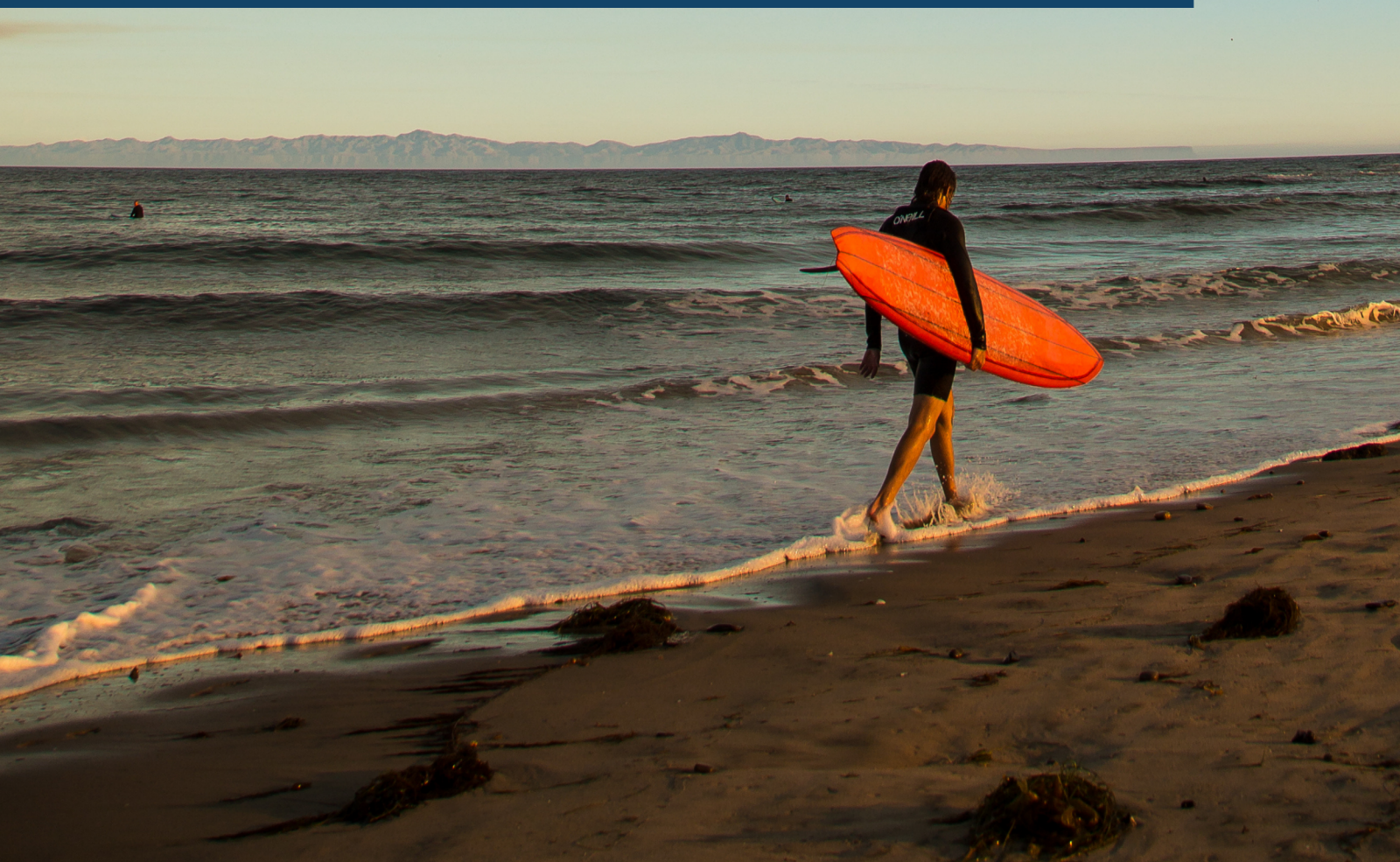


SPRING 2024

UC SANTA BARBARA

THE UNDERGRADUATE JOURNAL OF HISTORY

Vol. 4 | No. 1



© **The UCSB Undergraduate Journal of History**
3236 Humanities and Social Sciences Building
The Department of History, Division of Humanities and Fine Arts
The University of California, Santa Barbara
Santa Barbara, California
93106-9410

Website

<https://undergradjournal.history.ucsb.edu/>

Submissions

Papers can be submitted for publication anytime through our submission portal on our website. Manuscripts must be between 3,500 and 7,500 words long and completed as part of a student's undergraduate coursework at an accredited degree-granting institution. Recent graduates may submit their work so long as it is within 12 months of receiving their degree. The Journal is published twice yearly in Spring and Fall. See the Journal website for more information.

Cover Image:

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“Children Like Mine”: The Discourse and Legal Status of the Irish Unmarried Mother 1922-1969

*Ava Thompson*¹

In March of 1971, a young woman wrote to the Catholic Protection and Rescue Society saying of her recently adopted child, “I let her go for adoption for her own sake to save her embarrassment in later life, because as you know, children like mine are social outcasts.”² Her child was born in one of Ireland’s Mother and Baby Homes. She refers to the illegitimate status of her child in this letter, a status that, unless adopted, marked a child as less of a citizen.

Introduction

In November 2016, excavation teams entered a small housing development in Tuam, County Galway, Ireland, to inspect a grassy walled area previously part of the abandoned Bon Secours Mother and Baby Home. A twenty-chamber vault was discovered beneath the ground, containing the remains of over 700 children who died while in the custody of the Bon Secours Mother and Baby Home. In what used to be a septic tank, these victims had been left with no burial records and no marking for their mass graves. Their unceremonious burial is representative of the treatment women and children experienced in these homes across Ireland. Ireland designed these homes as places for unmarried mothers, or “fallen” women, to give birth to their children and facilitate adoption. Social pressures stemming from Irish-Catholic society and legal oppression led these mothers into church-run homes to have their babies in secrecy. To be unmarried and pregnant transformed an individual into a sinful, ostracized, and legally unequal Irish citizen.

These homes, which operated from 1922 until 1998 in the Republic of Ireland, were the subject of a 2015-2021 commission investigation. The commission’s report and historical evidence revealed that women who ended up in the homes had a variety of experiences and that many were subjected to abuse, forced labor, forced adoption, and a lifetime of shame. Even those with more positive experiences in the homes often kept the existence of their illegitimate child a secret for the rest

¹ Ava Thompson is a 2024 graduate of UC, Santa Barbara with a Bachelor Degree in History of Public Policy and Law. Her mother was born in a Mother and Baby home in Dublin in 1970, which ignited her initial interest in the topic as she saw the effects of the homes play out first hand in her family. A longer version of this essay was awarded the 2023 North American Conference on British Studies Undergraduate Essay Prize.

² “[redacted] Adoption Statement Redacted” Julie Kerins, Senior Social Worker, Cúnamh Adoption Services, May 1st, 2013. p. 4.

of their lives. The existing historiography of unmarried mothers in Ireland and the Mother and Baby Homes they endured is extensive. The topic has been increasingly discussed since the 2014 Tuam Mother and Baby Home Scandal. In an initial wave of scholarship that began in the mid-1990s investigating women's experiences in the building of the Irish State, Mother and Baby Homes are often mentioned, but they were not the subject of scholarly focus until the discovery of local amateur historian Catherine Corless in 2014.³ As Corless was looking at the Bon Secours Mother and Baby Home records in Tuam, Ireland, she noticed 794 infant deaths with no matching burial records throughout the home's operation. An ensuing investigation revealed "significant human remains" of children in the Tuam septic tank, sparking a national conversation that bled into scholarship on the subject.

Following the Tuam scandal, the Irish Government appointed The Commission of Investigation into Mother and Baby Homes. This commission selected fourteen homes for investigation and in 2021, published an over-2000-page report. This report is one of the most comprehensive and informationally privileged pieces of work on the history and operation of the homes. Unfortunately, the final report failed to justly and rightly represent the hundreds of testimonies they were privileged to. Along with the final publishing of the report, Ireland's parliament voted to seal the evidence used by the commission for thirty years, as it was, in their opinion, too sensitive and personal. After this, they further decided to transfer all government and religious records relating to the homes to TUSLA, Ireland's Child and Family Agency.

In the 1920s, the world witnessed the birth of the Republic of Ireland, and the Irish State began an official investigation into the "problem" of the unmarried mother. The social discourse was led by church officials and, in turn, impacted government discourse, which ultimately shaped the state's laws and reports. These institutions intentionally characterized the unmarried mother as sexually deviant, "fallen" from innocence, mentally ill, unfit for motherhood, and needing harsh Catholic rehabilitation. By using demeaning language, fear-mongering, and Catholic imagery, these women were subjected to mistreatment, abuse, forced containment, and the forced adoption of their children. This study highlights how this language created an environment designed for abuse in both social and legal discourse.

Characterization of the Problem 1920-1950s: Catholic Discourse.

The Catholic-led social discourse on the unmarried mother and her child used religious imagery, dehumanizing language, and fear-mongering to create a public image of the unmarried mother as sexually dangerous and needing containment. *The Irish Ecclesical* was a journal published from 1864

³ Catherine Corless, "The Home," *Journal of the Old Tuam Society*, Vol. 9 (2012), pp. 75-82, as reprinted by The Children's Home Graveyard Committee, Tuam, County Galway, Ireland.

until 1968, originally intended to link Catholic Leaders in Ireland and Rome. The journal featured opinions and articles written by Irish clergymen and Catholic activists. Authors ranged from parish priests across the country to significant Catholic leaders in Dublin. With consistent volumes and articles that conversed with each other, the journal's readership appears committed and passionate.⁴ With authors who had important roles in the Catholic "Hierarchy," like the Archbishop of Dublin, readership among priests was likely wide. Irish culture in the 1920s was becoming deeply intertwined with the Catholic church. This created a culture deeply beholden to the morals and teachings of Catholic leaders in communities throughout the country.

As Dermot Keogh explains in "The Catholic Church and the Irish Free State 1923-1932," the suggestions of the clergy were highly influential and instructional for government officials.⁵ The Hierarchy, which consisted of Dublin's Archbishop and clergy, held policymakers' hearts and minds throughout the twentieth century. In many ways, the Irish Free State felt indebted to the church, which had provided a relative hegemony and unity religiously and culturally through Catholicism, leading to stability in the Free State in the 1920s, and the Irish Catholic Church supported the Free State in the Civil War of 1922. Consequently, The Executive Council (Cumann na nGaedheal) agreed readily on church and state matters as all members were devout Catholics.⁶ Sir Joseph Glynn and Reverend M. H. MacInerney, O.P., two prolific authors, were prominent figures who encouraged the Free State to embed Catholic morals within the legal fabric of society.⁷ Sir Joseph Glynn was a Catholic social activist from Galway. His close involvement with the Cumann na nGaedheal during the first ten years of the Free State made his impact on Dublin in the 1920s significant. He led the Society of Saint Vincent de Paul, a large Catholic charity at work in Dublin, and also worked as an intermediary during government disputes between Catholic leaders, such as Thomas Gilmartin, Archbishop of Tuam, and the new Irish government in the early 1920s. In 1915, Gilmartin was knighted and received "appointment as a knight commander of St Gregory in 1944 by Pope Pius XII".⁸ With these deep relationships in both the Catholic Church in Ireland and Rome, and with the new government, Glynn held a unique position. In his paper "The Politics of Sexual Knowledge: The Origins of Ireland's

⁴ "Inaugural Foreword of the Irish Ecclesiastical Record, October, 1864", <https://lxa.wordpress.com/2012/09/02/inaugural-foreword-of-the-irish-ecclesiastical-record-october-1864/>

⁵ Dermot Keogh, "The Catholic Church and the Irish Free State 1923-1932." *History Ireland* 2, no. 1 (1994): pp. 47-51.

⁶ Keogh, "The Catholic Church and the Irish Free State 1922-1932." pp. 47-51.

⁷ James Smith, "The Politics of Sexual Knowledge: The Origins of Ireland's Containment Culture and the Carrigan Report (1931)." p. 220.

⁸ Ferriter, Diarmaid, "Glynn, Sir Joseph." *Dictionary of Irish Biography*, October 2009. <https://doi.org/10.3318/dib.003499.v1>

Containment Culture and the Carrigan Report (1931)," Smith lays out a context for the church-state relationship in Ireland's early days of independence, noting that "the historically powerful Catholic Church and the fledgling Irish Free State cooperated increasingly throughout the 1920s as the self-appointed guardians of the nation's moral climate. Already by 1925, this partnership had provoked legislation establishing censorship of films and proscribing divorce, characteristic hallmarks of the socially repressive Free State society."⁹ In this context, the writing of church officials published in the *Irish Ecclesiastical Record*, a popular journal, carries weight heavier than that of a common opinion. The opinions of priests and Dublin's Archbishop carried huge weight in the social landscape of Ireland as the ideals and criticisms expressed in these articles are only the written version of what would have been preached in every parish and whispered in politicians' ears.

In the *Irish Ecclesiastical Record*, Catholic social activists characterize the unmarried mother as intentionally weak, sexually dangerous, and needing reform. In 1921, Sir Joseph Glynn wrote "The Unmarried Mother" in the *Irish Ecclesiastical Record*, which inspired a conversation among like-minded clergy within the journal. These articles created a characterization of the "unmarried mother" as feeble, of her own "class," under the influence of her sinful behavior, and dangerous in numbers with her fellow "fallen" women. Glynn describes "the class of girl affected" as "only the frail, ignorant girl, often mentally deficient, and always weak-willed, who finds herself pregnant."¹⁰ By framing unmarried mothers as fundamentally unfit individuals not only unable to care for themselves but consequently unable to care for their forthcoming child, Glynn establishes that she must be cared for institutionally. In subsequent articles, authors describe the unmarried mother's mindset as possessed by their self-interests, primarily a desire for secrecy.

In a 1922 publication, "How to Deal with the Unmarried Mother," an author under the pseudonym An Sagart (in Irish, "a priest") expands upon this saying, "Such a girl is smitten with panic fear of her exposure."¹¹ Rev. M. H. MacInerney, O.P., in "The Souper Problem in Ireland," adds, "Thus the Catholic girl 'in trouble' gains shelter, hospitality, and secrecy - the very things that she widely and passionately desires."¹² Not only do they say she is sinful, but by using words like "smitten," "wild," "passionate," and "desire," the unmarried mother becomes mentally seduced, "devoured" by desires, a

⁹ James Smith, "The Politics of Sexual Knowledge: The Origins of Ireland's Containment Culture and the Carrigan Report (1931)." *Journal of the History of Sexuality* 13, no. 2 (2004): p. 208. <http://www.jstor.org/stable/3704856>.

¹⁰ Sir Joseph Glynn, "The Unmarried Mother," *Irish Ecclesiastical Record* (July-December 1921): p. 463.

¹¹ "An Sagart," "How to Deal with the Unmarried Mother," *Irish Ecclesiastical Record* (July-December 1922): p. 145.

¹² Rev. M. H. MacInerney, O.P., "The Souper Problem in Ireland," *Irish Ecclesiastical Record* (July-December 1921): p. 141.

being consumed by the fervor of sinfulness, and out of control.¹³ An Sagart makes the unmarried mother a hapless victim who, without the confinement and rehabilitation of the Catholic church, will give her child to vulture-like Protestants: "These poor creatures, victims of folly rather than of depravity, and easily reclaimable" who "would be rescued from further harm, and their children would be saved from the danger of proselytism."¹⁴ The fear of proselytism and the goal of rehabilitation to prevent a second "fall" were the primary reasons for establishing a well-planned containment system for both mother and child. Ireland had just broken free from Protestant British rule, making the prevention of conversions to Protestantism a matter of religious and national importance.

A critical part of church communication about the unmarried mother was to characterize her and justify and plan her containment. In multiple articles published in *The Irish Ecclesiastical Record*, clergy members harness the characteristics of the faceless, illegitimate mother to advocate for her secretive stay in a home. As explained by Lindsey Earner Bryne in her book *Mother and Child*, "In the Irish social order, the concept of illegitimacy extended in practice, if not in name, to the unmarried mother: she was an illegitimate mother."¹⁵ Therefore, the mother not only needed containment for her lacking mental state but also to restrict her biological right to motherhood.

The prevention of the second fall effectively stopped their chance at motherhood and led to alleged moral reform. A crucial part of arguments for the unfitness of the Catholic, unmarried mother was that she was mentally weak and prone to fall into the hands of Protestants hoping to baptize her child. Arguing for the unfitness of unmarried mothers, MacInerney pleads that the mother and child need swift rescuing from harm to justify Catholic custody of her. He states, "Common sense suggests, and experience proves, that very many of these girls, if they receive a helping hand from the proper quarter at the proper time, can be uplifted and restored and that the faith of their children can be perfectly safeguarded."¹⁶ MacInerney characterizes the church as the "proper" type of "helping hand," making their intervention sound light-hearted. Additionally, he specifies her "uplifting" and "restored" status as only gifts the hands of the Catholic church may bestow. Glynn adds she must be "must be taken in hands as soon as her condition is known and before she gets into the company of those who will cause her to look lightly on her sin."¹⁷ Glynn illustrates the fear-mongering consequences that may await if she is not in the custody of the church: her moral peril and the peril of Ireland as a whole. Characterizing the bewitched and weak-minded mother legitimizes her containment while delegitimizing her motherhood. The need to delegitimize the mother goes hand in hand with arguing

¹³ Rev. M. H. MacInerney, O.P., "The Souper Problem in Ireland," p. 149.

¹⁴ "An Sagart," "How to Deal with the Unmarried Mother," *Irish Ecclesiastical Record*, p. 150.

¹⁵ Lindsey Earner-Bryne, *Mother and Child*, p. 172.

¹⁶ Rev. M. H. MacInerney, O.P., "The Souper Problem in Ireland," p. 144.

¹⁷ Sir Joseph Glynn, "The Unmarried Mother," *Irish Ecclesiastical Record* (July-December 1921): p. 463.

that she can not keep her child. MacInerney, in "The Souper Problem in Ireland," supplants on the mother the desire to rid herself of the baby: "The girls 'in trouble' are devoured by two desires - that of hiding their shame and of getting rid of the baby."¹⁸ By arguing that the adoption of her child is critical to her moral reform, MacInerney makes the child an embodiment of her shame; only by adoption does she have a chance of salvation. MacInerney makes the homes and adoption co-dependent.

The following proposal of plans for containment in a Catholic homes system is the basis upon which later legislation concerning illegitimate children and their unmarried mothers pulled from. Catholic social activists, particularly when outlining plans for Mother and Baby Homes and describing the unmarried mothers' mental state, impacted the opinions of their readership and the experiences of Irish women for decades to come. In the 1920s, The Free State was only beginning to inspect social issues such as the unmarried mother. With falling birth rates and increased illegitimacy rates, Irish clergy members urgently desired to address the problem. The sense of Ireland as a good Catholic state felt imperative to its future success. Glynn starts by "Examining the size of the problem," which leads him to conclude that "The problem is not one which should be left to Dublin to solve, but is one which intimately concerns the whole of Ireland."¹⁹ He continues with his plan, which includes Catholic-run homes:

We must have it directly under the patronage of the Catholic Bishops...My answer is that the evil is there and must be recognized; that the girl who is left to take the consequences will probably sink into a life of immorality, and will learn to sin without having to take the consequences which followed her first fall.²⁰

Glynn's critical points are the need for shame upon the "fallen" women, the direction of the church, and finally, the threat of proselytizers. Glynn begins the transition these articles take from justification to planning when he points out the flaws in the 1921 system of dealing with mothers, which was to send them to poor houses, hospitals, or insanity wards. He states, "Many of the girls register as married women in the hospitals, and thus escape detection."²¹ This escape from "detection," which insinuates their criminality, means an escape from shame. Reform homes make sure this shame is felt acutely. Disadvantages of the current system, according to Glynn, also included "c) the non-realization by the mother of her responsibility and of her sin, not only against the moral law, but against the natural law, in bringing a child into the world which will bear a brand on it all its life; d) the danger of relapse as a result."²² In this passage, Glynn reiterates the need for reform and highlights the need for punishment, which was the hidden context of the reform cited by the other authors. To take responsibility for her

¹⁸ Rev. M. H. MacInerney, O.P., "The Souper Problem in Ireland," p. 149.

¹⁹ Sir Joseph Glynn, "The Unmarried Mother," p. 462.

²⁰ Sir Joseph Glynn, "The Unmarried Mother," p. 465.

²¹ Sir Joseph Glynn, "The Unmarried Mother," p. 461.

²² Sir Joseph Glynn, "The Unmarried Mother," p. 461.

sin was to suffer. Glynn has no concern for the mother other than avoiding falling again. MacInerney adds his plan in response:

In certain other respects it would be essential for the managers of Catholic homes to copy the tactics of the enemy. The Soupers, wiser in their generation than the children of light, readily accept girls and children from every part of Ireland, and throw a veil of impenetrable secrecy over the whole transaction. An opposite policy on the part of Catholic homes would be the straight road to failure. Girls ' in trouble ' will go anywhere to avoid publicity, of which they have a passionate and desperate horror. Girls from every Irish county flock to Dublin; while Dublin girls are sometimes said to hide themselves in Belfast, Galway, and other places. These facts suggest that local Catholic homes ought to be conducted on a liberal, give-and-take principle; they ought to receive girls and children from everywhere, just as the Soupers do.²³

What MacInerney lays out here is that Catholic homes run by nuns and operated in secrecy are scarily similar to the government plans that will be explored later in this study. This illustrates the influence exerted by these authors and the spreading of their ideas with the Catholic leadership of Ireland. These articles read as a call to Government action on the problem and warning of the country's possible fall to ruin. The Catholic-led social discourse on the unmarried mother and her child used religious imagery, dehumanizing language, and fear-mongering to create a public image of the unmarried mother as sexually dangerous and needing containment: a woman who is both evil and innocent at once. These plans, laid out by authors in *The Irish Ecclesiastical*, all rely on the shameful mother who, without Catholic intervention, will become an uncontrolled evil in independent Ireland.

The Legal Reaction in the 1920s-1950s: Government Reports and Laws

Government reports and laws drew upon the character Catholic rhetoric created for the unmarried mother and went a step further in their legal control of her sexuality, motherhood, and rights. Laws solidified the idea that the married woman was worth more than the unmarried and, in doing so, made the mistreatment of unmarried mothers critical to the function of Catholicism in Ireland.

These laws and reports illustrate the desire to turn over control to the church and then dehumanize the mother so that these laws seem fair and needed. They also display a lack of care for the condition of the mother and her right to consent to the adoption of her child. While the government was disowning these women as examples of what it meant to be Irish, they were also taking advantage of the opportunity to have the Church of Ireland take over a significant cost. This meant that the government had to turn over complete discretion of the homes to the religious orders running them. This provided two advantages to the new government: A strengthened allegiance with the church by

²³ Rev. M. H. MacInerney, O.P., "The Souper Problem in Ireland," p. 147.

allowing them to handle this situation as they pleased and “clean up” Irish society in the process. It also allowed them to avoid the cost of dealing with the “problem” themselves.

In *Mother and Child: Maternity and child welfare in Dublin, 1922-60*, Lindsey Earner-Bryne provides a history of the laws and welfare state controlling unmarried mothers. Earner-Bryne argues that “[i]t was cheaper, in monetary terms, to allow the unmarried mother [to] float in never-never land... therefore the intervention of religious and voluntary organizations was seen as cost-effective.”²⁴ In 1927, the first inquiry into the unmarried mother “problem,” along with general social welfare issues, was released in the “Commission on Relief of the Sick and Destitute Poor including the Insane Poor.”²⁵ The Committee membership notably includes Glynn, whose opinion of unmarried mothers as “mentally deficient” would now have governmental authority. The report suggests moving unmarried mothers to a system of homes. Echoing the previously discussed articles, the report acknowledges that “in dealing with the problem of accommodation for unmarried mothers, it must be recognised that there are two classes to be provided for, namely, (1) those who may be considered amenable to reform, and (2) those who for one reason or another are regarded as less hopeful cases.”²⁶ In categorizing the mothers by levels of guilt or purity, their treatment at the homes hinges upon their perceived levels of regret and Catholicism. Although one “class” is superior as they are reformable, the report suggests that “the treatment or care of the first class must necessarily be in the nature of a moral upbuilding and, while requiring firmness and discipline, must be characterized by and blended with a certain amount of individual charity and sympathy.”²⁷ Irish women were graded on their conformity to Catholic ideals of sexuality and were treated more brutally the farther they strayed. In arguably the most dehumanizing moment in the document, the less “hopeful” cases are described as “a residue composed probably of those who are the least open to good influences.”²⁸ These girls have come down to a residue of disgust that the government hoped to scrub off Ireland’s image. Interestingly, this document begins a trend of handing unmarried mothers off to Catholic organizations to release them from the government’s purview. The commission argues that:

Which can only be given when a true estimate of the character of each girl or young woman has been made by those in charge. Experience would indicate that the treatment of these cases should not be too tied up with regulations or be too hide-bound and that best results are more often attained by individual care. We,

²⁴ Earner-Bryne, L. “Illegitimate Motherhood, 1922-60” *Mother and Child: Maternity and child welfare in Dublin, 1922-60*. Manchester University Press 2007: p. 180.

²⁵ “Commission on Relief of the Sick and Destitute Poor including the Insane Poor.” 1927, Lenus The Irish Health Repository

²⁶ “Commission on Relief of the Sick and Destitute Poor including the Insane Poor.” p. 68.

²⁷ “Commission on Relief of the Sick and Destitute Poor including the Insane Poor.” p. 68.

²⁸ “Commission on Relief of the Sick and Destitute Poor including the Insane Poor.” p. 68.

therefore, recommend that Boards of Health should be allowed an almost complete discretion in the matter of dealing with and paying for this class through the agency of Rescue Societies and other voluntary organizations.²⁹

Their official suggestion is to hand control of the girls over completely to Catholic volunteer organizations (“Rescue Societies and other voluntary organizations”) with no regulations and complete freedom to judge the girls based on Catholic morality to inform their treatment. This report began the process of unmarried mothers turning to Catholic organizations for assistance as the government no longer viewed them as their concern. The Commission suggests handing control of these women over completely to Catholic volunteer organizations with no regulations and complete freedom to judge the girls based on Catholic morality to inform their treatment.³⁰ Byrne notes this reliance on church resources would become the “default policy.”³¹ This suggestion relied on the characterization of the unmarried mother formed through Catholic-activist discourse, which made her seem desperate for Catholic help. A hidden context of this suggestion is that the cost of the unmarried mother’s care would be almost completely removed from government spending. This further intertwined the government’s reliance on the Catholic Church in Ireland while also earning them goodwill from religious officials who wanted authority in the matter of the unmarried mother. Unsurprisingly, they suggested forced containment, allowing for complete control of unmarried mothers by local religious orders:

We suggest that if an unmarried woman who applies for relief during pregnancy... undertake to remain for a period not exceeding one year there should be power to retain her for that period, in the case of a first admission. In the case of admission for a second time, there should be power to retain for a period of two years.³²

This document shows a deep contempt for unmarried mothers informed by the religious imagery of the “fallen” and “desperate” woman. The suggestions include homes in charge of the women’s welfare, little to no regulation, state funding of religious charities in charge of the women, one to two-year captivity, and different treatment based on the number of children out of wedlock— all laid the foundation for the next fifty years of treatment of mothers in these homes.

Beginning in the 1930s, the Irish Government implemented legislation, including the Illegitimate Children (Affiliation Orders) Act of 1930, the Legitimacy Act of 1931, the Registration of Maternity Homes Act of 1934, and eventually, the Adoption Act of 1952. These acts were based on reports such as the Commission on Relief of the Sick and Destitute Poor and reiterated the demeaning

²⁹ “Commission on Relief of the Sick and Destitute Poor including the Insane Poor.” p. 68.

³⁰ “Commission on Relief of the Sick and Destitute Poor including the Insane Poor.” p. 68.

³¹ Earner-Byrne, L. “Illegitimate Motherhood, 1922-60” *Mother and Child: Maternity and child welfare in Dublin, 1922-60*. Manchester University Press 2007: p. 180.

³² “Commission on Relief of the Sick and Destitute Poor including the Insane Poor.” p. 69.

language and characterization of the unmarried mother. In this process, the law was used to reinforce this character trope. These laws outlined access to child support, maternal rights, personal care, and access to natural adoption (a mother adopting back her biological child), making it exceedingly hard. The Illegitimate Children (Affiliation Orders) Act of 1930 and the subsequent Legitimacy Act³³ cornered the unmarried mother into an impossible situation. If she wished to receive child support from the father, she needed to apply before or within six months of the child's birth. Applying would equate to publicly admitting her sin to get compensation, as she had to appear in court to make the request. While that seems insignificant in today's world, small-town gossip and lack of privacy in these proceedings would mean that she may as well have stood on the street with a sign declaring her sinful actions. Most harmfully, the local newspapers could publish a mother's full name, making ostracization inevitable, which further discouraged women from seeking this aid.³⁴ According to the "Illegitimate Children (Affiliation Orders) Act" of 1930, the illegitimate child is a burden to the state and the father. Laws like this further the secrecy and humiliation by creating complex processes for child support in which all the pressure— both social and legal— is laid upon the mother. Court was the only way, until 1973, for a single mother to get any form of support, making the inability (or lack of desire) of a mother to marry the natural father punitive upon the child, who will have to stay within an illegitimate legal status. Most mothers being sequestered in homes and thrown out by their families would not have had the means or advice to complete this legal process. "Illegitimate" was a legal status in Ireland until the 1980s for the children of unmarried mothers. The subsequent "Legitimacy Act" confirmed this status, making legitimation through the marriage of one's natural parents the only way to rights of property or claims of family, meaning that only a patriarchal family structure entailed rights. This shows how marriage was a woman's and child's only opportunity for existence as full members of society. Only through attachment to a man was the woman's sexual act validated and non-criminal. Until marriage, neither a man's involvement in the sexual act nor the resulting child would affect him. He had no legal pressures to legitimize the union or support the child.

The non-regulation of homes from their inception was not only suggested by the Commission on the Poor in 1927 but officially legislated in The Registration of Maternity Homes Act in 1934. The Act confirms no rules for the registration of homes except that they are "fit and qualified," an undetailed and opinion-based specification.³⁵ In referring to the unmarried mother's "confinement," confirming her inmate status at the institutions, it says that records must be meticulous. However, there is no method of enforcement, and it is unclear who or what group will oversee the homes and the enforcement of this act in any aspect, including records, inspections, and certifications of midwifery.

³³ "Legitimacy Act", 1931, Irish Statute Book

³⁴ "Illegitimate Children (Affiliation Orders) Act", 1930, Irish Statute Book.

³⁵ "Maternity Homes Act", 1934, Irish Statute Book

There is no requirement for a doctor to be on-site, no requirement for prenatal care, no specification for the conditions of the children, and no specifics on the mother and child's time together.

Additionally, they make no mention of religion at all, circumventing the implied Catholic control of this entire home system, showing the implicit governmental trust and shared authority of Catholic institutions. Vague acts like these made things no better. Bryne explains, "The lack of any concrete policy afforded a degree of discretion and often evasion, leaving complicated social issues like the unmarried mother in practical limbo for years."³⁶ These three acts all legalize the mistreatment of unmarried mothers by not explicitly outlawing any mistreatment. By not centering the rights of women held in the homes, a lack of personal agency is created and establishes Catholic control of her reform. The few reports and investigations that did occur illustrate deplorable conditions and a dehumanizing attitude towards the mother in the voice of the report. In a report on the Tuam Mother and Baby home from 1947, the inspector notes dozens of emaciated and dying children. The inspector insists that this is no fault of the nuns, who told him that the "mother was not normal" in many cases, making the child weak and unfit for life. Reports like this show how the poor treatment of mothers often extended to their children, whose illegitimacy and flaws were believed to be passed down from their mother's presumed mental and moral deficiency. In this way, the original attributes applied to the unmarried mother beginning in the 1920s followed her throughout the twentieth century, in many cases leading to the maltreatment and death of her or her child.

The Adoption Act of 1952 was the first legislation concerning adoption in Ireland, and while it introduced regulations, it continued the oppression of unmarried mothers through adoption. As Moira Maguire explains, until the 1952 Act, adoption was entirely under the control of the nuns in rescue societies who followed the direction of Archbishop Charles McQuaid.³⁷ They primarily focused on avoiding proselytism, sending hundreds of children to American Catholics each year without consent from the adoptive mother. This behavior reflected the societal indifference and disdain for illegitimate children and unmarried mothers. No one cared enough about these children to regulate their adoption for their safety. Government officials in 1946 had already begun forming adoption legislation with religious placation built in to keep Dublin's clergy and archbishop happy.³⁸ On the issue of adoption, in 1951, Attorney General C.F. Casey said, "This is a predominantly Catholic country. That does not mean that the Parliament should penalize any other creed, but it does mean this, that Parliament cannot surely be asked to introduce legislation contrary to the teaching of that

³⁶ Earner-Bryne, L. "Illegitimate Motherhood, 1922-60" *Mother and Child: Maternity and child welfare in Dublin, 1922-60*. Manchester University Press 2007: p. 181

³⁷ Maguire, Moira J. "Foreign Adoptions and the Evolution of Irish Adoption Policy, 1945-52." *Journal of Social History* 36, no. 2 (2002): pp. 387-404.

³⁸ Maguire, "Foreign Adoptions and the Evolution of Irish Adoption Policy, 1945-52." p. 394.

great Church.”³⁹ The teachings he refers to are those of the clergy expressed in the *Irish Ecclesiastical Record* and exercised by leaders like McQuaid. Debates in the Dáil Éireann, the lower house of Ireland’s parliament, on the adoption bill reflect the opinion that only normative families (married with children) had the right to consent to their child’s adoption, showing that the unmarried mother and illegitimate children did not possess these rights because they did not conform to the normative Catholic family model.

In the Adoption Act’s text, the teachings of the Catholic Church are in full view, as the characterization of the unfit unmarried mother is used to legislate her inability to be a proper mother. Beginning in the Definitions section, the Act effectively removes the father as a component of the child’s parentage, stating, “‘parent’ does not include the natural father of an illegitimate child.”⁴⁰ The Act further states, “‘relative’ means grandparent, brother, sister, uncle or aunt, whether of the whole blood, of the half-blood or by affinity, relationship to an illegitimate child being traced through the mother only.”⁴¹ The shame of the illegitimate child’s existence is only attached to the mother and her family. Adoption laws exercised control over the mother and her sexuality and established male sexuality as free from control. Critically, it states, “An Adoption order shall not be made unless the child (c) is an illegitimate or an orphan.”⁴² At the time, adoption in Ireland was a tool used to control motherhood and female sexuality through state control of the birth and adoption of the child. The reference to a child as simply “an illegitimate” illustrates that the child’s identity is only its illegitimacy, losing their rights and respect until adopted by a married couple. The Act gives the adoption board the ability to pass moralistic judgment on those applying to adopt a child:

(1) The Board shall not make an adoption order unless satisfied that the applicant is of good moral character, has sufficient means to support the child and is a suitable person to have parental rights and duties in respect of the child. (2) Where the applicants are a married couple, the Board shall satisfy itself as to the moral character and suitability of each of them.⁴³

These opinion-based guidelines matter because they allow a government board to judge a woman not based on her rights as an Irish citizen and parent but rather on her conformity to Catholic cultural ideals. An unmarried mother would never fit this description. These caveats intentionally allowed the board to discriminate against unmarried mothers. For example, in a “case stated for high court” section, the board may not turn it down “unless it considers the request frivolous,” leaving room for an opinionated denial of a mother’s request. The act specifies no solid requirements or rules for adoption

³⁹ Maguire, “Foreign Adoptions and the Evolution of Irish Adoption Policy, 1945-52.” p. 394

⁴⁰ “Adoption Act,” 1952, Irish Statute Book, p. 4.

⁴¹ “Adoption Act,” p. 4.

⁴² “Adoption Act,” p. 5.

⁴³ “Adoption Act,” p. 7.

societies to follow. It does not address their previous involvement with unauthorized adoptions or their religious affiliation in any way. In the act, they created An Bord Uchtala (The Board of Adoption) to monitor adoption and enforce the Act's provisions.

In the creation of An Bord Uchtala, the government inched towards a chance at oversight. Yet, in the reports, it is clear that the board in no way investigated the situations and conditions of unmarried mothers and the subsequent adoption of their children, revealing a complete dereliction of duty by handing off control to the Catholic Church. In "The Deviant Mother and Child: The Development of Adoption as an Instrument of Social Control," Josephine Reeves analyzes how adoption law in England controlled unmarried mothers. She explains that laws like the Adoption Act were created to erase those who did not conform to Catholic ideals by dismantling their family structures.⁴⁴ In considering the Board of Adoption's year-end reports for 1953, 1957, and 1969, it becomes clear that this dismantling and subsequent reassemblage to conformity was the key goal of the adoption board. The reports list the adoption societies, all of which have Catholic or Protestant affiliations. In the first year, the board turned down no adoption society applications. It gave no information on the application process or evidence that the societies were following the rules of the new act.⁴⁵ Importantly, this lack of government oversight illustrates how the bids of religious leaders succeeded in creating a predominantly Catholic system of punitive homes. These homes controlled unmarried mothers and were regulated by the morals of the nuns who operated them. In 1957, the report shows the changes of the last four years. Adoption numbers jump to the 800s, with the Catholic Protection and Rescue Society (CPRSI) being the top adopter.⁴⁶ There is no investigation into the operation of homes or their obtaining of consent for adoption. Instead, they overtly praise the "charitable adoption societies" in the report. These three reports do not address the coercion to adopt, the mothers' consent, or signal that they have looked into this.⁴⁷ In these Adoption Board Reports, the legislation controlling unmarried mothers is acted out by adopting away their children through unregulated societies with close government ties with no care for her consent or experience.

Conclusion

In the 1920s, the Irish Free State was coming into its own and, using its Catholic culture and leadership, began addressing its pressing social issues, including the unmarried mother. Using their power and influence, the clergy in Ireland framed the unmarried mother as borderline insane, an embarrassment to the state, and in critical need of Catholic rehabilitation, leading them to suggest a

⁴⁴ Reeves, Josephine. "The Deviant Mother and Child: The Development of Adoption as an Instrument of Social Control." *Journal of Law and Society* 20, no. 4 (1993): pp. 412–426.

⁴⁵ "Board of Adoption Report", 1953, Oireachtas Library.

⁴⁶ "Board of Adoption Report", 1957, Oireachtas Library.

⁴⁷ "Board of Adoption Report", 1969, Oireachtas Library

mother-and-baby home system. Utilizing both this characterization of the unmarried mother and the plan for Catholic-run homes to contain the mother, in the 1930s, the Irish Government began creating a legal framework for her treatment. These laws abandoned the unmarried mother's rights by placing any woman in a home under the unregulated custody of the Catholic Church. Additionally, the government legislation on adoption and child support followed the moralistic ideals of her unfitness, both as a mother and as a proper Catholic. These laws and the Catholic ideas expressed by clergy became the living nightmare of women in Ireland who became pregnant out of wedlock. They found themselves in a home system in which they had no right to leave, lost access to medical care, underwent psychological abuse, and where their children were adopted away without consent— all because their families, their government, and the nuns in charge of them had bought into the narrative of their unworthiness.