerry Babies* (Dublin: UCD Press, 2003), 169.

⁵¹ *Final Report of the Commission of Investigation into Mother and Baby Homes*, Chapter 12, 2.

⁵² See Michael Finlan, 'Birth and Death of a Child's Child', *Irish Times*, 7 Feb. 1984; Ella Shanahan, 'Ann Lovett Doctor Twice While Pregnant', *Irish Times*, 17 Feb. 1984; Nell McCafferty, 'The Death of Ann Lovett', *In Dublin*, 198, 23 Feb.–8 Mar. 1985; Alan O'Keefe, 'Silence is Broken as Ann Lovett's Boyfriend Speaks', *Sunday Independent*, 6 May 2018; Rosita Boland, 'Ann Lovett: Death of a "Strong, Kick-Ass Girl"', *Irish Times*, 24 Mar. 2018.

The story reverberated, not because it was the first such tragic story – far from it – but because it was the first that was ‘unburied’: a young female journalist, Emily O’Reilly, took the decision to name the mother at the centre of the story, transforming her from an abstraction to a human being. This decision was undoubtedly taken in the light of the abortion referendum the previous year and a conviction that the Lovett case revealed the real cost of the *faux* morality of the country. The Minister for Women’s Affairs explicitly linked the Lovett story with the 1983 abortion debate, declaring: ‘We can only be truly pro-life if we eradicate prejudice about pregnancies occurring outside marriage. There is little indication that a caring society has emerged fully in the wake of the three-year pro-life debate we have just gone through.’⁵³ Ann Lovett’s short life and public death seemed a rebuke to the nation’s moral delusions.

An editorial in the local paper, *The Longford Leader*, typified the complexity of this story and its meaning for contemporary Ireland when it wondered if Ann Lovett had died happy: ‘Who is to say that Ann Lovett did not die happy? Who is to say that she and her son are not in heaven? Who is to say that she has not fulfilled her role in life as her God had decreed? As our Lord said: “Suffer Little Children to Come Unto Me”.’⁵⁴ The Irish politician, writer and historian Conor Cruise O’Brien answered for those appalled by this way of thinking: ‘Yes, but He didn’t tell us, did He, to leave them on their own . . . with no shred of human help or comfort to seek in the end [but] the company of a painted statue, in the rain?’⁵⁵ This exchange neatly displayed the emerging fault lines in Irish society. Within weeks the Lovett story was being interpreted as a dramatic moment in the nation’s understanding of itself that would be regarded as a turning point. It was framed as a ‘national tragedy’.⁵⁶

The Irish Family and the Kerry Babies’ Tribunal

Only a few months later the country was plunged into another controversy with the arrest of a young woman, Joanne Hayes, for the murder of two newborn infants, whose bodies were found in County Kerry. Joanne Hayes was known locally to be having a relationship with a married man, with whom she already had a daughter, Yvonne. She had become pregnant for a third time with the same man in 1984 (the middle pregnancy had ended in miscarriage), but that baby had died at birth. Its body was found on her family farm. However, in the same week that Joanne Hayes gave birth, a second dead baby was found on a beach eighty kilometres away from her home. The baby on the Hayes farm showed no discernible signs of harm and the state pathologist was unable to declare if it had ever lived independently.⁵⁷ The baby discovered on the beach had twenty-eight stab wounds and a broken neck.⁵⁸ The police went to imaginative lengths to try to prove Joanne Hayes was the mother of both babies and that she had murdered both, even after blood samples were shown not to support this theory. The super-fecundation theory was probably the wildest of their proposals: the idea was that she had had sexual intercourse with two different men within forty-eight hours, conceiving on both occasions. It fit a general picture the police needed to paint of Joanne in order to explain why they had pursued her despite all the logical evidence. This was later made explicit by Superintendent John Courtney, who declared that Joanne Hayes ‘must have been of loose morals because I heard Jeremiah Locke [the married man at the centre of the case] giving evidence here that she had association, that she was intimate with other men, some other men at least, before he had intimate relations

⁵³ Renagh Holohan, ‘Girl and Baby Death Inquiry to Be Private’, *Irish Times*, 7 Feb. 1984.

⁵⁴ Conor Cruise O’Brien, ‘Victims of Silent Panic’, *Irish Times*, 14 Feb. 1984.

⁵⁵ *Ibid.*

⁵⁶ The phrase used by the Minister for Women’s Affairs; see ‘Inquiry Urged into Death of Girl and Baby’, *Irish Times*, 6 Feb. 1984.

⁵⁷ *Report of the Tribunal of Inquiry into the ‘Kerry Babies Case’* (Dublin, 1985), p. 118; V. Conway, ‘Report to Re-Examine the Report of the Tribunal of Inquiry into ‘The Kerry Babies Case’, in Máiréad Enright, Julie McCandless, and Aoife O’Donoghue, eds., *Northern/Irish Feminist Judgments: Judges’ Troubles and the Gendered Politics of Identity* (London: Bloomsbury, 2017).

⁵⁸ *Report of the Tribunal of Inquiry*, 27.

with her.⁵⁹ In May she was charged with murder and her family with concealment of birth. The case proceeded until 10 October 1984, when it was struck out by the state solicitor for Kerry on the basis of insufficient evidence.⁶⁰ The case would not have come to public attention had the information not been leaked to journalists by someone concerned about possible police brutality.⁶¹

An official tribunal was established to inquire into the police's handling of the case and the treatment of the Hayes family. It began in January 1985 and lasted eighty-two days, seventy-seven of which were spent taking evidence from 109 witnesses involving 61,000 questions, and it became an effective trial of Joanne Hayes and her family.⁶² It was adversarial, when it did not need to be, but this model provided official Ireland with the environment in which it was dominant and in which 'othered voices' were automatically rendered insecure and less credible.⁶³ Joanne Hayes instinctively understood this discrepancy of power, indeed the experience at the tribunal provided her with a lesson on how power works and brought home to her the weak social status of her and her family in this arena. Remarking that she had 'never really considered the question of power and how it is structured', she explained:

I looked at many of the lawyers and heard their accents and tones of voice, I felt as if they were some kind of alien force – alien, that is, to the society in which I had lived. In their manners and in the ways they spoke they seemed to be expressing some kind of code which I had never encountered before and as the Tribunal progressed I grew to hate that code.⁶⁴

She grew to 'hate that code' because it was used to disarm her, shred her credibility, and keep her as an outsider or, worse, frame her as an enemy within: she would endure five days on the stand, the longest period for any witness in the state, up to that point. She faced 2,000 questions and was physically sick during proceedings.⁶⁵ Her moral character was questioned and details of her sex life and menstrual cycle were pored over. The tribunal report claimed as fact, contrary to the evidence of the state pathologist,⁶⁶ that although Joanne had not murdered the baby on the beach, she had, to quote the judge, 'done away with' the baby on her farmland with a bathroom brush.⁶⁷ Years later, Nell McCafferty recalled the horror of it all: 'we heard her [Joanne Hayes] out in the corridor retching and crying. She was brought in sedated, so heavily sedated that her head kept bobbing off the microphone.'⁶⁸ The tribunal of inquiry and the report that followed were displays of state-sanctioned misogyny writ large. Writing at the time, McCafferty remarked: 'There is a sense . . . of womanhood itself being on trial here, and the traumatic echoes of the amendment debate . . . about sex and wombs and blood and babies done to death.'⁶⁹

Importantly for the history of official Ireland's creation of truth, the tribunal also represented an important moment in the creation of a particular narrative about the Irish family as somehow unreliable and in need of policing. In numerous ways, some implicit and many explicit, the tribunal report characterised the Hayes family as the personification of the untrustworthy family that endangered all families' claims to respectability and integrity. The *Irish Independent*, whose editorial line sanctified

⁵⁹ TT, 75/21. Cited in Inglis, *Truth, Power and Lies*, 71.

⁶⁰ *Report of the Tribunal of Inquiry into 'The Kerry Babies Case'*, 46–7.

⁶¹ In 1977 the *Irish Times* ran a series of articles about the operations of the so-called Heavy Gang within the Irish police which was alleged to use abusive techniques to secure confessions.

⁶² Inglis, *Truth, Power and Lies*, 50.

⁶³ Normally tribunals of inquiry were inquisitorial rather than adversarial. See Conway, 'Report to Re-Examine the *Report of the Tribunal*'.

⁶⁴ Joanne Hayes and John Barrett, *My Story: Joanne Hayes* (Kerry: Brandon/Mount Eagle Publications, 1985), 165.

⁶⁵ Inglis, *Truth, Power and Lies*, 53.

⁶⁶ *Ibid.*, 86. TT. 66/74.

⁶⁷ *Report of the Tribunal of Inquiry*, 91.

⁶⁸ For Nell McCafferty's recollections see <https://radio.rte.ie/radio1highlights/kerry-babies-drivetime/>. The Irish state finally apologised to Joanne Hayes in January 2018.

⁶⁹ N. McCafferty, 'Womanhood Goes on Trial in Tralee', *Irish Press*, 16 Jan. 1985.

the report as ‘the truth’, claimed it revealed: ‘How a family killed “truth”’.⁷⁰ However, in terms of the current narrative concerning the Irish family’s culpability for the rejection of single mothers, the Hayes family had sacrificed much to keep Joanne Hayes and her child in its fold. In fact, it was this as much as anything else which led to its demonisation at the hands of the state and its agents (the police and judiciary). To begin with, the judge defined the Hayes family thus:

The Hayes family means collectively: Mrs Mary Hayes of Dromcunnig Lower aforesaid, born the 30 April 1920 and her four children, namely: Kathleen Hayes, born 16 December 1954. Edmund (Ned) Hayes, born the 25th January 1957. Michael (Mike) Hayes, born the 21st January 1958. Joanne Hayes, born the 30th April 1959.⁷¹

Remarkably, Yvonne Hayes, Joanne’s daughter, was omitted. The second time Yvonne was airbrushed from the picture makes the reasons more apparent: Jeremiah Locke is introduced and we are told ‘married on the 31st August, 1980, and now has two children, the first born on the 25th June 1982 and the second born on the 25th April 1984.’⁷² In fact – and facts were the judge’s business – Mr Locke had three children and one deceased child with two women, his wife and Joanne Hayes.⁷³ The key issue that the judge appeared to wish to drive home was that ‘legal’ children were the ones that counted in legitimate families.

The very structure of the tribunal report served to undermine the credibility of the Hayes family: all they endured was presented in the style of a novel with a focus on the family and its guilt. After the initial set-up the report outlined events via suggestive chapter titles: Chapter 4: The Hayes Family; Chapter 5: The Affaire; Chapter 6: The Birth and Death; Chapter 7: What Will We Do?; Chapter 8: Cover-up; Chapter 9: The Cahirciveen Baby Found; Chapter 10: Family Under Suspicion; Chapter 11: The Command Structure; Chapter 12: Visitation by the Gardaí; Chapter 13: Family Charged. The narrative was shaped in other insidious ways by these chapter titles, for example, those that purported to investigate the Hayes’ allegations of assault – one of the most likely reasons they admitted to a crime they did not commit – read: Chapter 19: Assault and Joanne Hayes;⁷⁴ Chapter 20: Assault and Kathleen Hayes;⁷⁵ Chapter 21: Assault and Ned Hayes;⁷⁶ Chapter 22: Assault and Mike Hayes;⁷⁷ Chapter 23: Why the False Allegations?⁷⁸

From the outset everything about the Hayes family had doubt cast over it, even the rudiments of biography: ‘Mrs Mary Hayes married on 12 May 1954 – The Tribunal is satisfied that this is the correct date of her marriage.’⁷⁹ Before the end of the first page of the chapter dedicated to the Hayes family the judge had established them as liars, when he dismissed the reasons given by Kathleen Hayes, Joanne’s sister, for where she was sleeping on the night in question. This he transformed into part of the family’s conniving to support Joanne Hayes’ secret birth of her child: ‘The truth,’ he declared, ‘appears to be, however, that Kathleen Hayes had moved from the cottage to the farmhouse before Mrs Hayes got the flu and that move was solely for the purpose of watching Joanne Hayes and to be available for the expected birth.’⁸⁰ On the following page, he offered a summary of the family’s financial situation, which was instructive for understanding latent social prejudices regarding certain types of families and certain types of women:

⁷⁰ ‘How a Family Killed “Truth”’, *Irish Independent*, 4 Oct. 1985.

⁷¹ *Report of the Tribunal of Inquiry*, 8.

⁷² *Ibid.*, 15.

⁷³ Joanne had also suffered a miscarriage in June 1982, which was acknowledged by the *Report of the Tribunal of Inquiry*, 15.

⁷⁴ *Ibid.*, 63.

⁷⁵ *Ibid.*, 66.

⁷⁶ *Ibid.*, 68.

⁷⁷ *Ibid.*, 71.

⁷⁸ *Ibid.*, 74.

⁷⁹ *Ibid.*, 13.

⁸⁰ *Ibid.*, 13

The Hayes family and Bridie Fuller [sister of Mrs Hayes] were by no means poor by the standards of the community in which they live. Mrs. Hayes has the Widow's Pension (Appendix K, No. 7 Page 6). Mike Hayes has a herd of 16 milch cows and the milk is sent regularly to the Creamery so that there is a steady income to the household from the Creamery as well as further income from the sale of surplus calves. Kathleen Hayes had worked for some time in a Laundry and then in a dry-cleaning business, but she had been made redundant in October, 1982 (12/779) and is in receipt of unemployment assistance. Ned Hayes had also worked for some years as a delivery-man in a bakery and then in a wine-merchants and he is also unemployed for a couple of years past, (15/695 and 16/729 to 730), and he is also in receipt of unemployment assistance. At the time of the events dealt with in this Report, Joanne Hayes had a job as a temporary Receptionist in the Tralee Sports Centre at £88.00p per week (10/124 to 126). Bridie Fuller, a retired Nurse had a Health Board Pension. In addition, she owned the motor-car which Ned Hayes and Mike Hayes were authorised to drive.

The over-all take-home income of the persons living on the Hayes family lands in the financial year ending 5th April 1984 was at least £22,000.⁸¹

Quite apart from providing posterity with a glimpse into the generational interdependence of many small rural farm families, this summation also revealed the devastation of the terrible recession of the 1980s. It is evidence too that the 'economy of makeshifts' continued well into the twentieth century with state provision, via pensions and unemployment assistance, playing a central role in sustaining many families. Joanne Hayes was a key economic player in her family as the only wage earner – although she was to lose her job shortly after the death of her baby.⁸² Inglis points out that 'the expansion of the capitalist economy and the state social welfare services enabled Joanne to make choices which would not have been possible at other times in Irish history'.⁸³ What was not captured in this economic précis was the essential caring and providing roles played by Mrs Hayes and Kathleen, nor the ways in which the family operated as a unit to survive. For example, the car mentioned by the judge was often used to collect Joanne from town after late shifts or in rainy weather.

At first glance little had changed in a hundred years from Birdwell-Pheasant's stem families – three generations were living together on one farmstead – but on closer inspection significant changes become apparent. First, the family availed itself of a second house built on the land by the county council and melded old with new, sleeping in the new house and cooking and congregating in the original farmhouse (which had no running water).⁸⁴ While the family made a piecemeal living, a single mother was at the centre of its financial machine. However, continuity can be seen in the low marriage rate – not one of the Hayes children had married and their own mother had been the only child of four to marry, while her only male sibling ran the farm, one sister became a nun, one a nurse and one an emigrant.⁸⁵ While Joanne and her family were practising Catholics, it is significant that none of her generation had entered religious life or a caring vocation. Furthermore, Joanne subscribed to a worldview that allowed love, sexual love, trump other moral or social concerns. While she appeared at times pained by the difficulties her pregnancies posed for her family, she was happy being pregnant and loved her daughter.⁸⁶ Of this process, McCafferty writes: 'Gradually Yvonne became their collective heart's delight. It had been twenty-two years since a baby's cry had been heard on that farm and the sound was as lovely as it was regenerative. She was the new generation and she belonged to all of

⁸¹ Ibid., 14.

⁸² Her treatment was indicative of the weak economic position of women in Ireland. See Nell McCafferty, *A Woman to Blame: The Kerry Babies Case* (Cork, 2010 [originally Dublin: Attic Press, 1987]), 41, 69–70.

⁸³ Inglis, *Truth, Power and Lies*, 135.

⁸⁴ McCafferty, *A Woman to Blame*, 32.

⁸⁵ Ibid., 33.

⁸⁶ Ibid., 40; Hayes and Barrett, *My Story: Joanne Hayes*.

them.⁸⁷ There is also no evidence presented that the Hayes's community rejected either Joanne or her daughter. Through interdependent and intergenerational agency, this family had managed to maintain itself through a recession, pregnancy and birth outside marriage (including one miscarriage and one death), and the alcoholism of its aunt.⁸⁸

However, the judge did not offer up their financial position as a social history lesson, rather as a means of situating the family in the minds of the reader/the public as people who were more dependent than productive, but who could not claim the sympathy of absolute poverty. The narrative thrust of the report demanded that the family be presented as having enough to lose so that it would risk lying and covering up murder, but not enough to be identifiably respectable. He framed the whole narrative around the family's reputation and how it was worth everything to them, even the life of a child; this, he argued, was the root cause of the 'false' allegations the family made against the police.⁸⁹ He portrayed them as 'a very odd family' masquerading as normal; worse, he believed they felt normal in the face of murder and hidden dead babies. For the judge, this family subverted normal behaviour by impersonating it:

They knew there was a baby out there on the lands the whole lot of them for two and a half weeks, and they carried on normally, not just put on a face of being normal, but, when I specifically asked were they normal or trying to be normal, I was told they were perfectly normal.⁹⁰

At no stage was the family, never mind Joanne Hayes, portrayed as grieving the death of a child and the trauma of that secret birth and death. Rather they were presented as a wilful, conniving family, because they were deceitful: 'The whole family embarked on a planned deception of the neighbourhood.'⁹¹ Their agency was not characterised as empowering or caring, but devious and amoral, if not immoral. When the benefit of the doubt was afforded, it was to the police: 'They are not barefaced lies on the part of the Gardaí (as regrettably is the case with members of the Hayes family) but they are an exaggeration over and above the true position, or gilding of the lily, or wishful thinking elevated to the status of hard facts.'⁹² There was indeed wishful thinking.

The terminology and tone throughout the report was moralistic, suggestive and biased: the Hayes family had 'a dead baby on their hands',⁹³ Joanne had 'done away with her baby'⁹⁴ and 'the net seemed to be closing in around her',⁹⁵ and she was 'telling stories'.⁹⁶ Throughout this trauma – the secret and terrifying birth and death of her baby – Joanne was presented as without feeling and calculating – her visit to the doctor provided 'a convenient cover' and her 'scheme seemed to be working perfectly'.⁹⁷ It was also highly gendered. The judge focused his ire on Mrs Hayes, although she made no allegations of assault against the police, the substance of which the tribunal was supposed to investigate.⁹⁸ In the judge's view, as the head of the family, she bore the chief responsibility for its moral dereliction: she committed 'blatant perjury',⁹⁹ she was typical of 'untruthful witnesses',¹⁰⁰ and was 'particularly obsessed with protecting and restoring the good name of the family as the only grandchildren of

⁸⁷ McCafferty, *A Woman to Blame*, 40.

⁸⁸ Bridie Fuller had been a nurse and was much admired in her local area, but over the years she had become an alcoholic and the family had had to stop her driving. See McCafferty, *A Woman to Blame*, 37.

⁸⁹ *Report of the Tribunal of Inquiry*, 74.

⁹⁰ TT, 55/61. Cited in Inglis, *Truth, Power and Lies*, 150.

⁹¹ *Report of the Tribunal of Inquiry*, 25.

⁹² *Ibid.*, 61.

⁹³ *Ibid.*, 21.

⁹⁴ *Ibid.*, 91.

⁹⁵ *Ibid.*, 91.

⁹⁶ *Ibid.*, 91.

⁹⁷ *Ibid.*, 26.

⁹⁸ *Ibid.*, 13, 54.

⁹⁹ *Ibid.*, 52.

¹⁰⁰ *Ibid.*, 53.

her late father'.¹⁰¹ The insinuation being that Mrs Hayes was motivated by a desire to protect the social status her late father's respectability lent her and her children. In a society that valorised the patriarchal family, this matriarchal one was an easy target. The implication was that the moral rot set in following the death of the male head of the family.

It is hardly surprising that the single mother of this narrative received the harshest judgement, and the work done by the tribunal and its report to damn her was significant: without a trial, it found her guilty of murder. She was identified unambiguously as the 'wrongdoer'¹⁰² and the chief orchestrator of the tragedy that unfolded:

Joanne Hayes was well aware from the very start of her relationship with Jeremiah Locke, that he was a married man, but she allowed herself and indeed, encouraged herself to develop an overriding infatuation with him (10/59 to 76). Joanne Hayes entertained foolish dreams that Jeremiah Locke would leave his wife and family and set up house with her and that in some way or other, the fact of his marriage and the problems created by it so far as she was concerned, would just disappear (10/77 to 83).¹⁰³

The tribunal framed Joanne Hayes as the traditional threat to the legitimate family:

Joanne Hayes continued this affaire with total disregard for the feelings, much less the rights, of Mrs. Locke. She tried to get Jeremiah Locke to desert his wife and the one lawful child which he then had and to set up house with herself. She even had the effrontery at Christmas, 1983, to take exception to the fact that Mrs. Locke was pregnant by her lawful husband because that made it less likely that he would desert his wife and lawful child and go away with her.¹⁰⁴

So jaded is this stereotype that it would hardly be worth repeating in this analysis if it were not for the particular purpose it served in the Ireland of the mid-1980s. The Irish Rape Crisis Centre, one of the vital groups that emerged out of the women's movement, identified this narrative as part of the dangerous rape myths that underpinned violence against women, which it had 'spent eight years trying to eradicate'.¹⁰⁵ The judge's comments were part of his tirade against those who had come to protest in support of Joanne Hayes outside the tribunal. Some were from Joanne's community and others were women's groups from all over the country.¹⁰⁶ This support was much remarked upon as a sign that the moral calculus of Ireland was finally changing, and it was not universally welcomed. Not surprisingly, the newspaper that led with a front-page headline, 'Joanne's Shame', was anxious to indict the 'feminist groups who adopted Joanne Hayes as their cause celebre' and highlighted the tribunal report's 'destruction' of their 'heroine'.¹⁰⁷ Needless to say, the feminists enraged the judge most, and his comparison between Joanne Hayes and Mrs Locke was a response to what he perceived as a dangerous shift in public morality. After all, public support for Joanne Hayes would have been unimaginable even fifteen years previously. The fears of the Irish nation were finally being realised, or so Justice Lynch appeared to believe, hence he reasserted its power in an extraordinary announcement to the tribunal, which he subsequently published in the tribunal report:

There shall be no pickets, even a silent and peaceful picket, in the vicinity of where the Tribunal is sitting. . . . There shall be no insults to any of the legal representatives of any of the parties involved in this Inquiry arising out of the Inquiry. There shall be no insults to any person

¹⁰¹ Ibid., 113 and 58.

¹⁰² Ibid., 146.

¹⁰³ Ibid., 15.

¹⁰⁴ Ibid., 146.

¹⁰⁵ 'Joanne Portrayed as "Temptress"', *Irish Press*, 5 Oct. 1985.

¹⁰⁶ 'Protests Grow over Joanne's Ordeal at Babies Tribunal', *Irish Independent*, 24 Oct. 1985.

¹⁰⁷ 'Joanne's Shame', *Irish Independent*, 4 Oct. 1985.

who has given evidence, or may have to give evidence arising out of this Inquiry. And there shall be no insults to the Tribunal itself. If any person shall breach any of the foregoing prohibitions, it is not just that they are liable, or may, or might be sent to prison: if any person shall breach any of these prohibitions they shall be committed to prison by me.¹⁰⁸

The justice continued: ‘What public sympathy and support was shown to Mrs. Locke for all these wrongs committed against her? None whatsoever. What was the public attitude shown to the wrongdoer? She was heaped with bouquets of flowers, greeting cards of support and even Mass Cards!’¹⁰⁹ The Hayes family and its champions were subverting the true order of things.

After decades of the official characterisation of the ‘unmarried mother’ as a threat to the true order of society, Judge Lynch framed the Hayes family’s acceptance of Joanne Hayes and its loyalty to her and her children as proof of this threat realised. In this case the idea of the ‘problem family’ served an important function in reasserting the power of the state and the ideology of ‘true Irishness’. This had a long history, as Mary Hatfield outlines: in the nineteenth century ‘ideas about moral contamination fuelled the idea of the “bad family” as a kind of societal disease, and provided the rationale to institutionalize individuals who did not align with communal standards’.¹¹⁰ Journalist Fintan O’Toole recently observed, ‘Hayes was the sort of woman who, in the previous generation, would probably have been locked away in a Magdalene asylum.’¹¹¹ It is significant that several members of the Hayes family claimed the police threatened to place Yvonne in an orphanage and that the police had mocked Joanne and her sister for voting in favour of the abortion amendment in 1983.¹¹² In the politico-moral landscape of mid-1980s Ireland, the abortion referendum had become a key marker of where you stood in relation to the liberalisation of Irish society. Joanne recalled the following exchange:

Det. O’Donnell then said ‘do you go to confession and receive Holy Communion?’ I said that I did. He then said ‘did you vote for the Pro-Life Amendment Bill?’ I said that I did and he said ‘of course you did’. He said ‘what will the neighbours think of you? They will not have anymore to do with you. You are evil’.¹¹³

The protests that so infuriated the judge indicated a much more complex relationship with morality and one that contained a good degree of empathy. A mother of three teenagers wrote to Joanne Hayes: ‘I want you to know that a lot of women everywhere are outraged at the way you are being treated. . . . I remember you every morning at Mass and always remember that God’s love and mercy is greater than man’s law.’ While two single mothers wrote together: ‘Thousands of girls go to England for abortions and of those who freely admit it not one is subjected to the least bit of criticism. Enclosed is a cardigan for Yvonne. It should fit until she’s two and a half.’¹¹⁴ In 1987 the Status of Children Act abolished the legal concept of illegitimacy. Abbey Hyde, however, noted that throughout the 1980s and 1990s the single mother, while no longer consistently portrayed as a ‘moral danger’, was repeatedly framed as a ‘social problem’ and a drain on the welfare system.¹¹⁵ Indeed, we can identify the signs of this

¹⁰⁸ *Report of the Tribunal of Inquiry*, 145.

¹⁰⁹ *Ibid.*, 146.

¹¹⁰ Mary Hatfield, *Growing Up in Nineteenth-Century Ireland: A Cultural History of Middle-Class Childhood and Gender* (Oxford: Oxford University Press, 2019), 223.

¹¹¹ Fintan O’Toole, *We Don’t Know Ourselves: A Personal History of Ireland Since 1958* (London: Head of Zeus, 2021), 361.

¹¹² *Tribunal Report*, 81, 90, 228, 233, 236, 245, 247, 250.

¹¹³ Appendix: *Statement of Kathleen Hayes of Dromcunnig Lower, Abbeydorney, Co. Kerry given on the date as set out hereafter* [24 Oct. 1984], *Tribunal of Inquiry*, 234–9, 236.

¹¹⁴ These letters are just a few of the many sent to Joanne Hayes and her family quoted in McCafferty, *A Woman to Blame*, 150–8.

¹¹⁵ A. Hyde, ‘Marriage and Motherhood: The Contradictory Position of Single Mothers’, *Irish Journal of Feminist Studies*, 2 (1997), 24.

kind of framing in Justice Lynch's summary of the Hayes family's economic situation. While expressed in different terms, the idea that the single mother undermined the 'legitimate family' continued to hold sway.¹¹⁶ Joanne Hayes herself offered a sad indication of the complexity of this process when she began her 1985 memoir by declaring: 'I acted recklessly and selfishly and I am deeply sorry for all the trouble that I have caused for so many people.'¹¹⁷

However, it is clear that the cultural meaning of the single mother and the Irish family was changing by the 1980s and we see the everyday performance of those changes in the Hayes's family story, as well as the degrees to which change is always rooted in continuity. Joan Scott argues that when the 'meanings of the categories of identity change . . . with them [change] the possibilities for thinking the self.'¹¹⁸ While it could be argued that Joanne Hayes made an unlikely heroine,¹¹⁹ and she herself rejected that idea,¹²⁰ the remarkable thing is that she became one for a broad and disparate swathe of the Irish public. Certainly, a great deal of the support she received derived from a visceral objection to the way she was treated, to the invasion of privacy it represented, to its abusive quality. However, some of the support for her may well have sprung from an understanding that she represented a manifestation of a changing understanding of the single mother, legitimacy and the family. Within her family Joanne may also be considered as an example of what political scientists Michael McDevitt and Steven Chaffee have defined as 'trickle-up influence', when children, acting as agents, change the outlook of their parents or other family members.¹²¹ They argue that 'the intrinsic forces of family adaptation . . . can make the home a powerful incubator of citizenship',¹²² and in the Hayes's case it represented a more explicit form of female citizenship.

Conclusion

Social contradictions and shifting understandings of morality, privacy, gender and the family played themselves out in Joanne Hayes's life with dramatic effect for her, her family and the Irish nation. On a private level, the Hayes family offered an example of the complex and intimate negotiations entailed in exercising agency. Joanne Hayes could be said to have both resisted and conformed; she continued in a relationship with a married man despite the disapproval of her family. However, she hid the second pregnancy because she feared people's reaction, including her family's; she would have been aware of a strong social understanding that one pregnancy was a 'fall', but two was a way of life and a moral indictment. Her family clearly loved her and her daughter and, despite any fears they may have had regarding their social standing, they did not 'reject' her – quite the opposite. Indeed, the cost of embracing Joanne was high, and yet there is no evidence that it was resented or regretted by any member of the family.

At the end of the day, this is but one family raised to prominence for a series of reasons beyond its control. However, this one example should be enough to query the narrative that had emerged by the 1990s, that the Irish family rejected its daughters with ease, uniformity and dispassion. In fact, the Hayes family represented the values we are told were in short supply in the Ireland of yesterday – recall

¹¹⁶ Claire O'Hagan, 'Ideologies of Motherhood and Single Mothers', in María Cinta Ramblado-Minero and Auxiliadora Pérez-Vides, eds., *Single Motherhood in Twentieth-Century Ireland* (New York: The Edwin Mellen Press, 2006), 65–82. Pat Thane and Tanya Evans, *Sinners? Scroungers? Saints?: Unmarried Motherhood in Twentieth-Century England* (Oxford: Oxford University Press, 2012).

¹¹⁷ Hayes and Barrett, *My Story: Joanne Hayes*, 8.

¹¹⁸ Joan Scott, 'The Evidence of Experience', *Critical Inquiry*, 17, 4 (1991), 795.

¹¹⁹ Moira J. Maguire, 'The Changing Face of Catholic Ireland: Conservatism and Liberalism in the Anne Lovett and Kerry Babies Scandals', *Feminist Studies*, 27, 2 (2001), 335–58.

¹²⁰ Hayes and Barrett, *My Story: Joanne Hayes*, 167.

¹²¹ Michael McDevitt and Steven Chaffee, 'From Top-Down to Trickle-Up Influence: Revisiting Assumptions About the Family in Political Socialization', *Political Communication*, 19 (2002), 281–301. Cited in Kathryn Gleadle and Ryan Hanley, 'Children Against Slavery: Juvenile Agency and the Sugar Boycotts in Britain', *Transactions of the Royal Historical Society*, 30 (2020), 115.

¹²² Cited in Gleadle and Hanley, 'Children against Slavery', 116.

the words of the Mother Superior of the Gloucester Street Laundry in 1996 and her claim that there would have been no institutions if Irish families had not rejected their daughters. The Hayes family shared the little they had and endured the most unbearable, unjustifiable and cruel scrutiny and survived as a family. In her characteristically perceptive and incisive style, Nell McCafferty cut through much of the hyperbole of the *Report of the Tribunal of Inquiry into the 'Kerry Babies Case'* when she wrote:

A question haunts the report – by whom are children unwanted [?] Is the Hayes family to be isolated and carry blame entirely and is it seriously suggested that Irish society is standing proudly by waiting for the child, any child, no matter the circumstances of its parentage. [?] Such an attitude suggests that Irishwomen are motivated by nothing other than individual, self-ish, wilful indifference to abandon their newborn in railways stations, in telephone kiosks and before the altars of their God.¹²³

Popp reminds us that 'the family was planted in a wider system of relationships: with the community; with fellow believers; with others in adjacent social strata; with the socio-economic structure of the nation'.¹²⁴ When attempting a social audit of how Ireland failed its single mothers and their children there has been a concerted effort to place the family at the centre of the blame chain, without due consideration to what was possible for people, what agency cost and how class and influence operated in Ireland. This is not to deny that some families were cruel, harsh, even dangerous places, but the reality of agency is that it happens in 'the immediate family', to quote the Commission on the Mother and Baby Homes. In other words, it happens at an individual family level, where there is no comfort in a collective sense of 'the Irish family'. This is precisely because Irish families were not a collective that could easily withstand the pressure, power and efforts of churches, state and judiciary to shape their lives and opportunities. To pitch the family, state and church against each other or even together in some sort of collusive relationship is essentially misleading. In practice, the Irish family as a singular institution does not exist – numerous immediate families do, and they have no effective way of combating laws, policies and religious rules. Each family is the sum of its parts and its power to control its fate is contingent on its social and economic capital, which varies hugely. The concept of 'the family' as an abstraction continues to serve the interests of those who wish to deflect attention away from systemic inequality and injustice.

¹²³ McCafferty, *A Woman to Blame*, 233.

¹²⁴ Popp, 'But to Cover Her Shame', 13.