

General Research Series  
PAPER NO. 143  
JANUARY, 1989

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**FAMILY, ECONOMY  
AND  
GOVERNMENT IN IRELAND**

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Finola Kennedy



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COUNCIL, 1988 - 1989

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Dr Finola Kennedy is an economist whose major research areas are public finance and social policy. The paper has been accepted for publication by The Economic and Social Research Institute, which is not responsible for either the content or the views expressed therein.

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GOVERNMENT IN IRELAND*

Finola Kennedy

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DUBLIN 1989

ISBN 0 7070 0106 4

### *Acknowledgements*

Many people helped me on the, at times, stony path towards the completion of this study. I would like to thank, in particular, Professor Gary Becker who not only read and commented on an earlier draft but agreed to write the Introduction. His encouragement was vital. Special thanks are due to all the following who read and commented on earlier drafts:

Ms Monica Barnes, T.D., on behalf of the Joint Committee of the Oireachtas on Women's Rights; Dr John Blackwell, University College Dublin; Ms Deirdre Carroll, Department of Social Welfare and formerly Office of the Minister for Women's Rights and Family Law Reform; Dr Donal Garvey, Central Statistics Office; Professor Damian Hannan, The Economic and Social Research Institute; Mr John Hynes, Department of Social Welfare; Mr Charles Lysaght, Law Reform Commission; and Mr Noel T. O'Gorman, Department of Finance. Rev. Dr James Kavanagh, Auxiliary Bishop of Dublin and former Professor of Social Science in University College Dublin, and Professor Patrick Lynch, former Professor of Political Economy, University College Dublin, both read and commented on the study. The help of Dr Kavanagh and Professor Lynch extends way beyond the confines of this study. They have been valued friends for the past twenty-five years since I was first a student of theirs.

Others who helped me in preparing this study are Mr Sean Cromien, Department of Finance; Rev. Dr Liam Carey, Maynooth College, who kindly invited me to give some lectures on the subject of the study, Mr Michael Littleton of RTE who convinced me that the study might be of general interest, the Venerable Archdeacon Cathal McCarthy, P.E., who gave me a tutorial on *Ne Temere*, Mr Paddy McDonald of the Central Statistics Office and Professor Jerry Sexton of The Economic and Social Research Institute. I also received very generous assistance and answers to a variety of questions from many civil servants in the Departments of Education, Finance, the Environment, Health and Social Welfare. A very significant contribution to the final shape and content of the study was made by the several anonymous referees. These referees forced me to think out more clearly the direction of, as well as the implements required for, the research journey.

The work would have been impossible without the unfailing help of Ms Mary Prendergast, Librarian, Institute of Public Administration — her help to me seems to extend back forever, Mrs Maureen Doran-O'Reilly, former Librarian, The Economic and Social Research Institute, Mrs Maura Rohan, Librarian, The Economic and Social Research Institute, and Ms Elizabeth Gleeson, Law

#### ACKNOWLEDGEMENTS

v

Library, Trinity College. Mrs Geraldine MacNamara typed early drafts and Mrs Maria Swords, Mrs Phil Browne, Mrs Pat Hughes and Ms Mary O'Sullivan, typed the revised drafts. Ms Mary McElhone shepherded the manuscript through the publication process. Ms Florence O'Sullivan and Mr John Roughan gave invaluable help with a number of practical details. Mrs Anne Dunne provided support and encouragement from start to finish. I am indebted to one and all.

Lastly I would like to thank Kieran and our family. In a special way this work is for them.





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*Introduction to Family, Economy and Government in Ireland*

Gary S. Becker\*

Ireland conjures up images of a rural environment where men remain single well into their 30s, births come often during marriage because contraceptives are not used, and marriages stay intact until death of the husband or wife. Finola Kennedy's timely study shows that these images mirrored reality through the first quarter of this century. In 1925, the typical man did not marry until his mid-30s, and the typical woman stayed single until almost 30-years-old. Even in the 1920s, over half of all Irish families still lived on farms.

Irish patterns of marriage, births, and female labour force participation remained out of step with those in Western Europe until the late 1950s. Ireland then began to catch up with the developments elsewhere, slowly at first and at an accelerated rate during the past 15 years. The average age at marriage for women declined by three full years — from age 27 to age 24 — in the two decades from the late 1950s to 1977; it has increased a little since then. The total fertility rate declined from about 3.2 births in 1980 to 2.4 births just 6 years later in 1986. Married women's labour force participation rate increased from only 5 per cent in 1966 to over 20 per cent in 1986.

Why has the family changed so rapidly in Ireland? Unfortunately, a definite answer is not yet possible, but the economic and sociological analysis in this study makes important contributions toward a full answer. Let me give a few glimpses of the author's analysis to help whet the reader's appetite for the study.

Ireland's rapid urbanisation had an enormous influence on the family, as young men and women left their parents' rural homes and moved to cities in search of better economic opportunities. The fraction of the population working in agriculture declined from 40 per cent in the late 1950s to only 15 per cent in 1987. It was no longer necessary to remain single until parents passed on their land or enough could be saved to purchase a small farm, for the urban sector provided employment opportunities to young men and women at relatively good wages. These earnings opportunities in cities and the growth of service industries attracted married women into the paid labour force in unprecedented numbers. Services are major employers of women, especially married women, not only because services are less physically demanding than work in the industrial sector.

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More important to married women is the readily available part-time work and flexible hours in the service sector. Married women need flexibility at work to accommodate employment to their primary responsibilities as mothers and wives.

Even though men and women were marrying earlier, completed fertility declined from 3.5 to 3 children between the cohort of women born in 1926 to the cohort born in 1951, with the remarkably rapid decline in recent years noted earlier. The earnings available to married women in urban areas discouraged large families, for earnings raise the opportunity cost of the time spent on child rearing, time that could be devoted to earning income. The move to cities also reduced the economic value of children since young children can be put to "work" more readily and legally on farms than in cities.

Irish families managed to greatly reduce their birth rates while remaining rather devout Catholics. The Catholic Church has not weakened its ban on contraceptives, but the low levels of Irish fertility are not possible without an extensive system of contraception. The evidence clearly indicates that Irish couples do widely use various contraceptives — e.g., they import condoms in large numbers — despite their knowledge of the Church's opposition to this practice. The same conflict between Church doctrine and the practice of Catholic families exists in the United States and throughout Europe. Even though such a conflict leads to considerable personal agony and a questioning of one's religious faith, it illustrates that religious doctrines will be disobeyed when they run strongly against the interests of church members. It is not surprising, therefore, Andrew Greeley finds in a study for the National Opinion Research Center that contributions to the Catholic Church in the United States declined sharply during the past decade.

An unusual Article in the Irish Constitution in 1937 guarantees to protect the family, the institution of marriage, and women's place in the home. These rather vague constitutional guarantees were followed in succeeding years by a social security system, a programme of child allowances, state support for unmarried mothers, legislation to encourage equal pay for women, and other laws that affect families. Although a referendum to legalise divorce in 1986 was decisively voted down, 37 per cent did support legalisation.

Finola Kennedy's analysis indicates that while many of these laws may be desirable, they often weaken family bonds and violate the intent of the Articles in the Constitution that promise to protect the family. For example, financial aid to unmarried mothers makes their situation much more bearable, but it also weakens the fear of pregnancy due to premarital sex. Social security surely improves the economic position of many elderly persons, but it reduces the interaction between grown children and elderly parents and also lowers the value of children and the birth rate. Clearly, with a social security system, children are less needed to provide insurance against the hazards of old age.



This is a thorough and insightful study with great value not only to everyone interested in the fascinating developments in Ireland, but also to anyone concerned about the remarkable changes in the family during the past 30 years throughout the Western world. It is well-known in the social sciences that the underlying causes of changes are usually most easily seen from behaviour that deviates far from the norm. In the past, Irish family patterns attracted the attention of many sociologists, anthropologists, and psychologists precisely because they were so different. The unusually rapid changes in births, marriages, and labour force participation of married women in the typical Irish family during the past 20 years should help in understanding the somewhat slower changes in other Western countries. I heartily recommend this excellent study to everyone with more than a passing interest in the family, still the most powerful institution in the world.



## GENERAL SUMMARY

This study provides an analysis of family change in the context of economic development and government policy in Ireland during the past 50 years, that is the period since the Irish Constitution of 1937, which confers special recognition on the family, was promulgated. Throughout the European Community there is evidence of a growing interest in the family. This interest is shared by research workers, policy makers and politicians. In 1986 a *Report on Community Family Policy* was prepared for the Committee on Social Affairs and Employment of the European Parliament (Chouraqui, 1986). A debate is developing in Ireland and the EC regarding the relationship between government and the family. This debate is taking place at a time when there is general agreement on the need for restraint in public expenditure.

A first step towards the formulation of a genuine family policy is an understanding of how the existing situation regarding the family has developed. A study of the family in Ireland is more than a case study. Until the 1960s the Irish economy was predominantly an agricultural one with a majority of families still rural-based. During the past three decades the Irish economy has undergone a major transformation. Changes which have affected the family in more developed industrial countries have affected the family in Ireland also. Detailed statistical data and analysis presented in Chapter 2 regarding marriage, births, fertility, and other family-related indicators show similarities between social and demographic patterns in Ireland and other countries, despite differences in family law, for example, on divorce. The trends have occurred notwithstanding the fact that some of them conflict with the professed value system of the majority. In the past 50 years Ireland moved from a situation of low nuptiality combined with high fertility of marriage to one of increased nuptiality with reduced marital fertility. This is now changing to a phase of lower nuptiality accompanied by some increase in cohabitation with the decline in total fertility now showing up in a decline in the crude birth rate. Births outside marriage are, however, rising rapidly, while a number of Irish women have availed themselves of facilities for abortion in England since the 1967 Abortion Act.

Economic development during the past 50 years facilitated a substantial increase in marriages. Every Census since 1926 recorded a rise in the number of gainfully occupied married men, with the exception of the 1961 Census which recorded a small decline. This decline followed the depressed decade of the 1950s during which the number of men gainfully occupied fell by over 100,000. The most striking labour force feature during the past 25 years has been the growth

in labour force participation of married women. In 1961 the labour force participation rate for married females at 5.2 per cent was actually below the rate of 5.6 per cent recorded in 1936. By 1986 the rate was over 21 per cent. The growth in the number of married women in the work-force should not obscure the fact that the majority of all women aged 15 years and over, and not just of married women, are engaged in "home duties". In fact in 1986, a slightly larger proportion of all women — 53.4 per cent — was engaged in "home duties" compared with 51.5 per cent in 1936. While the overall proportion of women in the work-force remained constant at a little over 30 per cent, the participation rate of married women rose, that of widows fell, and that of single women did not change very much. The same factors which have influenced the participation rate of married women elsewhere have also operated in Ireland. Industrialisation has raised the earning power of many women encouraging them to substitute market work for household work, while the reduction in marital fertility related to the greater use of contraception has reduced the child-bearing timespan. A further factor has been the elimination of a number of restrictions on the participation of married women in the work-force. A very substantial number of mothers are now in the work-force although activity rates decline markedly with first and subsequent births.

Articles 41 and 42 of the 1937 Constitution were among the most innovatory of the Constitution. The 1922 Constitution contained nothing about the family and marriage. The Constitution spells out general principles, while specific protection for the family is provided through a number of statute laws. These include *The Married Women's Status Act*, 1957, *The Guardianship of Infants Act*, 1964, *The Succession Act*, 1965, and *The Family Law (Maintenance of Spouses and Children) Acts*, 1976 and 1981. Chapter 4 examines the process of constitutional interpretation and review, as well as the development of legislation, regarding the family. While much important legislation has been enacted, the need remains for reform in the family law area. Many of the *Reports* of the Law Reform Commission concern family law, but no legislative proposals have been brought forward in a number of instances.

Chapters 5 and 6 examine the effects of the tax-benefit regime and public expenditure programmes on the family. The evolution of government expenditure and taxation policies since 1937 has had a major impact on the family. A great deal of social welfare legislation was based on the assumption of a male breadwinner and a female child rearer and houseworker. With the greater social and economic independence of women the economic facts underlying this assumption have been modified. This modification has been underlined by the EC regulation governing equality.

Analysis of the combined effects of trends in taxation, tax allowances and children's allowances shows that at all levels of income examined the ratio of

disposable to direct income has declined over time. Some element of horizontal and vertical equity operates in the system. Couples with children fare better than couples without children at the same level of income only as a result of children's allowances. Since the Murphy (Chapter 4) case they pay identical tax bills. As families with the same number of children progress up the income spectrum, they are left with a lower ratio of disposable to direct income, indicating a degree of vertical equity. With families on social welfare the situation can be quite complicated. In some cases low-paid workers with medium to large-sized families fare better on unemployment benefit than with take-home pay. Some striking anomalies exist. Aid is available for deserted wives, but not for deserted husbands. A deterioration occurs in net income when two single or widowed parents marry. Anomalies also arise because some welfare benefits are taxed while others are not. Clearly there is a need for closer co-ordination between the taxation and social welfare codes.

While it is clear that the burden of taxation has risen for all taxpayers, including family units, this is directly related to the rise in public expenditure on benefits and services. Looking at the areas of education, health and housing, it appears that State support for education is of greatest benefit to the higher income groups, while there appears to be some evidence that expenditure of health and housing are more redistributive. Support for the family is a complex business. Given limited resources, if more help is to be given to families with the greatest need, redistribution between families is necessary.

Unemployment, more than any other single factor, tends to undermine the autonomy of families and render them dependent on State aid for survival. At a time when the Welfare State is in crisis and public services are under severe pressure, families are being thrown back on their own, often meagre, resources. If there is to be renewed emphasis on supporting the family as pledged in the Constitution, the first step must be an employment policy, particularly in the most deprived areas where economic conditions are undermining the family in an insidious way. Secondly a co-ordination of the tax-benefit system is required which, given limited resources, will necessarily involve some transfers between families. It is suggested that a Family Affairs Unit be established in the Department of Finance with a brief to co-ordinate policy and expenditure programmes regarding the family and to devise new approaches as required. Such a unit would include representatives of the Departments of Justice, Education, Health, Labour, Social Welfare and other relevant Departments. The unit would be more than an interdepartmental committee or a Commission of Enquiry; it would be a strategic planning unit. It would not seek a policy blueprint in relation to the family, but would seek to build on the considerable structure already in place, undertaking reconstruction, where necessary.

## Chapter 1

### *THE FAMILY IN A CHANGING MILIEU*

#### *Introduction.*

The Irish Constitution "recognises the family as the natural primary and fundamental unit group of society". The term *primary group* which is used in the Constitution was originally defined by Charles Horton Cooley (1864-1929), a pioneer American social scientist. He identified it as a group characterised by intimate sympathetic face-to-face association and co-operation. Its *locus classicus* is the family, the playgroup of children, and the neighbourhood or community group of elders. Cooley regarded these groups as practically universal, belonging to all times and all stages of development and accordingly a chief basis of what is universal in human nature and human ideals. Cooley described these groups as the springs of life, not only for the individual but for social institutions.

By the 1920s and 1930s Cooley's views began to be dismissed by many sociologists. What seemed to matter in the twentieth century was the growth of *secondary* groups, i.e., groups characterised by contractual rather than primary relationships. However, in the 1940s and 1950s, as Coser and Rosenberg observed, "a theoretical thread that had been broken for many years, was suddenly taken up again" (Coser and Rosenberg, 1957, p.293). Social scientists once more began to proclaim the universality of primary groups. Primary groups are agencies of socialisation, transmitters of culture. The extent to which they create culture is less clearcut. Failure to differentiate the dual functions of culture transmission and culture creation can lead to misunderstanding as well as exaggerated claims on behalf of primary groups. Primary groups are "representative of as well as creative of cultural configurations" (Coser and Rosenberg, 1957, p.294). The family is both influenced by the wider society as well as exerting influence on society.

As the ebb and flow of theory continued so too did the ebb and flow of practice. In many European countries the focus moved from primary towards secondary groups and towards large bureaucracies and the State. The modest rivulet of the early Welfare State, whose source goes back to Bismarck, and which began to flow more strongly with the Beveridge proposals in 1942, come to full flood in the 1960s. The history of the Welfare State can be seen, in part, as a process whereby certain functions previously performed by the family, for example, health care and the care of the aged, are taken over to a greater or lesser extent by the public authorities. The family is a voluntary unit. The Welfare State tends

to replace voluntary units with professional units. The position of the family has been influenced in a fundamental way by the build-up of the Welfare State (Lindbeck, 1988). In Ireland State services have replaced many services previously provided, not just by the family unit, but by voluntary organisations, frequently religious orders of nuns, priests and brothers. Since the late 1970s the strains on the Welfare State have become ever more apparent as an increasing series of demands is placed on the public purse and resistance mounts to the associated high levels of taxation.

In many European countries at the present time a crisis has been identified both in the Welfare State and in the family. The family, which underwent an eclipse during the high noon of the Welfare State, is returning to the limelight. But as the focus turns once more on the family, it becomes clear that the family is itself undergoing stress, strain and change. Divorce levels throughout Europe have climbed substantially since the 1960s. Evidence in the UK for 1986/87 suggests that the increase in the rate of divorce is slowing down, but there is as yet little sign of an actual decline in the levels of divorce. In many countries the level of cohabitation has been increasing. Extra-marital births have been rising while total birth rates have been falling. Commenting on trends in fertility, characterised by a level well below replacement, the Council of Europe concludes that if present trends persist, the various countries of Europe will, in the long term, have to face similar challenges (Council of Europe, 1985, 16, p.145).

Ireland is treading the general European family path in key respects. An increase in marriage breakdown is evidenced by the acceleration in the pace of marriage cases coming before the courts. The steady trickle of cases in the late 1960s and early 1970s has developed into a strong flow. However, Ireland does not have divorce legislation. Nor is such legislation likely in the immediate future following the rejection in a referendum in June 1986 of a proposal to remove the constitutional ban on divorce. While it is possible that changes may be introduced gradually in the civil nullity law, the June 1986 referendum was a major social and political landmark, though one that is difficult to interpret. The referendum may indicate the end of a road or it may indicate a stage on a longer road to the eventual introduction of divorce.

While many trends suggest a move towards liberalism, and it is unlikely that 37 per cent of the voters would have opted to remove the ban on divorce even five years ago, the 63 per cent who endorsed the status quo suggest a preference for traditional values among a majority of the people, particularly outside of the Dublin area. Future trends are open to speculation. What is open to analysis is the evolution of family trends in the past. There is some evidence of an increased interest in such analysis and in other aspects of family studies in Ireland in the 1980s. Earlier decades had seen the publication of a small number of significant studies. The earliest, and probably still the best known, is the classic study by

Arensberg and Kimball of the traditional stem family in Co. Clare in the 1930s (Arensberg and Kimball, 1940). Some years after World War II, another American, a Jesuit sociologist, studied the process of urbanisation of the family in Dublin (Humphreys, 1966). A major part of the important *Report of the Emigration Commission*, published in 1954, deals with marriage, fertility and the family.

From its foundations in 1961, The Economic and Social Research Institute (ESRI) in Dublin has published over 200 studies on a wide range of economic and social topics. A glance at the comprehensive list of ESRI publications shows only a few which relate directly to the family, notably a study of rural families by Damian Hannan and Louise Katsiaouni (Hannan and Katsiaouni, 1977). Inspection of the records of the oldest forum of social research in Ireland, the Statistical and Social Inquiry Society, reveals a pioneering paper delivered by R. C. Geary in the 1954-55 session of the Society entitled, "The Family in the Irish Census of Population". Although it was not strictly speaking a "Family Study", the *Report of the Commission on the Status of Women* published in 1972 was of unique importance in paving the way for many changes in Irish lifestyles which were to have a direct influence on the evolution of family patterns. The Commission had been established by the Minister for Finance in 1970 to examine and report on the status of women in Irish society, to make recommendations on the steps necessary to ensure the participation of women on equal terms and conditions with men in the political, social, cultural and economic life of the country and to indicate the implications generally — including the estimated cost — of such recommendations. The Chairman of the Commission was Dr. Thekla J. Beere, former Secretary of the Department of Transport and Power, the only woman to have been Secretary of a Government Department in Ireland.

During the past decade another forum of economic and social research, the National Economic and Social Council (NESC) has produced a large number of reports. These included one prepared by Eithne Fitzgerald and published in 1980, entitled *Alternative Strategies for Family Income Support*. In 1984 the Department of Social Science in University College, Dublin, officially launched a Family Studies Unit. The same year this Unit published an important collection of papers, *The Changing Family*. In 1988 the Conference of Major Religious Superiors published the proceedings of a Conference, *Poverty and Family Income Policy* (Reynolds and Healy, 1988).

While the quality has been high, the quantity of studies concerning the family has been small. This may be a good sign in the sense that the family is not perceived as a problem vineyard which entices a multitude of research labourers. Although the Emigration Commission dealt with the family, there has been no special Commission of Inquiry into the Family. Clearly, the authorities do not regard the family as a problem like Emigration, Higher Education, Taxation or Social Welfare, to list but a few of the better known Commissions of Enquiry.



However, the absence of any significant quantity of research on the family may also reflect a fairly widespread failure to grasp the major implications both for the family itself and the wider society which now arise as a result of changes in the pattern of family life, in the social and economic environment where families exist, and in values and attitudes which impinge on the family.

Looking to other countries of the European Community and to the member states of the Council of Europe, there is evidence of a great upsurge of interest in the family, on the part not only of researchers, but also on the part of politicians and policy makers (Council of Europe, 1985). In Germany and Luxembourg there is a Minister with responsibility for Family Affairs, while in France policies have been tailored to support families with dependent children. Extra support is given to the "famille nombreuse", that is the family with more than two children. Needless to say, international comparisons pose problems. Differences in countries in their treatment of the family arise for many reasons including variations in wealth and in net replacement ratios. For example, French and German taxation and benefit regimes are more favourable to the family than Irish ones partly because the net replacement ratios are lower than in Ireland while at the same time they are both wealthier countries.

For almost a decade the European Parliament has displayed a keen interest in the problems of the family. In 1983 the European Parliament adopted a resolution calling for a European family policy. Pending the formulation of such a policy the Parliament called on the Commission to draw up an action programme for the family. In June 1986, a *Report* on a Community family policy was prepared for the Committee on Social Affairs and Employment of the European Parliament by Mrs. N. Chouraqui (Chouraqui, 1986).

The Chouraqui Report highlights the impact of economic difficulties and the associated problems of Welfare State finance on the family and also the concern throughout the Community regarding the falling birth rate. Unemployment has caused great stress for families. Chouraqui remarks that surveys, especially in the UK, have shown that the divorce rate among the unemployed is around double the national average. Since 1960, the birth rate in the Community as a whole has fallen by 30 per cent. Nowadays, families with 3 children are considered large. In 1960, the percentage of families in Germany, France and the Netherlands with 3 children was 28 per cent, 38 per cent and 42 per cent respectively. By 1982 the percentages were down to 16 per cent, 22 per cent and 20 per cent respectively. Chouraqui suggests three guidelines which should govern family policy:

- (i) the interest of the child;
- (ii) the freedom of the individual and the responsibilities of families — families cannot be forced to have children but at least they can be helped to have them in the best possible conditions;

- (iii) access for girls and women to education, training and professional activity on an equal footing with men.

It appears from these guidelines that the impetus to a European family policy, as envisaged by Chouraqui, is an attempt to redress the falling European birth rate while at the same time emphasising the importance of equal access for women to the world of work outside the home via the educational system. Interpreted in this way the Chouraqui approach to family policy may be seen as a response to a particular set of circumstances in Europe at the present time. A broader definition is that suggested by the Confederation of Family Organisations in the EC (COFACE):

Family Policy aims to introduce means (laws, benefits, services) which will help families to achieve their emotional and educational ambitions, while respecting their personal choices (COFACE, 1986).

Some decades ago Alva Myrdal stated that the "main framework for a positive family policy was, is, and must be, that the State will shoulder responsibility for the security of the pre-productive age group — the children, as well as the post-productive one — the aged" (Myrdal, 1968 edition):

However it may be defined, it is necessary to be clear that a true family policy consists of the establishment of goals for the family itself and devising a framework of policies for the achievement of these goals, rather than using the family as a tool in the service of other institutions.

#### *Nature and Purpose of Study*

The central theme of this study is the development of the family in the context of economic change and government policy during the past 50 years in Ireland. The half century which has passed since the publication of the Irish Constitution in 1937 has been one of great change in Irish society and in the Irish economy. The family has both reacted to and helped to create that change. The family does not exist in a vacuum but rather in interaction with other institutions in society. These include economic, political and religious institutions. The community or body of citizens which comprises the political unit of Ireland is composed of families and their members, while the name economics itself is derived from household management, and the means whereby households earn, spend and save is of the essence of economics. The life of the family is intimately linked with both polity and economy. As the economic system has altered, the family has changed, while changes within the family have contributed to changes in economy and society.

The development of government policy towards the family in the past 50 years has taken place in the context of changing economic structures and changing cultural and value perspectives. The Irish Constitution of 1937, which contains

a pledge by the State to support the family, was drawn up at a time when Ireland was a predominantly agricultural country and when a rural ethos was dominant. It was also a time when the values of the Roman Catholic Church held undisputed sway. The question of values, particularly of religious values, and their influence on the development of the family in Ireland, would merit a separate and different study to the present one. This does not mean that the question of values is excluded from this study, but rather it is explicitly woven into the central fabric of family, economy and government. Methodologically, the aim is to present a fair and balanced analysis while recognising that the field is value-laden (Adams, 1988, p.12).

Following is the plan of the study. The remainder of this chapter sets the context of overall economic change and growth in the role of government within which family change has taken place. Chapter 2 summarises much of the available statistical data on the family. It is necessary to do this as no single existing study brings together comprehensive data for the period under review. Chapter 3 deals with work and the family. It examines changes in work patterns which accompanied the modernisation of the traditional farm family and the emergence of the modern urban family. Chapter 4 describes the process of constitutional review and the development of a framework of statute law regarding the family. Chapters 5 and 6 examine the effects of the tax-benefit regime and public expenditure programmes on the family. The final chapter takes a look forward and sets out a possible approach towards putting into effect a policy for the family in light of the data and analysis of the central chapters.

#### *Economic Change*

In many respects Ireland is an ideal country in which to study the family. Until the 1960s, Ireland was a predominantly rural, agricultural, country, but has experienced considerable development in the past three decades. Changes which have affected the family in more developed industrial countries are affecting the family in Ireland also. Changes in social and economic conditions, and accompanying changes in values and policies have raised fundamental questions about the nature, role and limits of the family. As Goode observes, "Whenever the economic system expands through industrialisation, family patterns change. Extended kinship ties weaken, lineage patterns dissolve, and a trend towards some form of the conjugal system begins to appear" (Goode, 1963, p.7). The Irish case may well be unique in the history of family studies. Within the space of a single generation — from the 1950s to the 1980s — the patterns of the traditional extended family dissolved and were replaced by the norm of the nuclear unit.

Up to the end of the 1950s the majority of the Irish population still lived in rural rather than urban areas. Farming was still the major economic activity.

A process of change, which was nearing completion in the industrialised world and which had started to unfold in Ireland, now accelerated. In the industrialising countries of the nineteenth and early twentieth century, with the decline of agriculture and the emergence of the factory system, the home was gradually replaced by factories, shops and offices as the place of work.

Throughout history the main work-place and hence "the seat of the division of labor between the sexes, had been the household and the surrounding land" (Davis, 1984, p.402). The shift away from household-based economic activity was of major significance. Economic production was separated from the family base. The wife becomes the full-time "homemaker" while the husband becomes the "breadwinner", travelling to and from his place of work. Davis links the breadwinner system with a particular stage of development from the time when the agricultural sector first loses predominance in the economy to the time when it uses only a fourth of the total available manpower. This stage of development is not marked off rigidly from the previous stage nor is its ending rigidly separated from the egalitarian system which is gradually replacing it in the industrialised world:

The breadwinner system develops slowly in the early phase, characterizing the burgeoning but small middle class rather than the peasantry or the proletariat. Then, after reaching a climax in which virtually no married women are employed, the arrangement declines as more and more wives enter white-collar employment in offices, schools, hospitals, stores and government agencies (Davis, *op. cit.*, pp. 403-404)

In the late 1950s in Ireland agriculture still accounted for 2 in every 5 jobs compared with only 1 in 5 by 1980 and 1 in 7 in 1987. As late as 1966 married women comprised less than 9 per cent of the female labour force compared with 34 per cent in 1986. When married and widowed females are combined, ever-married females comprised 18.5 per cent of the female labour force in 1966 compared with 38.0 per cent in 1986. Twenty per cent of married women are now in the work-force compared with only 5 per cent in the mid-1960s.

While the housewife made an important contribution to family farm income prior to the emergence of the "breadwinner" system, so also did the child. The economic role of children has changed dramatically in Ireland over the past 50 years. Well into the twentieth century, and particularly in the small farm context as it existed until World War II, children were an economic resource. Even while still at school, children worked on the family farm. After leaving school, which might happen as early as 12 years of age, a boy or girl who obtained employment away from home was expected to send most of his or her wages home to the family. The position in the early part of this century has been well depicted by Patrick MacGill in regard to his native Donegal where parents

brought their children to seek farm work or domestic service at the hiring fairs. When older, the boys and girls might find other seasonal work at the potato harvests in Scotland:

In Glenmornan children are looked on as good investments. When they grow up, they are supposed to give all the money they earn to their parents and the parents take it as their due. Maura The Rosses did not want a loan from her son, she simply wanted money that was hers by right. It is only when the young marry that parents' claim to the wages ceases (MacGill, 1983 edition, p.194).

When children emigrated on a more permanent basis they continued to send money home and parents continued to expect these emigrants' remittances (Healy, 1978). The economic value of rural children to their parents and the nation was stressed by the President of the Irish Vocational Education Association 40 years ago. At the time tillage and turf production made heavy demands on rural juvenile labour while transport difficulties interfered with attendance at school (Irish Vocational Education Association, 1947, p.24).

From 1961, the Irish population began to grow steadily for the first time since independence was gained in 1922, the marriage rate rose significantly and the average age at marriage continued to fall. For the first time the major emphasis in economic policy was placed on developing industry. Hitherto, it had been accepted conventional wisdom that Ireland was an agricultural country. Second to the new emphasis on industrialisation, the growth of government activity in every sphere of life was a major influence on family patterns. By the time of entry into the EC in 1973, Ireland had many features of a modern economy. The family changed accordingly. Following several generations characterised by late marriages and a high degree of celibacy, the old moulds were finally broken in the 1960s. As the pace of industrialisation quickened in the 1960s the patterns of the traditional rural family were reshaped in significant features. New patterns emerged in both town and country. Marriages took place at a younger age. Marriage partners had longer formal schooling. Marriage fertility rates dropped and more married women remained in, or returned to, the work-force. There was a significant increase in the proportion of the elderly population living alone. The government became more active in areas hitherto the domain of the family. Certain defects in family life are also coming more forcefully into the open with an increase, for example, in the number of child abuse cases coming to the attention of social workers and the Courts.

#### *Shift from Agriculture, Emigration*

From the 1920s to the mid-1940s, and to a lessening degree in the late 1950s, the traditional farm family was a centre of employment as well as of welfare. The acceleration of the rural exodus in the 1950s and the high migration to Dublin

and emigration to the big cities of Great Britain — London, Liverpool, Manchester, Birmingham and Glasgow signalled the emergence of a new family order. The traditional farm family was characterised by rigid sex segregation in task roles, a high degree of patriarchal dominance in decision-making and clear maternal specialisation in social-emotional roles (Arensberg and Kimball, 1940 and Hannan and Katsiaouni, 1977). By 1980 the share of agriculture in total output had dropped to 14 per cent while the share in employment had dropped to 20 per cent. There was also some shift to part-time farming by people with jobs outside of farming. The fall in employment in agriculture was accompanied by a sharp rise in productivity. Over the period 1958-80, output per person in agriculture increased by a remarkable 5.3 per cent per annum. The decline in numbers led to a decline in the importance of the family farm as a social and economic unit. The urbanisation and emigration of the 1950s greatly weakened the traditional family, while the failures of the traditional family itself to provide acceptable living standards for its members in an Ireland that was attempting to industrialise and which was increasingly aware of the greater material attractions both across the channel and across the ocean, contributed to the massive outflow of population in the 1950s. This was the decade of "The Vanishing Irish" (O'Brien, 1954).

Since the Famine, two phenomena characterised rural life which illustrate the viability, or non-viability, of the small tenant family farm. These were the postponement of marriage to a very late average age and the outflow of emigration. For the children of tenant farmers, who would neither inherit the land nor marry, emigration was a lifeline. The lifeline for one individual often developed into a chain as one emigrant member of a family might earn the passage for other family members. The pattern of "emigrants' remittances" which in the 1940s, 1950s and 1960s was a notable feature in the National Income Accounts, began to develop (Healy, 1978).

Arguably, until the 1950s emigration was partly motivated by a desire to maintain intact a traditional way of life, based on the farm family. From the 1950s onwards, as the *Report* of the Emigration Commission shows, the "pull" factors of the bright lights and better opportunities overseas represent a rejection of traditional rural life. For the most part Irish emigration has tended to be of individuals rather than of entire families. This is not to say that the record level of unemployment now reached in Ireland is not contributing to an outflow of couples with young families. By contrast the pattern of *returning* emigrants in the 1970s indicated the return of a number of families, families often formed by the individual emigrants of the 1950s.

#### *Growth of Government*

In common with most other Western economies, a marked growth in government expenditure has been a striking feature of economic life. In Ireland

total expenditure of public authorities rose from under 30 per cent to 70 per cent of GNP during the past half century. While there was a sharp upward shift in the post-World War II years, 1947-51, followed by a cutback later in the 1950s, the really big increase in the ratio has come since the early 1960s and especially in the decade 1973-83 when the ratio rose from 42 per cent to just 70 per cent.

The rise in public expenditure since 1960 has been dominated by two components, social expenditure and debt interest. In 1960 these two items accounted for just half of total public expenditure. By 1985 they had risen to nearly three-quarters of the total. Back in 1947 public social expenditure was less than 10 per cent of GNP. By the mid-1980s it equalled one-third of GNP.

The rapid rise in the public expenditure to GNP ratio has been accompanied by a large increase in taxation which rose from around 20 per cent of GNP in the post-war years to over 40 per cent of GNP in the mid-1980s. The largest increase was in taxes on income. Taxes on expenditure also increased considerably, while taxes on capital and property have declined substantially. The rise in tax revenue was insufficient to match the increase in public expenditure and so there was a vast increase in public borrowing. In the past 50 years the debt-GNP ratio has risen by 120 percentage points from just over 30 per cent to 150 per cent of GNP, with almost 100 percentage points of the increase having occurred in the last 15 years.

These data on public expenditure, taxation and debt set the scene for the analysis in later chapters of the impact of public expenditure and taxation policies on the family. In the 1920s and 1930s, as the data imply, there was very little in the way of State welfare programmes, other than the means-tested old age pension, and unemployment assistance, and some social insurance for unemployment and sickness. While these were very important, there were no children's allowances until 1944 when an allowance was introduced for the third and each subsequent child. Children's allowances were not provided for the first child in a family until 1963. There was no old age contributory pension until 1961. In the development of the social welfare system during the 1950s the concept of breadwinner husband with dependent wife and children was central. In the 1970s allowances for unmarried mothers — unimagined supports in the 1950s — were introduced. They were especially innovative as they do not exist in the same form elsewhere. For decades welfare had been provided largely through the extended family aided by voluntary bodies. Family size and labour force activity rates are related. On the one hand high fertility levels among farm families reflected the fact that children were part producers on the family farm and part providers of welfare during the old age of parents. The fall in fertility associated with industrialisation is also associated with higher labour force activity rates for married women.

From the 1960s to the 1980s the thrust to industrialise was accompanied by a move towards the nuclear conjugal family and the fading of extended families, with the network of the Welfare State replacing some of the services hitherto provided, or indeed sometimes not provided, within the family framework. The family's role as educator was reduced as the age of compulsory public education was raised and as greatly increased opportunities for post-primary education became available from the late 1960s.

The institutionalisation of birth — a much more recent phenomenon than the institutionalisation of education — proceeded apace as the public health services were expanded. Since the mid-1950s there has been an almost total shift away from a home-based maternity service towards a hospital-based one. As recently as the mid-1950s 1 in 3 births took place at home. Now only a tiny number occurs there. In addition to the trend towards hospitalisation for confinements there has been a trend towards larger maternity units catering for 2,000 plus births per year. The small maternity home, once prolific, is an almost completely extinct species.

The family has also been supplanted as employer as the corporate sector, the public service and State-sponsored sector, took over as the major suppliers of jobs. A number of fundamental changes were made affecting the employment conditions of women as well as their entitlement to certain social welfare payments following the *Report of the Commission on the Status of Women* which made a total of 49 recommendations and a further 17 suggestions. The accession of Ireland to membership of the EC in 1973 hastened the introduction of a considerable amount of equality legislation in the labour market. It was now much more possible for a girl born in a rural cottage to attain a high level of education, obtain employment, and remain in work following marriage. After giving birth in a large maternity hospital, the same woman could now return to work and in some cases leave her baby in a creche at her workplace, if available, or with a local child minder. The cabin to creche revolution has been as great as any which we have experienced.

#### *Changing Values*

This study attempts to provide a factual analysis. Yet social scientists recognise that the selection of facts themselves may reflect, in part at least, the value system of the researcher. But it is not just the values of the researcher. Malcolm Wicks points out in relation to the work of the Study Commission on the Family in the UK that important value questions underlie many of the major policy issues (Wicks, 1983, p.43). It is possible to assume that values are constant. However this does not reflect reality. Over the past 50 years in Ireland there is considerable evidence of changing values so there can be no question of assuming the problem does not exist. The Irish Constitution has been amended on a number of



occasions. On other occasions, attempts to amend the Constitution have failed. These instances give testimony to trends in values. Whether one is an admirer or a critic of the Constitution, it is the basic law of the land, voted for by a democratic majority of the people.

The Irish Constitution of 1937 was drawn up at a time when Ireland was dominantly an agricultural country with the majority of the people living in rural areas and engaged in agricultural occupations. At about the same time as the Irish Constitution was drawn up, Alva Myrdal, writing about the family in industrial society, expressed the following view:

... The state and the individual were always the two poles of interest.... that there might be still another competing center of attention — namely, the family — was mostly lost sight of ... there was, it is true outward respect for the family with a whole system of verbal generalities, taboos and moralities, but it remained outward only (Myrdal, 1968, p. xii).

In 1967, writing in the preface to a new edition for her 1941 book, Myrdal urges the need for a positive family policy, the main framework of which must be “that society will shoulder responsibility for the security of the pre-productive age group — the children — as well as the post-productive one, the aged” (Myrdal, 1968, p. xviii).

Set in relief against the Irish Constitution which strongly upholds the principle of subsidiarity, the Myrdalian view appears interventionist. In addition to its rural setting, the 1937 Constitution was strongly influenced by Catholic social teaching, including that expounded by Pius XI. In the Encyclical *Quadragesimo Anno*, the Pope strenuously defended the principle of subsidiarity. “It is an injustice, a grave evil and a disturbance of right order for a larger and higher association to arrogate to itself functions which can be performed by smaller and lower societies. This is a fundamental principle of social philosophy unshaken and unchangeable”. Possibly until the late 1960s the view expressed by Pius XI was adhered to on a large scale in Ireland. Most certainly it was dominant in the 1950s. During the 1960s the development of government economic planning led to a wider acceptance of government involvement in economic and social life. In the late 1950s the word “planning” itself was suspect. The word “programme” was used officially in preference to “plan” throughout the 1960s. This was not merely a question of semantics. The word “plan” had undesirable overtones, which in retrospect may appear quaint, but were viewed seriously at the time. Brendan Walsh considers that in the late 1950s “The Irish Catholic hierarchy were very hostile to any measures that could be interpreted as socialist” (Walsh, 1986, p.62).

For many years, and in a particular way in the middle 1950s, the influence of government policies on the family in Ireland was viewed with great caution

by Roman Catholic Church authorities. Attitudes had hardened in the wake of the Mother and Child controversy of 1951, which, nearly 40 years later, still stands out as a milestone in the development of social policy in Ireland. In a letter dated 10th October 1950, addressed to the then Taoiseach, John A. Costello, from the Bishop of Ferns, officially representing the views of the Bishops and Archbishops of Ireland, the Bishop stated the opinion of the hierarchy to be as follows:

In their opinion the powers taken by the State in the proposed Mother and Child Health Service are in direct opposition to the rights of the family and of the individual and are liable to very great abuse. (*Irish Times*, 12 August 1951)

As a result of opposition both from the hierarchy and the medical profession, the government abandoned the proposed scheme. This resulted in the resignation of the Health Minister, Dr. Noël Browne, and the subsequent demise of the government. It is thought that the attitude of individual members of the hierarchy varied to some degree. For example, Dr. Dignan of Clonfert, the author of a comprehensive document on Social Security reform would probably have been at the opposite end of the spectrum to Dr. McQuaid of Dublin.

There was a further significance to the case. Commenting on the Mother and Child affair, Alexander Humphreys observed:

For the fact that it directly concerned family life and that the hierarchy primarily objected to it as investing the State with excessive power over families as well as individuals indicates the main direction in which episcopal influence is exerted. The primary and almost exclusive concern of the bishops has been to preserve Catholic moral standards of family life. (Humphreys, 1966, pp.54-55)

For those not conversant with the events and attitudes of earlier years, it was probably no surprise that an important plank in the victorious Fine Gael election manifesto in June 1981, was the promise to give directly to housewives in the form of a cash payment of £9.60 a week what was previously available to their husbands as a tax allowance. A few politicians on the Fine Gael side, notably former Finance Minister, Richard Ryan, demurred from the proposal on the grounds that it was an intrusion into the intimacy, if not of the marriage bed, then at least of the marriage budget. The majority of Fine Gael politicians supported the "£9.60 measure" as a progressive step towards securing women's rights, while the main Opposition Party, Fianna Fail, dismissed the proposal as a piece of vote-catching. Critics of the proposal were quick to seize on its description by journalist, Paul Tansey, as "Robbing Peter to pay Paula". In the UK some years earlier a comparable type of transfer which increased child benefit

and abolished child tax allowances was dubbed “the wallet to handbag” transfer.

What is remarkable is not the proposal itself — payments to housewives exist in some other countries — rather the fact that it caused little stir on value grounds. The Catholic Church expressed no opposition to such a move. At least one prominent Catholic priest, Fr. Fergal O'Connor, O.P., publicly welcomed the proposal as pioneering. When the furore caused by Noël Browne's attempt to extend the health services for mothers and children in 1951 is recalled — a furore created by both medical and Church authorities, which precipitated the collapse of a government — one can only marvel at the degree to which the tide has turned in a generation.

The reaction of Noël Browne, the central character in the 1951 drama, to the “£9.60 measure” was interesting, if somewhat ironic. In an interview (*Irish Times*, 7th July 1981), Browne is quoted as follows:

I was deeply shocked at the Fine Gael assessment of £9.60 a week as a woman's worth. I felt it an extraordinary intrusion into the family in a society which professes horror at interference by the State in the family... It's a measure of the humiliating position which a woman occupies in Irish society.

The “£9.60” transfer incident demonstrates how administrative measures of apparent simplicity can disguise important assumptions about the family. The recent introduction of Family Credit as part of new social security legislation in the UK drew initial criticism from commentators who labelled the measure as a “purse to wallet” transfer as it was proposed that the new benefit be paid direct to wage earners rather than direct to mothers. The assumptions that money within the household would be equally distributed even where not paid direct to the parent with main responsibility for the care of the children could not go unnoticed.

Today it is much easier to envisage government policies, such as the “£9.60” transfer, directed towards the family, which would have been regarded as unduly “interventionist” probably until the 1960s. The Encyclicals of John XXIII were of singular importance in effecting change. Nowadays the Catholic Hierarchy, or individual members of it, or the Conference of Major Religious Superiors, or many other bodies of priests and religious, are in the vanguard of those who call for greater State expenditure in one or other area of life such as health or education or anti-poverty services. These trends serve to illustrate a point of methodology. In issues of family policy or other policy issues, values cannot be ignored. At different ends of the scale, both Myrdal and Pius XI argue on the importance of values, but differ as to which values. At the heart of the Myrdalian analysis is the view that social policies require a knowledge of values as well as facts. Facts are to be seen in light of values.

In Western societies the Judaic-Christian beliefs and values about the family have been a major formative influence. While in much of Western Europe these values have been in decline they have remained stronger in Ireland than elsewhere in Europe. It has been suggested by sociologist, Damian Hannan<sup>1</sup>, that the Irish case represents a "last stand" for these values in the West.

#### *Growth of Individualism*

One of the most vibrant currents in the tide of economic development since the 1960s has been the growth in individualism, beloved of economists since Bentham and before. Such individualism tends to run counter to the family (Fox, 1981). The modern State, through its network of social services, places the emphasis on individual rights and opportunities. On the one hand this has weakened the network of family alliances, covering care of the elderly, of the handicapped, and even of children. On the other hand, the provision of State social services may have been a response to the weakening of family ties. Emphasis on the individual in the modern economy tends to weaken what Edmund Burke described as the spirit of tradition in society, a spirit largely transmitted through the family.

As Ireland developed from an agricultural and rural economy towards a more industrialised and urban economy, individualistic values tended to replace that set of values which granted pre-eminence to the family. For the Irish countryman, "the family as a group has a certain pre-eminence over the individual" (Humphreys, 1966, p.22). At the same time, the countryman has a "distrust and jaundiced view of Government in general and even of his own Government" (Humphreys, 1966, p.23). The passing of the rural ethos is not without some benefits. As Gary Becker remarks many family functions in traditional societies are more effectively handled by markets and other organisations of modern societies. Nor should nostalgia for the past be permitted to obscure some of the restrictions on privacy and choice in traditional families (Becker, 1981, p.24).

In a predominantly rural Ireland, both individual and government played second fiddle to that set of values which granted pre-eminence to the family. Economic development both fed on, and in turn fed, the growth of greater individualism. The Women's Movement, which emerged in Ireland in the 1970s, laid stress on a woman's right to individual independence outside the family framework. In line with the teaching of the founding mother of modern feminism, Simone de Beauvoir, one aspect of the Women's Movement encouraged women to limit their childbearing through the extended use of contraception, increase their labour force participation and attain greater financial independence. The Movement undoubtedly provided the emotional support for some women to

1. In conversation with the author.

take these steps. This stimulus was supported by the increased employment and earning opportunities for women (Fine-Davis, 1988b).

Ms Nuala Fennell, former Minister for State for Women's Affairs and Family Law Reform has described the Women's Liberation Movement in Ireland in the early 1970s as a catalyst for change:

Meetings and demonstrations which were organised by a small band of women, most of whom were writers and journalists, in 1971, were highly publicised and created shock waves which lasted long after the fragmentation of the early movement (Fennell, 1986).

In the early 1970s a group belonging to the Women's Movement issued a report *Change or Chains*, which documented discrimination against women in the tax and social welfare codes. A number of women's organisations were formed in the early 1970s. These included the Women's Political Association in 1970 which was committed to greater participation by women in political life, the AIM group in 1972, committed to Family Law Reform, and Cherish in 1972 to support pregnant single women. The broad mainstream of the Women's Movement achieved much by setting up support groups for women in vulnerable circumstances and by lobbying consistently for law reform and the opening of opportunities which helped women to play a more active role in society.

Writing about this period from the perspective of a decade later, one journalist who was closely involved with the Women's Movement, Mary Maher, had this to say:

Attitudes changed, they really did. Women with enough funding and skills could get where they wanted to get, all the way to the top if they chose. They could get good jobs, an abortion, a child minder, bank accounts, mortgages, hire purchase, foreign divorces. This all happened within the space of a few years, from the mid-'seventies onwards (Maher, 1986).

The extent to which these items are viewed as achievements will depend on the values one espouses. Some may view as achievements what others may view as disasters.

A recent study *The Irish Housewife - A Portrait* (Collins, 1986) suggests that very few housewives in a sample surveyed throughout the country in 1984-85 identified wholeheartedly with the feminist movement. Collins defines a housewife as "the woman of the household who is mainly responsible for running and doing the work of the household". She may also work outside the home. Many of the housewives in Collins' sample worked part-time and a few full-time outside the home.

Feminism is experienced almost entirely as a media phenomenon. Few housewives seem to come into direct contact with feminists. And one reason

the housewife gives for her reserve regarding feminism is that the feminists who appear in the media are often found too extreme, or "fanatical" (Collins, 1986, p.76).

The influence of the media in fostering a more individualistic set of values and attitudes was certainly considerable. The advent of RTE in 1961 brought a whole new dimension to Irish life. The TV replaced the fireside as the focal point in homes throughout the land. Few would challenge the enormous influence of Gay Byrne and the Late Late Show. A whole series of taboos were broken with the Late Late Show. It was on the Late Late Show that an unmarried mother was first able to explain her position to the Irish people, while the Late Late Show hosted a couple of lesbian ex-nuns in the 1980s. Radio programmes were particularly important for raising many "women's issues", while programmes such as "Here and Now", "Day by Day", and "Liveline" raised the level of general radio discussion available to morning listeners — predominantly housewives. The improvement in living standards associated with the economic growth in the 1960s meant that more people were able to travel abroad. Observation of lifestyles abroad would certainly influence living patterns at home. Foreign travel combined with domestic and overseas TV, radio, newspapers and magazines meant new horizons beckoned Irishmen and women as *Cosmopolitan* appeared on the news stands alongside *Ireland's Own*.

#### *The Next Stage*

The results of a study of Irish values and attitudes (Fogarty *et al.*, 1984) may yield some clues to possible future directions. According to the findings of this study, views in Ireland have become increasingly more permissive on sex, in principle. But faced with a specific question, for example, on the importance of fidelity for a successful marriage, the overwhelming majority put fidelity at the top of a list of factors which make for success in marriage. Although people in Ireland strongly support the institution of marriage, they increasingly reject the principle that marriage must be for life, i.e., that divorce can never be justified. When faced with the possibility of removing the Constitutional ban on divorce in 1986, the people voted against such a course of action. During the 1980s a number of groups dedicated to upholding traditional values in regard to the family emerged. The most prominent of these is "Family Solidarity" which played a very active role in the campaign against the introduction of civil divorce.

The growth of individualism and the growth of government have tended to overshadow the undeniable strength of the family in the transmission of values. Past experience firmly indicates that the strength of the family should not be underestimated in looking ahead. The importance of the family in this regard may be illustrated by two striking negatives, i.e., two instances where the

transmission of cultural values either failed or did not succeed as anticipated. These instances relate to the revival of the Irish language and religious education. The origin of the effort to revive Irish through the schools dates from the National Programmes Conferences held in 1921 and 1925. These conferences, which were convened by the Irish National Teachers' Organisation and were representative of many Irish organisations, proposed that the work of the infant classes in national schools, and the teaching of history, geography, singing and physical education in the other classes, should be conducted, as far as possible, through the medium of Irish. The revival of the Irish language using the schools as a mechanism failed because Irish was not spoken at home. Large sums of money spent on the teaching of compulsory Irish in the schools did not achieve the hoped for results. Secondly, religious education which depended on the schools, which for the most part have been under religious control since the foundation of the State, has failed where religion has not been passed on in the homes. This point has been admitted openly by the Catholic Bishops in a pastoral letter in the 1980s "Handing on the Faith". The parallel between the revival of Irish and religious education is worth noting, although imperfect. It is difficult to have Irish spoken in the homes if parents are not competent in the language. Parents, on the other hand, are expected to know something about religious practice and values, although there is a growing awareness of adult religious ignorance.

An EC survey which examined attitudes to role distribution within the family showed that over 40 per cent of respondents favoured an egalitarian family model in which both husband and wife have equally absorbing work, and in which household tasks and looking after the children are shared equally by husband and wife (Commission of the European Communities, 1988, p.13). The countries in which the egalitarian model was least favoured in 1987 were Luxembourg (20 per cent), Germany (26 per cent), Belgium and Ireland (34 per cent). The only country in which a clear majority favoured the egalitarian model was Denmark (53 per cent). The breadwinner model of the home where the man is the only member to have a job and where the woman does the housework remains strongest in Luxembourg and Ireland (39 per cent) and Germany (32 per cent) while in Denmark it is favoured by only 12 per cent. When the findings of the 1987 survey are compared with a similar one conducted in 1983 a shift towards the egalitarian model is indicated. However, attitudes to role distribution within the family may well differ from the actual distribution of household tasks. A shift in attitudes does not necessarily indicate changing social practices. There is evidence from the UK to show that women remain primarily responsible for childcare and household tasks except repairs, even where perceptions of the actual distribution and views about the most desirable arrangements may tend to be far more equitable (HMSO, 1984; Henwood, Rimmer and Wicks, 1987).

*Conclusions*

Family patterns in Ireland have changed considerably with the spread of urbanisation and industrialisation. Values have changed also. In the traditional rural family studied by Arensberg and Kimball, the family tended to take precedence over the individual. Nowadays family members require and obtain a much greater degree of individual freedom. Although many women have not identified fully with the Women's Movement, the Movement played an important role in opening up opportunities and choices for women. With regard to role distribution within the family there is a discernible move away from the breadwinner model towards a more egalitarian model.

Looking ahead to the end of the century one can only speculate on how the present phase in the development of the family will unfold. It may be asked whether the wheel has gone full circle, as an ever-increasing public sector has manifestly failed to provide jobs and livelihoods, just as the family farm failed in the past? In the field of social services it is clearly impossible for the State to satisfy all demands. Will there be a swing back to families as providers of welfare services to their members? Given the present and prospective position of the public finances the option of an enhanced State role involving increased public expenditure is largely foreclosed. In so far as public expenditure is concerned the most that can be hoped for is an improved allocation of resources with a clearer specification of priorities. However, the possibility of cut-backs cannot be dismissed.



## Chapter 2

### *CHANGE IN THE FAMILY*

#### *Definition*

There is no universal agreement as to what constitutes a family. Depending on the value system espoused the definition may vary. Consider this remark of Allan Carlson:

Since the mid-1960s sociologists have systematically stripped the word "family" of intelligible meaning, preferring instead the dual concepts of "changing families" and "a pluralism of family forms" (Carlson, 1982, p.69).

In practice, definitions vary from the restricted to the expansive. R. F. Winch, in his book, *The Modern Family* (Winch, 1963), defines a family as a group of two or more persons joined by ties of marriage, blood or adoption, who constitute a single household, who interact with each other in their respective familial roles, and who create and maintain a common culture. The definition of Winch contrasts with the more expansive definition adopted by the European Parliament. In 1983, the European Parliament adopted the following definition of the family: "an affective, educational, cultural, social and economic unit, the user and consumer of goods and services, as well as a unit in the process of change".

Gabriel Kiely has written that "The first thing that needs to be said about the family in Ireland today is that there is no clear understanding of what is meant by the family" (Kiely, 1988, p.7). For purposes of this study of the family in Ireland a basic reference point is provided by the Constitution in which the family referred to is the marriage-based family. The steady growth in the number of births out of wedlock — just 12 per cent of total births in the First Quarter, 1988 — makes the study of non-marital families of increasing importance.

A further refinement distinguishes between a nuclear family and an extended family. A nuclear family comprises a married man and woman with their children, if any. According to the United Nations, "The nuclear family is established by a marriage which identifies socially the father of the children (since the mother of the child is always known) notably for purpose of kin appurtenance" (United Nations, 1988). An extended family comprises this nuclear family and lineal and collateral kinsfolk. In her book, *Sex and Destiny*, feminist writer Germaine Greer, staunchly supports the extended family or the family with a capital "F" as she calls it. She sees the Family as both a refuge and a regiment. Human beings are born, are nurtured and die in the Family in a more truly

humane way than in the narrowly defined nuclear family which is centered on the double-bed self fulfilment, indeed as Greer sees it, selfish fulfilment, of the couple. But like a regiment, the Family exacts loyalty and self abnegation:

The Family remains the poor man's last resort: it will give him power and authority when no one else will. It will extend to him the palm of success, when no sign of even basic respect is forthcoming from any other quarter. Only the Family can make sense of growing old: only the Family can give shape and coherence to all the phases of human life (Greer, 1984, p.227).

While a variety of sociological perspectives on the family have been developed, the functionalist perspective which views the family as a societal unit performing specific functions which have changed over time is still useful analytically. C.C. Harris points out that while the "functional theory" does not explain the existence of the family "it does make clear the way in which changes in the family, as functionally defined, will affect all other institutions in the society" (Harris, 1983, p.53). The main functions associated with the family are sexual, reproductive, economic and educational ones. No known society has developed an institutional pattern within which all these four functions are fulfilled by units other than the family. Even though in many societies sexual relations are not restricted to the nuclear family, sexual relations require some form of social control. No known society has institutionalised reproduction outside the family setting. A man and a woman make an efficient unit of co-operation. In agricultural communities children are fitted into the division of labour at an early stage. Where there is property to be inherited people have a vested interest in the legitimisation of heredity. Pre-industrial rural families came close to being self-sufficient economic units. From a situation in which members of the family were economically interdependent, the modern family has evolved as one in which one or more members are economically independent while the other members are classified as dependants.

The family provides primary socialisation for the child. In order to rear a properly socialised child there is a need for a stable and loving relationship between a child and an adult. The conferring of security on the child has never been more important. Increased urbanisation has been accompanied by greater complexity, competitiveness and anonymity, all of which stimulate feelings of insecurity. The family also gives the child an initial placement in the status structure of society. During the past few decades, particularly since World War II, there has been a growth in understanding of the extent to which the welfare of children depends on the stability and effectiveness of the family to which they belong. In the succinct expression of UCD social scientist Valerie Richardson, "Everyone of us needs to be somebody's somebody" (Richardson, 1985, p.1). The psychological dimensions of the family are gaining recognition alongside

the sociological and economic dimensions so that the family is no longer seen as the sum of autonomous entities, but a field of relationships, structured around the father-mother-child.

#### *Family and Society*

The more a society is industrialised, the more the degree of responsibility of the family for functional requisites is lessened. None the less, these functional requisites — sexual, reproductive, economic and educational, remain, if to a reduced degree. It is theoretically conceivable that the functions of the family could be fulfilled by separate institutions, but it has never been established in practice. An attempt was made in Russia to abolish the family after the Russian Revolution, but it proved a total failure. Between 1918 and 1921 there was anarchy in familial relations. The easy availability of divorce and abortion resulted in a huge drop in the birth rate. The dissolution of family ties, especially of parent-child relations threatened the dissolution of community ties, with a great increase in juvenile delinquency. By 1934, it was patently clear that the detrimental effects of the anti-family policy were endangering the stability of Russian society. After 1935 there was a very sharp change in family policy in the USSR. Abortion was made illegal, except on strict medical criteria. This remained the case until the 1950s. Divorce was made extremely difficult and increasingly expensive. Parents were made legally responsible for the behaviour of their children. In a word, the family was reaffirmed as the basis of society (Timasheff, 1946). However, divorce has risen substantially in Russia in the 1980s. In 1987 a total of 900,000 Soviet couples divorced.

In the Kibbutz experiments in Israel it was found that efforts to reduce family identity did increase collective development, but the family could not be replaced. While the Kibbutz economy is small and not very industrialised it is easier to have communal property, and collective loyalties are more easily realised. However, there is evidence that the younger generation of Kibbutz parents, in particular the mothers, would prefer to have more individual contact with their children.

#### *Family and Household in Ireland*

The hurdle of definition is followed by the hurdle of data. A comment from the *Commission on Emigration*, which reported over 30 years ago, is illuminating:

There is a wealth of census material in which the family is implicitly or explicitly the unit. Nevertheless, there is lacking a classification of the population by type of family (e.g., man, wife and young children only; man, wife and grown children; family wholly adult, etc.) (*Commission on Emigration*, 1954, p.23).

Due to this gap in statistics, the *Commission* could not use the family as the basic unit for their analysis. Rather the *Commission* relied exclusively on the individual as the unit of analysis.

The 1979 Census is the first ever Irish Census in which the population is classified by number and type of family unit. The family unit is defined as (i) a man and his wife, or (ii) a man and his wife together with one or more single children, of any age, or (iii) one parent together with one or more single children, of any age. In the 1979 Census the family unit was extended to include a couple who, although not married, cohabit. Such a couple may or may not have children. The Census definition of family unit or nucleus is both expansive and restrictive. It is expansive in that it includes couples who cohabit, although not married, a definition at variance with the family unit of the Constitution. It is restrictive in so far as it excludes some consanguinal units which are not conjugal units. Winch's definition of the family as a unit based on ties of marriage, blood or adoption, implies that the family is a consanguine as well as a conjugal and adoptive unit. According to this definition two sisters living in one household, for example, would constitute a family, although they would not comprise a family unit according to the Census definition. However, in the 1986 Census there is a household type category "non-family households containing related persons" and within this category these non-family households can be distinguished. The Census definition refers to single family units so that a household comprising a married couple with or without children living with one or more of the couple's parents would not constitute a single family unit.

Table 2.1: *Private Households by Composition, 1986*

<i>Household Type</i>	<i>Number</i>	<i>Per cent</i>
One person	180,793	18.5
Husband and wife (or couple)	109,590	11.2
Husband and wife (or couple) with children	429,187	44.0
Lone parent with children	81,087	8.3
Husband and wife (or couple) with or without children with other persons	77,014	7.9
Lone parent with children with other persons	16,902	1.7
Two or more family units with or without other persons	12,768	1.3
Other	68,963	7.1
<b>Total Private Households</b>	<b>976,304</b>	<b>100.0</b>

*Source: Census 1986*

Tables 2.1 and 2.2 show Households and Family Units in 1986, based on Census data.

In 1986 nearly 1 in 2 private households consisted of a husband and wife (couple) with children. Nearly 1 household in 5 consisted of persons living alone, while 1 household in 6 consisted of a married couple living without children. One person households have shown rapid growth in recent decades. They rose from 13 per cent of total households in 1966 to over 16 per cent in 1979 and to 18.5 per cent in 1986. In 1986, 81,000 elderly persons aged 65 years and over lived alone, representing 45 per cent of 1 person households, and over 23 per cent of elderly who live in private households. Of a total of 620,000 family units living in households containing 1 family unit with no non-family members in 1986, 69 per cent were couples with children, and 13 per cent were lone parents with a child or children.

The statistical gap identified by the *Commission on Emigration* — the lack of a classification using the family as a basic unit — serves to illustrate clearly that definition, data and analysis are not unrelated hurdles for the social researcher. As so often happens in practice, the concept adopted depends on the availability of data. In this study, the main focus is the married couple with children. But the study also concerns the solo parent with a child or children, the deserted spouse, as well as the family at different stages of the family life cycle from the cradle to the grave. The large number of elderly persons living alone suggests a limited number of extended family households.

Table 2.2: *Private Households Containing One Family Unit with No Non-family Members, 1986*

	<i>Number</i>	<i>Per cent</i>
Husband and wife (or couple)	109,590	17.7
Husband and wife (or couple) and children	429,187	69.2
Lone parent with children	81,087	13.1
	619,864	100.0

Source: *Census 1986*

### *Marriage*

Compulsory registration of marriage was introduced in 1864. In the years 1864-1870, the average annual number of marriages registered was over 21,000, a level not attained again for over 100 years, until marriages just reached 21,000 in 1970.

Table 2.3: *Number of Marriages, Marriage Rate and Average Age at Marriage, 1921-1987*

Year	Av. An. number	Av. rate per 1,000	Average Age	
			Male	Female
1921-30	14,245	4.8	34.9a	29.1a
1931-40	14,359	4.9	n.a.	n.a.
1941-50	16,585	5.6	33.1b	28.0b
1951-60	15,742	5.4	31.3c	27.3c
1961-70	17,430	6.0	29.2	26.0
1971-80	21,562	6.8	26.8	24.5
1984	18,355	5.2	27.3	25.2
1985	18,552	5.2	27.4	25.3
1986	18,322	5.2	n.a.	n.a.
1987	18,149	5.1	n.a.	n.a.

Source: *Vital Statistics, a 1925-26, Census, 1926; b 1945-46, Census 1946; c 1957-60*

The highest annual level of marriages ever recorded was in 1974, when marriages fell just short of 23,000. Since then there has been a continuous decline to 18,149 in 1987. In 1987 the marriage rate, i.e., the number of marriages per 1,000 population, was 5.1, identical with the average rate of 5.1 recorded in the years 1864-70. The marriage rate of 5.1 recorded in the years immediately following the introduction of compulsory registration in 1864 was not equalled until the post-war boom in the marriage rate after World War I. There had been a steep fall in the marriage rate in the 1880s and on 6 occasions in that decade the rate fell below 4 per 1,000. Another high was not reached in the marriage rate until after World War II. The average rate during the 1940s was 5.6 per 1,000. The rate fell during the 1950s, but recovered to its 1940s level by the early 1960s. A remarkable increase in the rate took place between the mid-1960s and 1973, when the rate reached 7.5, the highest rate on record. Since 1973, the marriage rate has fallen almost without interruption to 5.1 in 1987.

During the 1950s the *Commission on Emigration* highlighted the dominantly rural distribution of the Irish population as a key element in the low marriage rate:

... as Ireland's population has been predominantly agricultural, the deterioration in the marriage pattern, which the famine set in motion with a severe initial impetus, has been largely a rural phenomenon (op.cit., para.164).

The *General Report* of the Censuses of 1946 and 1951 concurred:

... the large proportion of men in rural areas who are assisting relatives

and, therefore, are not in a position to marry, is an important contributory cause of the low marriage rate and the late marriage age in this country where persons living outside towns and villages constitute over half the population (*General Report*, 1951, p.56)

It was pointed out that only 4 per cent of farmers' brothers assisting were married or widowed in the age-group 55-64 years (*ibid.*, p.159).

Writing in the 1960s James Meenan highlighted the obstacles which had traditionally frustrated marriage hopes in Ireland. Meenan pointed out that since the 1880s in rural areas the opportunity of marriage depended not so much on the possession of money as on the possession of land. The Land Purchase Acts effectively prevented the subdivision of holdings and as there were few forms of employment in rural areas other than on the land, the opportunities for marriage became severely restricted and the pattern of late marriages and celibacy emerged. This pattern was directly attributable to the fact that those who lived on family farms were part of a social structure based on the possession and inheritance of land. Meenan says that:

Given the strength of family ties and the extension of rural ways of life into the towns, the same pattern became discernible even in urban life. Thus, the society that emerged from the later decades of the nineteenth century was largely based on the refusal to many of its members of the opportunity to found a home and family. In demographic terms, this was an evil quite as harmful as emigration: in human terms it was more monstrous by far (Meenan, 1970, p.336).

That the evil persisted for several decades into the twentieth century is borne out by such diverse authorities as Arensberg and Kimball and by the poet, Patrick Kavanagh. In his poem, *The Great Hunger*, written in 1942, Kavanagh starkly portrays the sexual starvation of the Irish countryman. Patrick Maguire's life is claimed by the forces of Land, Family and Church (Brown, 1981, p.187). That religious belief had an influence on the marriage rate is suggested by Meenan who says that "the low marriage rate should be recognised for what it is, the form of birth control adopted by a practising Catholic people" (Meenan, 1970, p.337). Thus, to an extent the economic forces which frustrated marriage hopes were made bearable by widely held religious values which supported chastity and self-restraint.

In a study of marriage rates and population pressure, Brendan Walsh argued along similar lines to Meenan. Writing about conditions in the West of Ireland in the late nineteenth century, Walsh says:

Marriage fertility remained high and thus the preventative check of restraint from marriage for fear of being unable to support the ensuing offspring

played an important role in the relief of population pressure in the West of Ireland at this time (Walsh, 1970b).

In a study of the overall population situation, Walsh also argued that low nuptiality was the key factor in keeping the natural increase in check (Walsh, 1968). The marriage rate which revived after World War II remained high during the 1950s in comparison with the 1920s and 1930s. This was so despite, and even to some degree because of, the massive emigration of the 1950s. During the 1950s the rural exodus mounted and the move to towns and cities and, in particular, the growth of Dublin, became apparent as the large housing estates, commenced in the post-war years, were completed. The marriage rate continued its upward path with the economic expansion of the 1960s, and reached an all-time peak in 1973. Becker says that "For centuries marriages, births and other family behavior have been known to respond to fluctuations in aggregate output and prices" (Becker, 1988, p.6). The fall in the marriage rate after 1973 coincided with the first oil crisis and economic setback, although the figures are not easy to interpret as the high number of marriages in the 1960s and early 1970s may have reduced the pool of people available for marriage in the later 1970s. The mid-1970s, when the marriage rate fell, were years of recession, rising unemployment and a lack of availability of mortgages relative to demand. There was a slight pick-up in the marriage rate and a rise in the absolute number of marriages in the economic expansion which followed the 1977 General Election. This petered out by the 1980s, during which both the absolute number of marriages and the marriage rate, have fallen.

The average age at marriage declined steadily until the late 1970s. In 1925-26 the average age at marriage for men was just 35 years and for women slightly over 29 years. By the late 1950s the average age had dropped to 31.3 years and 27.3 years respectively. By 1977-78 the lowest average ages ever of 26.2 years for men and 24.0 years for women were recorded. Since then the average age for both men and women has risen steadily. One informative measure of nuptiality is the proportion of each age group that is married. Table 2.4 illustrates the striking long-term rise in nuptiality in all age groups, and especially in the age group 25-34 years between 1901 and 1981. Between 1981 and 1986 the overall level of nuptiality remained constant at 57 per cent for males and 66 per cent for females. There was some decline in the nuptiality of males in the age group 25-34 years. The proportions of persons married in the 20-24 and 25-29 year groups, the key to future marriage fertility trends, have fallen in the last 6 years, following increases in the 1960s and 1970s. While these trends are evidence of a return to the pattern of a later marrying age which was common in Ireland in the 1950s what is not yet clear is whether there is an ongoing fundamental change in the social attitudes of young people to the institution of marriage or



whether marriages have just been deferred due to the severe economic situation of recent years (CSO, 1988, p.18).

For a very small number of persons cohabitation is emerging as an alternative to marriage. According to the 1981 Census there were 819 persons, either single or widowed, who stated that they were living as couples. This was almost twice as many as the 417 persons so recorded in the 1979 Census. In 1981 the breakdown of the total was as follows: 328 single males, 373 single females, 115 widowed males and 13 widowed females. It will be possible to see if the trend is continued when the full results of the 1986 Census are published.

Table 2.4: *Percentage Single and Ever Married, 1901-86*

Year	25-34 years				35-44 years				All ages over 15			
	Males		Females		Males		Females		Males		Females	
	S	M	S	M	S	M	S	M	S	M	S	M
1901	72	28	53	47	38	62	28	72	57	43	49	51
1951	67	33	46	54	41	60	28	72	53	47	43	57
1961	58	42	37	63	36	64	23	77	48	52	39	61
1971	41	58	26	74	29	71	18	83	46	54	36	64
1981	34	66	22	78	19	81	11	89	43	57	34	66
1986	38	62	26	74	18	82	11	89	43	57	34	66

Source: *Census of Population*, various volumes.

#### *Marriage Breakdown*

The 1986 Census was the first census to provide information on the breakdown of marriage. Prior to 1986, information on marital breakdown was published in *Labour Force Survey Reports* since 1983 and in the *Report of the Joint Oireachtas Committee on Marital Breakdown*. In the 1986 Census over 37,000 persons were returned as separated, representing 2.2 per cent of the ever-married male population and 3.3 per cent of the ever-married female population, excluding those widowed. The largest single category, 13,000, were described as separated "other than legally", with 11,600 persons "deserted". Just over 7,000 persons were legally separated and 1,000 persons stated they had had annulments. A total of over 4,000 persons, slightly more men than women, had divorced in another country.

The most recent annual report of the Legal Aid Board which relates to 1986 indicates a big increase in marital breakdown. Most of the Board's work is in the Family Law area, with a doubling of the number of those seeking advice on judicial separations and an increase of a quarter in the number of those seeking

separation agreements in 1986 compared with 1985. There was also more than a 100 hundred per cent increase in the number of cases where advice was sought about nullity. In 1986 nearly 6,000 people sought advice about judicial separations, while nearly 1,600 sought advice about separation agreements and over 200 sought advice about nullity. Kiely emphasises the area of marital breakdown as one where more data and research are required (Kiely, 1984, p.191).

#### *Births, Adoption, Abortion*

Average annual births fell fairly steadily throughout the twentieth century until the "baby boom" during World War II. In the period 1864-70 average annual births had been 107,000; for the decade 1891-1900 the annual average had fallen to 74,000 and fell further to an annual average of 57,000 between 1931-40. Annual births rose throughout the 1940s from just 57,000 in 1940 to 69,000 in 1947, i.e., by a remarkable 12,000 in 7 years. The rise in the birthrate from 19.3 between 1931-41 to 21.9 between 1941-50 may be attributed to a variety of factors. First there was a reduction in emigration when war broke out. Secondly, the marriage rate was higher during the 1940s than during the 1930s. Closer inspection of the data shows a marked concentration of the increase in the birth rate in a single year, 1942. This may be partly attributable to a relative decline in emigration of wives during 1942, a particularly unpleasant war year in Britain. The introduction of work permits contributed to a general stemming of emigration, while the introduction of food rationing probably increased the accuracy of registration of births. Hughes suggests that the introduction of food rationing in 1942 and of children's allowances in 1944 provided incentives for parents to register births. He suggests that before this fewer incentives led to under-registration (Hughes, 1977). Hughes' thesis is confirmed by Coward in a study of under-registration of births (Coward, 1982).

The birth rate varied little during the 1950s and 1960s. During the 1970s, while the rate remained fairly stable, the absolute number of births rose sharply to the highest level recorded for this century of 74,000 in 1980. Since then the number of births has fallen dramatically. A report by economic consultants, Davy, Kelleher and McCarthy, in 1987, refers to the "collapsing birth rate". The explanation for the sharp drop in the number of births in the 1980s is not clear. A paper issued by the National Economic and Social Council in 1984 (NESC, 1984) maintains that the reasons for the decline are the increasingly widespread use of family planning and a decline in family income. The decline in family size has also been associated with the rise in labour force activity of married women. Family size and activity rates are probably jointly determined. The falling birth rate has shown up in the decrease in the numbers in the younger age groups. Between 1981 and 1986 persons in the 0-4 years age group fell by

Table 2.5: *Number of Births and Birth Rate 1911-1987*

Year	Average Annual Number		Birth Rate per 1,000	Illegitimate Percentage of total
	Total	Illegitimate		
1911-20	66,500	1,600	21.5	2.4
1921-30	60,400	1,700	20.2	2.8
1931-41	57,100	1,900	19.3	3.3
1941-50	65,000	2,300	21.9	3.5
1951-60	61,700	1,220	21.2	2.0
1961-70	62,400	1,382	21.7	2.2
1971-80	69,400	2,633	21.8	3.8
1980	74,400	3,700	21.9	5.0
1984	64,200	5,000	18.2	7.8
1985	62,250	5,268	17.6	8.5
1986	61,400	5,894	17.3	9.6
1987	58,864	6,381	16.6	10.8

Source: *Statistical Abstract, Vital Statistics.*

23,000 or 6.4 per cent. The fall in total births and in the birth rate is entirely due to a fall in births within marriage. Between 1980 and 1987 there was a spectacular fall in legitimate births from 70,700 to 52,483, i.e., an absolute reduction of 18,217, or a 25.8 per cent decline.

As total births have fallen, illegitimate births have risen steadily, which indicates plunging age-specific legitimate fertility rates. It should be noted that the term "illegitimate" is used throughout the text in its historic sense of "out of wedlock". Since the *Status of Children Act, 1987*, the children of parents who are not married to each other are described as "non-marital" children. For a century following the introduction of the registration of births in 1864 until 1970 there was remarkably little change either in the total number of illegitimate births or in illegitimate births as a proportion of total births. In the 1920s the average annual number of illegitimate births was 1,706, or 2.8 per cent of total births. In 1970, the number was 1,709, or 2.7 per cent of the total. Illegitimate births doubled between the late 1970s and 1985 and increased threefold between 1970 and 1984. In 1987 almost 11 per cent of total births were outside marriage. The implications of the apparent increase in non-marital unions are unclear. Many children will be reared only by their mothers, as evidenced by the growth in unmarried mothers' allowances, while some may be reared by both mother and father who form non-marital unions, while others may be reared by grandparents or adopted.

While nowadays, unregistered births are not an issue, official figures in the past may have underestimated the level of illegitimacy, as they referred only to births which were registered and did not include unregistered births or births of children who were conceived in Ireland but born outside the country. The *Commission on Emigration* sought some information on this question for the year 1947. Inquiries from 18 widely scattered urban centres in England and Wales showed an estimated total of about 250 illegitimate births to young women who had become pregnant in Ireland (32 counties). When added to the registered illegitimate births, this would give an illegitimacy rate approaching 4 per cent in 1947.

Single mothers tend to be younger, on average, than married mothers. (Single mothers are classified by single year of age in the quaterly *Vital Statistics* report). While the average age for a first birth for a married woman was just 25 years of age at the start of the 1980s, in 1981 80 per cent of *all* births to unmarried mothers were to young women aged 24 years and less. In 1984 unmarried teenage girls gave birth to 1,747 babies. This was over half of the total of 2,903 births to all girls, married and single, aged under 20 years in 1984. Late in 1987 a study (O'Hare, *et al.*, 1987) was published which, for the first time, examined the socio-demographic characteristics of women giving birth outside marriage on a national basis. Information was collected on over 4,000 women which represented just 90 per cent of women who had non-marital births in Ireland in 1983. Over one-third of the women were teenagers and a further 55 per cent were between 20 and 29 years. Seven per cent of the women had at some stage been married, while 13 per cent were cohabiting for a year or more before the birth.

#### *Infant Mortality*

While the birth rate has shown a marked decline only in very recent years and cloaked the decline in fertility rates, infant mortality, that is, deaths of infants under one year, has declined steadily over a long period. At the 1911 Census infant mortality was 94 per 1,000 births. Deaths of infants under one year comprised 13 per cent of total deaths in that year. In the 1920s the average annual rate of infant mortality was 70 per 1,000. By the end of World War II the rate had dropped to 65 in 1946. The rate showed a very sharp drop between 1946 and 1951 when it reached 46 per 1,000. The drop achieved at this time was associated in part with the campaign against tuberculosis then in progress. The rate has continued to fall steadily throughout the 1950s, 1960s, 1970s and 1980s. In 1987 the infant mortality rate reached its lowest recorded level of 7 per 1,000. The improved standards of nutrition, sanitation, hygiene and housing which accompanied economic development, together with improved standards of health care, as well as the decline in fertility rates among older women, have combined to bring about the fall.

*Adoption*

Legal adoption, as distinct from informal adoption or fosterage, has existed in Ireland only since 1952. The Adoption Act of that year provided for the setting up of an Adoption Board, An Bord Uchtala, with power to make adoption orders. This Act, together with further Acts of 1964, 1974, 1976 and 1988, contains the procedure and conditions for adoption. Harold Abramson describes adoption as a "social force which broadens the meaning of family and kinship", (1984). Until the Adoption Act, 1988, apart from a very small number of legitimate orphans who had survived both parents, adoption in Ireland was limited to illegitimate children. In practice, the overwhelming majority of adopted children were illegitimate. In 1960 there were 500 adoptions, equivalent to one-half the number of illegitimate births that year. By 1967 adoptions reached nearly 100 per cent of illegitimate births. In 1981, however, adoptions comprised less than one-third of illegitimate births. In 1988 applications for adoption orders fell to the lowest level for more than 20 years. In 1988 the Adoption Board made 525 orders for children placed by the registered adoption societies and health boards, equivalent to less than 10 per cent of illegitimate births at that time. Altogether the Board made 715 adoption orders, including 190 in respect of family adoptions.

One reason for the decrease in adoptions relative to illegitimate births must be the increased number of unmarried mothers who decide to keep their babies. This decision has been helped by the provision of payments for unmarried mothers who keep their children. There are indications that, despite social welfare provisions, many single mothers experience great and frequently overwhelming difficulty in coping with their situation. In 1981, for example, of a total of nearly 4,000 children admitted into care, over one-third were admitted because their unmarried mothers could not cope. O'Higgins and Boyle have shown that 40 per cent of all children in care are illegitimate (O'Higgins and Boyle, 1988). In the past few years the proportion of "family adoptions" has increased considerably. In 1986 almost one-third of all adoptions were "family adoptions" where the child was adopted by one or other of its natural parents, or a grandparent or other relative. The proportion of family adoptions has grown threefold since 1980, when it amounted to less than 10 per cent of the total. By far the biggest socio-economic group involved as adopters is that of skilled manual workers, accounting for 22 per cent of adopters in 1987. The Eastern Health Board area remains that with the highest number of adopters, accounting for 41 per cent of the total adoption orders made in 1987 (Adoption Board, 1987).

In May 1988, the Minister for Health, Dr O'Hanlon, brought an Adoption Bill before the Dail according to which provision was made for the adoption of legitimate children under certain circumstances. For a legitimate child to be adopted the High Court must be satisfied that natural parents have failed for physical or moral reasons for at least a year before the adoption application was

made. The Court would also have to be satisfied that it was likely that the parents would continue to fail to care for their child (children) until the child (children) reached 18 years. At the end of June 1988 the President, Dr Hillery, after consulting the Council of State, decided to refer the Bill to the Supreme Court to test its constitutionality. In late July 1988 the Supreme Court delivered its judgement that the Bill is in accordance with the Constitution. The way is now open for the adoption of certain children at present in institutional care, or in the care of foster parents and for the adoption of certain legitimate children in future.

#### *Abortion*

Abortion is not available legally in the Republic of Ireland. Furthermore, as a result of a referendum in 1983, a barrier to the introduction of abortion was copper-fastened into the Constitution. However, the number of women availing themselves of facilities for abortion in England since the 1967 Abortion Act rose from a handful in 1968 to 3,700 in 1987. The number of abortions performed on Irish women showed a small decline in 1987 compared with 1986, but the number rose again in the first quarter of 1988. Because of access to English abortion clinics for Irish women, abortion must be viewed as a very real alternative to completed pregnancy for those who so choose.

Since 1968 the Office of Population Census and Surveys (OPCS) London, has provided statistics and information about women who give an address in the Republic and have their pregnancies terminated in England. Further, more detailed, information is available from survey work of the Health Research Board. In their survey the Health Research Board asked the major private clinics in England where pregnancies are terminated to complete a form for women who gave an address in the Republic of Ireland. Very few women from the Republic had their pregnancies terminated at National Health hospitals. According to the most recent survey data 56 per cent of the women came from Dublin, 8 per cent from Cork and about 4 per cent from both Limerick and Galway. For younger women under 25, the overwhelming majority, almost all were single, while for women over 30, 65 per cent were married. The highest termination rates were in the "other non-manual" category, and the second highest in the "professional managerial" social class. Whatever moral viewpoint held there can be no doubt concerning the growing acceptance in practice of abortion among pregnant women. The existence and acceptance of abortion during the past 15 years represents a totally new dimension of Irish family life.

#### *Fertility and Family Size*

The first reliable Irish Census covering the whole island was taken on 6th June 1841, under the direction of Thomas Larcom. The Census included an

analysis of the fertility of marriage, which was not prepared in England and Wales until 1911.

The fertility of marriage, that is, the number of births per married woman, must not be confused with the birth rate. The long-term decline in the fertility of marriage has only begun to show up in the crude birth rate in recent years. As indicated earlier, the crude birth rate was remarkably stable between 1910 and 1980, when it declined sharply. Crude birth rates are to a large extent a reflection, not of fertility or family size, but of changing patterns of age-composition and marriage. In the early 1950s, the fertility of marriage was high by international standards, while births as a proportion of all women aged 15-44 was about normal:

The combination of the two extremes — high fertility per married woman and low proportion of married women — tends to give for the population as a whole a birth rate which is about the general average (*Commission on Emigration*, 1954, p.92).

Table 2.6 shows that there has been a steady decline in the fertility of marriage since 1911. Before World War I the average size of all families was over 4 children. After World War II it had fallen to 3.5 children and by 1981 it was 3.2 children. The decline in the fertility of marriage can take a long time to show up in the average family size for all durations of marriage, because of the weighting of older marriages in the average. Writing on the fertility of marriage in 1968, Walsh says:

The reduction in fertility that occurred between 1911 and 1946 has not been protracted beyond 1946, as became clear on the basis of the 1961 Census (Walsh, 1968, p.6), and

No clear evidence of a trend in Irish fertility is available (op.cit., p.9).

However, as the third column in Table 2.6 shows the 1961 data for completed marriage fertility *did* show a very marked decline. In fact the decline in completed fertility was greater between 1946 and 1961 than the decline between 1961 and 1971 or between 1971 and 1981. The third column shows the average number of children born in marriages of 30 and more years' duration. According to this measure family size fell from 6.8 children in 1911 (32 counties) to 5 children in 1961, to 4.7 children in 1981. Because the data refer to marriages which took place more than 30 years before the date of completed fertility, this means that in the case of the 1911 data the marriages took place in the period 1877-1881; in the case of the 1946 figures the marriages took place in 1916 or earlier; in the case of the 1961 figures the marriages took place in 1931 or before, while in the case of the 1971 and 1981 figures the marriages took place in 1941 or before and 1951 or before respectively.

Table 2.6: *Fertility of Marriage, 1911-1981*

Year	<i>Av. no. of children born per 100 families for all ages and all durations of marriage</i>	<i>Corrected for infant mortality</i>	<i>Av. no. of children born per 100 families women aged 15-44 years at marriage. Duration of marriage 30 years and over</i>	<i>Corrected for infant mortality</i>
1911	414	372	677*	611
1946	353	325	540	497
1961	353	336	499	475
1971	345	336	472	461
1981	321	317	467	460

\*For 1911, 30-34 years' duration only available

Source: *Censuses of Population* and CSO.

Commenting on the decline in the fertility of marriage, the *Commission on Emigration* stated:

The downward trend in size of family is unwelcome and every effort should be made to arrest it. The reasons for it may be sought in the change in public outlook — virtually worldwide — brought about by awareness of certain material disadvantages which accompany large families... Children's Allowances, reliefs granted under the Income Tax Code and payment of additions to earnings in some occupations help to ease the financial burden of large families. We have received no evidence to support the view that the relatively large family pattern in this country makes for a general condition of poverty (p.9).

In a study of poverty based on 1980 data John Roche shows a relationship between child poverty and the number of children per household (Roche, 1984, p.112). Roche found that two-thirds of all poor children were in households with 4 or more children. Households with 4 or more children were at much greater risk of poverty than households with less children. Walsh maintains that the majority report of the Commission on Emigration was "strongly pro-natalist, expressing the belief that high marriage fertility is part of the Irish value system" (Walsh, 1968, p.6). Research published by the Combat Poverty Agency in 1988 found that the risk of poverty for households with children increased during the periods 1973 to 1980 and 1980 to 1987. Households with several children, and one-parent households are now at a significantly higher risk of poverty than the average household (Combat Poverty Agency, 1988a).

The *Commission on Emigration* suggested that it was likely that many housewives felt the urge for greater freedom from domestic ties so as to take advantage of



the increased cultural and social amenities which were becoming available on a wide scale, especially in towns. The *Commission* thought that this could predispose housewives towards smaller families. Furthermore, in circles accustomed to domestic help, the increasing difficulties in securing such help could have a similar effect on the size of a family. Indeed, Census data record a very remarkable decline in domestic servants. In 1926 there were 88,000 female domestic servants; in 1951 there were 58,000, while by 1971 their number had dwindled to 22,000.

In a paper published in 1972, Walsh (1972a), then highlighted the decline in the fertility of marriage — while the marriage rate rose by over 40 per cent between 1958 and 1970, fertility of marriage continued to decline at a time when access to artificial means of contraception was not legally available. The number of first and second births to married couples grew rapidly in the 1960s, “more or less in pace with the growth in the married population”, but by 1970 the births of fourth or subsequent children had fallen by 20 per cent from the peak such births had reached in the early 1970s. As Walsh notes, the Papal Encyclical of 1968, *Humanae Vitae* did not materially affect the decline in the number of couples prepared to give birth to large families. In a further contribution published in the *Irish Times* in 1979 Walsh showed that while never before in modern history had as high a proportion of our population been married, especially at the relatively young age 20-24, the higher marriage rate was accompanied by reduced fertility. Walsh computes, on the basis of the fertility levels of 1961, that a fall in fertility of about one-third had occurred by 1977.

The findings of Walsh are confirmed and extended by those of Blackwell (1983b, p.9) and Fahey (1983). A survey on issues related to women and work was carried out on a national sample of 1,300 women aged 18-54 in 1982 by Tony Fahey of Maynooth College. The survey found further evidence of a decline in fertility:

Ireland in the 1980s, possesses one of the highest but at the same time, if recent trends still hold, one of the fastest declining fertility rates in Europe. It is as if Ireland is now going through a compressed “demographic transition of sorts”, very late by European standards, but all the more interesting because we are here to watch it happen. For that reason marital fertility in Ireland is an intriguing case for general population studies (Fahey, 1983).

Leslie Collins concludes from his study among a sample of housewives that:

There is a fairly general feeling amongst housewives that contraception within marriage is now an acceptable and desirable thing. .... It is claimed that everyone is having smaller families now, and this is a good thing. It is widely affirmed that no one can afford to have the large families today that were common in the past. (Collins, 1986, p.64).

Table 2.7: *Total Fertility Rate and Net Reproduction Rate, 1980-1986*

	1980	1981	1982	1983	1984	1985	1986
Total fertility rate	3.229	3.070	2.959	2.753	2.581	2.490	2.432
Net reproduction rate	1.524	1.457	1.411	1.298	1.218	1.187	1.162

Source: Council of Europe. Recent demographic developments in the member states of the Council of Europe, 1987, Table vi, p.68.

Table 2.7 indicates a steady decline in total fertility and net reproduction rates between 1980 and 1986. A total fertility rate of 2.10 is required to ensure replacement of the population. The Irish rate at present stands at 2.43.

Table 2.8 shows the completed fertility for female birth cohorts at 5-year intervals from 1926 to 1951 and projections for female birth cohorts from 1956 to 1986. Between the 1926 and 1951 birth cohorts, completed fertility declined from 356 to 300, or by 16 per cent. The projections for the birth cohorts 1956 to 1986 are based on two fertility assumptions:

- F1: Total period fertility rate (TPFR) to decline at a constant rate from 2.4 in 1986 to 2.1 by 1991 and remain constant thereafter.

Table 2.8: *Female Birth Cohort Fertility, 1926-1986*

Female Birth Cohort Year	Actual	Average Completed Fertility per 100 women Projected	
		F1	F2
1926	356		
1931	350		
1936	344		
1941	327		
1946	327		
1951	300		
1956		265	263
1961		232	228
1966		212	205
1971		210	198
1976		210	191
1981		210	185
1986		210	181

Source: Central Statistics Office.

F2: TPFRR to decline as in F1 to 2.1 by 1991 with a continued decline thereafter to reach 1.75 by 2021.

Assumption F2 suggests that women born in the mid-1960s may be the first birth cohort whose completed fertility will fall below replacement level.

#### *Family Planning*

A thorough and informative study of family planning was published by Marie Nic Ghiolla Phadraig in 1984. Nic Ghiolla Phadraig shows that there has been a remarkable growth in all forms of family planning in Ireland since the early 1970s. The early work of the Irish Family Planning Association (IFPA) was augmented by such groups as Family Planning Services (FPS) and Well Woman Centres. Catholic Marriage Advisory Council (CMAC) centres, which advise on natural methods of family planning, grew from 30 to 48 between 1975 and 1982 and their total personnel almost doubled from 1,000 to almost 2,000 over the period. While data on sterilisation procedures are not given, the evidence presented suggests a marked growth in the use of contraceptives of all kinds, and, especially in the case of single women, the procurement of abortion in England, as a solution for unwanted pregnancies. Nic Ghiolla Phadraig says that taken together, the abortion figures, the illegitimate birth figures and the sharp decline in the proportion of single mothers placing their babies for adoption, "suggest that for those unable or unwilling to assume the role of single parent, abortion is becoming the preferred option". (op.cit., p.79).

Nic Ghiolla Phadraig points out that the increased use of contraceptives which is in conflict with Catholic Church teaching has posed problems of conscience for some, while,

... for many, it is possible to compartmentalize and to selectively ignore those aspects of Church teaching which are inconvenient. The quality of legalism in Irish moral reasoning has led some to look to alternative sources of authority which would justify their use of Church prohibited methods. ... Even where doctors are careful not to play God and not to couch their advice in authoritarian tones, their elaborated code descriptions of the pros and cons of having another baby may be translated into the restricted code "the doctor told me not to have another child" (ibid., pp.93-94).

It would be false to imply, however, that the increased use of contraceptives is due to the medical profession. While there were some doctors among those who campaigned for an end to the anti-contraception laws the medical profession did not lend its support to this campaign and its general unwillingness to give advice on contraception was one of the factors which led to the establishment of family planning clinics in the main urban centres in the country. The scale of contraceptive use appears to be substantial, whether for directly contraceptive

purposes or with the intention of avoiding the spread of AIDS. For example, the then Minister for Health, Mr. Desmond, told the Dail on 14th February 1985 (St. Valentine's Day) that "approximately 30 million condoms have in fact been imported into this country in the period since November 1980". By 1987 the figure exceeded 50 million.

The decline in marital fertility is one of the most striking features of family life in Ireland at the present time. The fall in the number of really big families is very striking. Between 1946 and 1982 the number of families with 6 or more children aged under 16 years fell from 28,000 to 16,000, or by over 40 per cent. Linking fertility of marriage with social group it emerges that farmers, agricultural workers, semi-skilled wage earners and general labourers have traditionally had the highest fertility, while women whose husbands are in the higher professional category have the lowest fertility. Analysis of fertility by religion shows that Roman Catholics have above average fertility while Church of Ireland members and members of other stated religions have below average fertility.

#### *The Elderly*

The elderly, together with the young, comprise that part of the population generally described as "dependent". Many elderly people are quite independent and active although they fall into this broad socio-economic classification. At the beginning of the twentieth century average expectation of life at birth was 50. Today it is over 70. More people than ever before are surviving into advanced old age. Whelan and Whelan (1985) draw an important distinction between the retired and the elderly. They estimate that only about half of men and one-fifth of the women over 65 are, strictly speaking, retired employees. The remainder of the elderly population are self-employed, or retired from self-employment, or fall into the other categories classified as "not gainfully occupied", mainly housewives.

In the hundred years 1841-1941, the population of the 26 counties dropped by about 3½ million. During the same period there was an increase of almost 110,000 in the number of people aged 65 years and over. The proportion of persons aged 50 and over increased from one-eighth to nearly one-quarter of the total population. In the 50 years 1936-1986 the number of persons aged 65 and over grew by almost 100,000 from 287,000 in 1936 to 382,000 in 1986, or from 9.7 per cent to 10.7 per cent of the total population. According to OECD projections the proportion in this age group is expected to rise to 11.1 per cent of the population in 2010, while according to a projection by the Central Statistics Office, the proportion in this age group will reach 12.6 per cent of the population, or number 437,000, by the year 2011 (CSO, 1988). Both the *Reports* of the National Council for the Aged and Blackwell (1983b) indicate increasing numbers surviving into advanced old age, that is ages over 75 and 80 years.

With the extension of pension schemes more people have retired from work and availed themselves of pensions. In 1937 there were 137,000 recipients of the old-age and blind non-contributory pension. There were 62,000 male pensioners and 75,000 female pensioners. Of the total, 6,000 were blind persons. By 1986 the recipients of the old-age non-contributory pension had fallen by 8,000 but there were over 100,000 contributory and retirement pensioners bringing the total number of pensioners to 237,000.

The introduction of the contributory old-age pension in 1961 brought a further reduction in labour force participation among the over 65s. This decline is closely linked to changes in the occupational structure of the labour force, notably the decline in agriculture. Between 1961 and 1983 the percentage of gainfully occupied males over 65 declined from 52 per cent to 20 per cent, while the corresponding percentage decline for females was from 15 per cent to 3 per cent.

Notwithstanding the increasing nuptiality of the Irish population throughout this century, as indicated in Table 2.4, the number of old persons living alone has been increasing. In 1971, 13 per cent of persons aged 65 and over lived alone in private households while a further 8 per cent lived in homes or institutions. By 1986 the number of old persons living alone in private households almost doubled from 43,000 to 81,000, representing over 20 per cent of the old persons aged 65 and over.

According to Whelan and Vaughan's study (1982) which covered a sample survey of 1,700 persons and their spouses aged 65 years and over in 1977, the children of rural dwellers tended to be more scattered than those of urban dwellers. Relatives other than children appear to be much more important for the social contact of the elderly in rural than in urban areas, probably reflecting the more extended family networks which still operate in rural as compared with urban areas. The increase in the number of old persons living alone reflects both the increased expectation of life and the gradual disappearance of extended family living situations. The evidence suggests that income support for the aged has become increasingly a matter for the State (Chapter 5 below). This does not necessarily imply that there has been a decline in willingness of relatives to care for the aged but urbanisation and the fact that families live further apart have had an impact. Rapid inflation, especially in the 1970s reduced the real value of cash savings and to a marked degree robbed everyone, not just the elderly, who had invested in Government securities, as was shown forcefully by the Commission on Taxation.

While income support for the elderly is increasingly a matter for the State, the family is the main provider of care for the elderly. There is evidence to show that women are the principal carers. In practice "community care" often means care by women, usually female relatives (National Council for the Aged, 1988). It is estimated that 66,300 persons over 65 resident at home require some degree

of care. About 77 per cent of these (50,800 persons) are looked after by members of their household while the remainder are cared for by persons from outside the household. Professional and managerial households are less likely than farm households to care for an elderly person within their own home. It is estimated that 30 per cent of those who are cared for within the home are cared for by a daughter, 16 per cent by a son and 14 per cent by a daughter-in-law. Where care is given by someone outside the household in which the elderly person lives, once again women predominate as carers, and relatives of varying degrees comprise the majority of carers (National Council for the Aged, 1988). Carers in the home have been described as "the forgotten army" (Henwood and Wicks, 1984).

#### *The European Dimension*

The general long-term trend of fertility in Europe has been one of decline, whether this is expressed in terms of crude birth rate, total fertility rate or net reproduction rate. Most of the member states of the Council of Europe now experience fertility rates below replacement (TFR less than 2.10). Sweden and Denmark were the first to attain levels below replacement in the late 1960s. By 1986 only Turkey, Ireland and Cyprus remained with total fertility rates above replacement levels, at 3.61, 2.43 and 2.38 respectively. While fertility is still relatively high in Ireland it is declining very rapidly. Comparison of the 1983 and 1984 levels of the total fertility rate show slight increases in Sweden, Denmark, the Netherlands and France, stability in the UK, with a slight decline in most of the other countries. In Ireland and Iceland, however, the decline was more than 5 per cent. Net reproduction is now 40 per cent below the replacement level in Germany, 33 per cent in Denmark, 30 per cent in Luxembourg, and 28 per cent below the replacement level in Austria, Switzerland and the Netherlands.

Births outside marriage have been rising. There is a long tradition of this phenomenon in Iceland, Sweden, Denmark and Austria, whereas it is almost non-existent in some Mediterranean countries, such as Cyprus, Greece and Turkey. In Iceland, Sweden and Denmark, 40 per cent of children are born outside of wedlock, and in Austria and Norway about 20 per cent. The UK and France occupy an intermediate position at about 15 per cent. In a majority of countries the proportion of extra-marital births is between 5 per cent and 11 per cent. However, there is an important distinction between those countries such as Denmark, where many "out of wedlock" children are brought up within consensual unions and therefore by both mother and father and those countries such as Ireland, where mothers alone tend to cope with "out of wedlock" children (O'Hare *et al.*, 1987). The European Commission sponsored an exploratory study of single-parent families in Europe which reveals that an average of 4.9 per cent

of the population in Europe live in single-parent families. The proportion for Ireland is 3.3 per cent (Commission of the European Communities, 1988, p.3).

Together with the fall in fertility since the 1960s, most European countries also experienced a decrease in nuptiality and a substantial increase in divorce. The age at first marriage has been rising and cohabitation without marriage has also been rising. Sweden and Denmark are the two countries where formal marriage has been replaced to a relatively greater extent than elsewhere by consensual unions. The highest crude marriage rates are in Malta and Cyprus and the lowest in Sweden. The crude marriage rate is continuing to decline quite sharply in France and in Ireland, while it increased in Denmark and the Netherlands between 1983 and 1984. As with extra-marital births, there are marked differences within Europe as regards the incidence of divorce from *de jure* non-existence in Ireland, Liechtenstein and Malta, to 2.5 in Sweden and 2.29 per 1,000 population in Denmark and the UK which correspond to period divorce rates of about 40 per cent per 100 initial marriages. In the UK in 1986/87 there is evidence that the increase in rates of divorce is slowing down.

#### *Conclusions*

The most important trends indicated by the data presented in this chapter include the increase in the marriage rate from the 1920s through to the 1970s and its decline in the 1980s. The total birth rate was remarkably stable until 1980 with a sharp drop after 1980. The illegitimate birth rate has been rising rapidly, compared with a sharp decline in the fertility of marriage. In the past 50 years Ireland has moved from a situation of low nuptiality combined with high fertility of marriage, to one of increased nuptiality with reduced marital fertility. A phase of lower nuptiality appears to be starting again accompanied by some increase in consensual unions with the decline in total fertility now showing up in a decline in the crude birth rate. Between 1960 and 1980 there has been a sharp drop in the number of babies adopted relative to the total number of illegitimate births. On the other hand, the number of Irish women availing themselves of facilities for abortion in the UK grew steadily since the 1967 Abortion Act. until 1987, when the number declined, but rose again in 1988. With the increased expectation of life the number of elderly people has increased. In regard to most of the major trends, Ireland's experience is in the same direction as the general European experience.

## Chapter 3

### *WORK AND THE FAMILY*

#### *Marriage and Economic Development*

Economic development, since Independence was achieved in 1922, has indubitably facilitated marriage. Every Census since 1926 recorded a rise in the number of gainfully occupied *married* men, with the exception of the 1961 Census which recorded a small decline. This decline followed the difficult economic decade of the 1950s during which the number of *single* men gainfully occupied fell by over 100,000 and the number of single women gainfully occupied fell by 35,000. Interestingly, however, between 1951 and 1961 the number of married women in the work-force rose by 2,000.

During the 35 years between the 1926 Census when Ireland was still a predominantly agricultural, though developing, economy, and 1961, the number of married men gainfully occupied increased by 30,000, compared with the increase of 50,000 in the decade of rapid economic growth in the 1960s, and of almost 80,000 in the 1970s. While there was little change in the number of married women in the work-force between 1926 and 1961, there was an increase of 15,000 in the 1960s and a spectacular increase of 70,000 in the 1970s, which was close enough to the increase for married men in that decade.

The total labour force fell by 34,000 persons between 1926 and 1981.<sup>2</sup> A substantial rise of 241,000 in the married members of the labour force was more than offset by a decline in the numbers single or widowed. With the result the share of all married persons in the labour force increased from 31 per cent in 1926 to 51.0 per cent in 1981, reflecting the increased nuptiality over the period.

Table 3.1 shows the percentage shares of the male and female labour force classified by marital status. In 1926 over half the male labour force were single, 40 per cent were married and 5 per cent were widowed. By 1986 the share of single men had fallen below 40 per cent, while the share of married men had risen to over 60 per cent. In the case of the female labour force the most notable feature is the rise in the proportion of married women in the labour force. The share of married women in the female labour force which was 7 per cent in 1926 and was still below 9 per cent 40 years later in 1966, rose to nearly 35 per cent in 1986 with the greatest growth in the 1970s. At present more than 1 out of

2. The data for 1926 refer to persons aged 14 years and over; for 1981 the data refer to persons aged 15 years and over. The term "labour force" is used for both years although the coverage is not identical. In 1926 those who had left school and were seeking their first job were not included.



Table 3.1: *Percentage Shares of Male and Female Labour Force; Classified by Marital Status, 1926-1986*

Year	Male			Female		
	Single	Married	Widowed	Single	Married	Widowed
1926	55.4	39.9	4.7	76.9	7.0	16.1
1936	56.3	39.4	4.3	79.0	6.8	14.2
1946	55.4	40.7	4.0	80.4	6.8	12.9
1951	52.8	43.7	3.5	81.5	6.8	11.7
1961	47.0	50.1	2.9	80.0	8.5	11.5
1966	45.7	52.0	2.3	81.4	8.9	9.6
1971	42.2	55.7	2.1	77.7	13.6	8.7
1981	39.6	59.2	1.2	65.3	30.2	4.5
1986	37.3	61.6	1.0	62.0	34.1	3.9

Source: Derived from *Census* data, various years, and *Labour Force Survey*, 1986.

3 women in the labour force is married compared with only 1 in 14 in 1926.

There has been a striking decline in both the share of widows and widowers in the work-force. Examination of the data by occupation suggests that this phenomenon is largely explained by the shift out of agriculture. However, the introduction of widows' pensions (contributory and non-contributory) in 1935 must have had an important effect on the participation of widows. In 1926, out of a total of 45,000 widowers in the labour force, 29,000, or 64 per cent, were in agriculture. In 1981, out of a total of 11,000 widowers, 3,800, or 35 per cent, were in agriculture. In 1926, out of a total of 55,000 widows in the labour force, 38,000, or 69 per cent, were in agriculture. In 1981, out of a total of 16,000 widows in the labour force, 4,500, or 28 per cent, were in agriculture.

Table 3.2 shows the trend in the labour force participation rates for men and women. The ratio for single men has declined steadily since 1946, while that for single women rose steadily between 1926 and 1966, but then declined between 1966 and 1981. The reason for the decline in the participation rate for single males seems to be due to a combination of greater participation in education and, therefore, delayed entry into the labour force and earlier retirement. The structural effects of the relative decline in the importance of agriculture have also been important. The rise in the participation rate of single women seems to be due to a transfer from the category of single women on home duties (relatives assisting, etc.) into the paid work-force. In the case of married persons the participation rates of males and females also moved in opposite directions; that for men declined, while that for women has shown a marked increase since the middle 1960s. While non-contributory pensions existed since 1908, the

introduction of the contributory old-age pension in 1961 and the reduction in the age for pension eligibility has been an important element in the reduction in the ratio for men.

The most striking feature of Table 3.2 is the increase in the participation of married women in the labour force. When the increase is examined according to age group it emerges that the biggest increase has taken place in the younger age groups. Between 1971 and 1986 the participation rate for married women rose from 15 per cent to 41 per cent in the age group 15-24; from 9 per cent to 32 per cent in the age group 25-34; from 7 per cent to 20 per cent in the age group 35-44 and from 7 per cent to 16 per cent in the age group 45-64. The remarkable stability in the overall participation rate for women — 32 per cent in 1926, 31 per cent in 1946, 29 per cent in 1961 and 31 per cent in 1986 conceals a drop in participation rates in the younger and older age groups and an increase in the rate for women aged 25-44 years.

In addition to data on single and married persons, Table 3.2 shows that the participation rates for widows and widowers have fallen dramatically. In the case of widowers the fall has been from 76 per cent to 23 per cent, and in the case of widows from 41 per cent to 8.5 per cent. An important reason for these long-term declines has been the sectoral shift out of agriculture, where traditionally widows and widowers continue to remain in the labour force for much longer than is customary in industrial or service occupations. The other major reason was the provision of pensions which made possible retirement from the labour force. The introduction of widows' pensions in 1935 had a definite impact on the participation of widows.

Table 3.2: *Male and Female Labour Force Participation Rates Classified by Marital Status, 1926-1986*

Year	Single		Married		Widowed		Total	
	Male	Female	Male	Female	Male	Female	Male	Female
<i>PARTICIPATION RATES</i>								
1926	84.6	51.0	94.3	5.7	76.0	41.1	87.7	32.1
1936	84.8	53.3	93.1	5.6	71.7	39.3	87.2	32.8
1946	86.2	54.0	92.2	5.0	65.8	32.9	87.4	31.0
1951	84.4	56.5	92.1	4.8	60.4	29.5	86.4	30.6
1961	77.5	59.3	90.8	5.2	51.7	26.2	82.4	28.9
1966	75.8	61.0	90.2	5.3	47.6	22.2	81.4	28.7
1971	70.9	59.8	89.9	7.5	45.0	19.3	79.2	27.3
1981	69.9	56.4	84.4	16.7	29.6	11.4	76.4	29.7
1986	65.6	54.1	82.7	21.3	23.4	8.5	73.6	30.9

Source: *Various Census of Population Reports; for 1986 Labour Force Survey*

*Women's Work*

The growth in the number of married women in the work-force should not obscure the fact that the majority of all women aged 15 years and over, and not just of married women, are engaged in "Home Duties". Table 3.3 gives the position of all women in the labour force and not in the labour force, distinguishing between those engaged in home duties, at school, or students, and others.

Table 3.3: *Per Cent of Females in the Labour Force and not in the Labour Force, 1926-1986*

	1926	1936	1946	1951	1961	1966	1971	1981	1986
	<i>Per cent</i>								
Total Labour Force	32.1	32.8	31.0	30.6	28.9	28.7	27.3	29.7	30.9
Not Labour Force	67.9	67.2	69.0	69.4	71.1	71.3	72.7	70.3	69.1
Of which:									
Home Duties	51.4	51.5	54.5	54.9	60.1	60.2	60.2	54.9	53.4
At School/Students	16.4	15.8	3.9	3.6	5.7	6.8	8.6	8.5	9.8
Others			10.6	7.6	5.3	4.3	3.9	6.8	5.9

Source: Derived from *Census* data, 1926-1971 aged 14 years and over, 1981, aged 15 years and over. *Labour Force Survey*, 1986

Over the entire period there has been remarkably little variation in the proportion of women in the labour force. Between 1926 and 1986 the proportion of women in the labour force actually showed a small decline while those not in the labour force showed a corresponding small increase. Of those not in the labour force the proportion on home duties actually rose. However, the overall stability between 1926 and 1986 conceals a growth in the population engaged in home duties up to 1971, followed by a decline between 1971 and 1986. Still it is remarkable that the proportion in home duties is now marginally higher than 60 years ago.

*Where do Women Work in the Work-force?*

Table 3.4 shows the distribution of women actually at work in the main sectors of the economy 1951-1986, based on *Census* data for the years 1951-81 and on *Labour Force Survey* data for 1986. The total number of women at work rose from 315,000 to 340,000 or by 8 per cent over the period. The decline in the share of agriculture in total female employment was counterbalanced by an increase in the share of the services sector, while the share of industry hardly changed. It rose from just under 20 per cent in 1951 to 24.5 per cent in 1971, but then fell back to 21 per cent in 1986.

Table 3.4: *Women at Work, 1951-1986*

	1951		1961		1971		1981		1986	
	'000	%	'000	%	'000	%	'000	%	'000	%
Agriculture	67.6	21.5	42.1	15.1	25.5	9.2	12.8	3.9	14.5*	4.3
Industry	61.7	19.6	61.6	22.2	68.1	24.5	68.7	20.9	71.6	21.1
Services	185.6	58.9	174.3	62.7	184.7	66.4	247.7	75.2	253.4	74.6
Total	314.9	100.0	278.0	100.0	278.3	100.0	329.2	100.0	339.5	100.0

Source: *Census of Population, 1951-1981*. The figures for 1951-71 refer to those aged 14 years and over; the figures for 1981 refer to those aged 15 years and over. *Labour Force Survey, 1986*.

\* The rise in the numbers engaged in agriculture in 1986 is due to a different basis of classification used in the *Labour Force Survey* compared with the *Census*. Some women who are classified as in the agricultural labour force according to the LFS because they work a certain number of hours in agriculture would be classified as engaged in Home Duties in the *Census* data.

An examination of women at work classified by occupational groups in the *Labour Force Survey, 1984*, shows that two groups accounted for over half the women at work. These are clerical workers (28 per cent) and professional and technical workers — a group which includes teachers and nurses — (24 per cent). When three further groups — service workers (14 per cent), producers, makers and repairers (11 per cent) and shop assistants and bar staff (9 per cent) are added it emerges that 5 occupational groups account for over 80 per cent, or more than 4 out of 5 women workers.

When those at work are analysed by sex, it emerges that women form the majority at work in three occupations. Seventy-two per cent of clerical workers are women — according to details in the 1981 *Census*, 98.3 per cent of typists are women — 56 per cent of shop assistants and bar staff are women, and 53 per cent of service workers are women. Women account for almost half of professional and technical workers. By contrast, women account for only 1 per cent of labourers and unskilled workers, 11 per cent of administrative, executive and managerial workers and 20 per cent of proprietors and managers.

Analysis by age group shows that women in certain occupations tend to be young, whereas in other occupations they tend to be older. Of the women who worked as producers, makers and repairers in 1984, 55 per cent were aged under 25 years while over half of women clerical workers were also under 25 years, and 40 per cent of women service workers were under 25. By contrast only 8 per cent of women agricultural workers were under 25, but 50 per cent were aged 45-64 years.

*Explanation of Changes in Women's Activity Rates*

Behind the data presented on women's work lies a series of changes affecting the structure of family life in Ireland. Social, cultural and ideological factors, as well as purely economic ones, are important. The Irish case seems to fit well into the general framework which has been used successfully by economists to interpret changes in labour force participation of married women (Becker, 1981). This framework is based on the pull of women into the market due to increased opportunities in the market, combined with the push out of the household through forces which reduce their fertility. Influences on women's activity rates include the increase in the market wage, changes in technology which means more goods and services — from bread to laundry — previously produced in the home are now transferred in large part to the market. This leads to changes in relative prices and to a combination of paid work in the market with "home duties". In addition, in Ireland, the removal of a number of restrictive barriers against the participation of married women increased the range of choice for women. In the Irish case the overall proportion of women in the work-force remained constant, with the participation rate of married women rising, of widows falling and of single women not changing very much.

A basic economic framework can integrate many forces into a relatively simple model. Industrialisation raises the earning power of many women encouraging them to substitute market work for household work. The reduction in fertility related to the greater use of contraception, which has been particularly notable in the past decade in Ireland, has reduced the span of time during which women are fully engaged in child rearing. The growing education of women is a further factor contributing to women's participation since more educated women tend to participate more in the work-force than less educated, other things being equal. In a study of the life cycle of Irish women in the 1980s Helen Burke (1984) points to the increased level of education and reduced childbearing as factors facilitating the participation of women. Goldin (1982) shows the importance of the human capital element in her studies of the US.

Comprehensive analysis by Goldin in the US bears out what has been happening in Ireland, albeit with a lag. In the nineteenth century labour market work for men and women required a substantial amount of physical strength. On-the-job training was more important than formal training. By contrast the type of clerical work which developed rapidly in the twentieth century substituted off-job for on-the-job training and required less physical strength. Chesterton's remark about the early women's liberationists that one million women declared they would not be dictated to and then went out and became stenographers was based on a marketplace observation. The evolution of labour market work for married women required activities that could be entered at different ages and for which skills or suitability did not depreciate substantially with time. As the

service sector of the economy developed, jobs suited to married women emerged on a large scale. At the same time the fertility of marriage was falling and the education of women rising. Goldin (1984, p.11) says that "work in the clerical sector can be viewed as the first major 'career' to which women could return during some part of their life cycle". She maintains that clerical work and teaching were crucial links between work for single and married women. In America, young single women who were clerical workers in the 1920s, joined the ranks of employed married women in the 1940s and 1950s. The same process has been operative in Ireland, though with a lag. However, the opportunities for older married women rejoining the labour force in Ireland are sometimes restricted by the existence of age limits for certain jobs in addition to the general shortage of jobs.

The pattern of labour force participation of married women apparent in the US in the 1940s and 1950s did not manifest itself clearly in Ireland until the 1970s. In a study dealing with the employment of women in Ireland 1961-66, Walsh (1971) argued that the relative scarcity of women available for work compared with men in that period had increased:

The major part of this increased scarcity of females is, of course, attributable to the continuing rise in marriage rates.

Admittedly, Walsh was dealing with a very short time period, for, as pointed out earlier in this chapter, in the intercensal period 1951-61, the number of married women in the work-force actually increased by 2,000. Walsh concluded that in the absence of major changes in the basic social, cultural and institutional influence on the employment of married women, the degree to which tight labour market conditions would attract more women into the labour market would quickly reach its upper limit. Those changes, already in fact in train, would become more clearly visible in the 1970s.

#### *Family-Work Models*

Four "family-work" models are suggested in an attempt to highlight and clarify key features in family change. A major reason for attempting to draw up family models related to work is that for all those with a job, as well as for the self-employed, income, and accordingly the means of living, derive from work. This income will be subtracted from, or added to, by taxation and State transfers. Only a very limited number derive their main source of income from investments and capital. For the unemployed, income in the main derives from State transfers. The family operates as the basic unit of income redistribution within society. In the family where only the father is in paid employment, family income derives first and foremost from the father's job and is spread among the family members — wife and dependent children. Other family situations may involve dual or multiple earners. Two rural models and two urban models are suggested.

*Traditional Farm Model*

This model existed in rural Ireland until the middle to late 1950s. It is a situation portrayed in its classic form by Arensberg and Kimball. The family members work together to produce and pool income. There is a rigid division of labour between men and women. The boys work with the father on the land, and with the bigger animals, while the women and girls attend to the farmhouse and the farmyard inhabitants — hens, chickens, geese and turkeys, and may help with the milking of the cows. This model is associated with a low marriage rate, high marital fertility, high celibacy and that mixture of celibacy and emigration which helped to keep the family farm intact.

*Early Urban Model*

A pattern of urban life was already well established before the rapid acceleration in the shift from the countryside to the towns from the late 1940s and early 1950s. The post-war housing boom was of great importance in providing accommodation for the rural exodus as housing conditions in the towns and cities were very poor in the pre-war decades. Migrants to the towns and cities adopted an already existing urban family form rather than developing one out of the rural model.

The urban family model of the pre-World War II and post-war years up to the 1970s coincided closely with the "Breadwinner Father" pattern with dependent wife and children and quite a high level of marital fertility. This style of family is well depicted by Humphreys in his "New Dubliners". One of the few ways in which the "early urban" housewife augmented family income was through the provision of "digs", i.e., taking in lodgers. Many housewives, especially in the Dublin area, provided bed, breakfast and evening tea for rural migrants to city jobs in the civil service, the banks, and other occupations as well as for students. This phenomenon was particularly marked from the post-war years through the early 1960s. "Flat-dwelling" began to develop during the 1960s and developed very rapidly during the 1970s. Unfortunately it is impossible to provide other than impressionistic evidence of the "digs" phenomenon. But it is important to advert to it as it has been totally overlooked in studies concerning "working" wives.

*Modern Farm Model*

This model dates from the early 1960s. Technological advances rendered farm production less labour intensive, while improved job opportunities off the land enabled more farm relatives to obtain employment in the rural towns, without the necessity of migrating to the cities, or of emigrating. Furthermore, a small but growing number of farmers' wives were enabled to keep up their professions as nurses and teachers, etc., if they so chose, following the removal of the marriage

bar in the public sector. From the 1960s also dates the development of farmhouse holidays which provide an important independent source of income for some farm wives. In some cases husbands and wives jointly operate the farmhouse holidays. The seeds of this modern farm model are apparent in Hannan and Katsiaouni's study, *Traditional Families*. Hannan and Katsiaouni found that over one-quarter of the farm families in their sample had a "modern" interaction pattern with a marked breaching of traditional sex roles in household and child-rearing tasks and with a joint consultative pattern of decision-making and a mutually supportive emotional structure.

#### *Modern Urban Families*

The features of this model began to develop in the early 1970s with the advent of equal treatment of women in the work-force. *The Report of the Commission on the Status of Women* (1972) made a significant contribution to the emergence of this model. The first cohort of beneficiaries of free post-primary education, which was introduced in 1967, were leaving second-level education from 1972-1973 onwards. The key elements in the modern urban family are the higher level of education of the partners, the reduced level of marital fertility and the greater likelihood that the married woman will remain in employment after her marriage at least until the birth of her first or second child. To some extent the wife's job replaces "the dowry" of the Traditional Farm Model. The seal is placed on the modern urban family model with the changed definition of economic dependency in 1986. According to this definition a woman is only dependent on her husband if she is fully or mainly supported by him (Chapter 5 below). The high and growing incidence of unemployment, particularly in urban working class areas, is spawning a new variant of the urban family, that is one which depends, through no fault of its own, on social welfare payments, rather than employment.

At least three of the family-work models may be illustrated by contemporary "soap operas". While lacking a radio or TV characterisation of the traditional farm family model, an amalgam of "The Riordans" and "Glenroe" illustrate aspects of the modern farm model in which there is more technology on farms, more job opportunities off farms, greater opportunity for travel, and where TV itself has an impact. The urban family models might be illustrated by the 1950s serial "The Kennedys of Castelrosse", in which marriage is still the ultimate objective for the heroine, Ellen, and the late 1970s — 1980s serial "Harbour Hotel", where a new liberated type of woman, who even after marriage retains her maiden name, Miss O'Connell, is running a hotel business. In this latter series none of the key women characters is fully satisfied with the "full-time housewife" role.



*Work in the Traditional Farm Model*

In the early decades of the State the family was closely identified with the basic production unit of the economy — the family farm. Arensberg and Kimball reported as follows:

The sum of the evidence presents the small farm economy as a family situation in which economic effort, individual and co-operative, is controlled by the social forces operative within the family (Arensberg and Kimball, 1940, p.75).

The small farm was worked by the family of the owner, while the large farm was worked by agricultural labourers employed by the owner. In 1926 the number of farmers and relatives assisting them was just over 530,000, while others engaged in agriculture, i.e., employees, accounted for under 140,000 or about one-quarter of the total engaged in agriculture. Relating this to the size of farms, it emerged that not only were five times as many persons working on farms of 15 to 30 acres and three and a half times as many on farms of 30-50 acres as on farms of over 200 acres, but also family labour accounted for 89 per cent of the total on farms 1-15 acres but only 24 per cent on farms over 200 acres. Taking all holdings into account, 74 per cent of the persons working on farms consisted of farmers, their wives, sons, daughters, and other relatives and only 15 per cent were permanent wage earners and 11 per cent were temporary employees.

The marriage pattern was closely related to, and influenced by, the patterns of land tenure and inheritance. In the mid-nineteenth century, at the time of greatest population, the age at marriage in Ireland was normal compared with the rest of the United Kingdom. Although in some western areas of Ireland subdivision of holdings continued after the Famine (O'Grada, 1988, p.154), the struggle for land and legal reforms in land tenure led to the virtual cessation of subdivision of land (Gibbon and Curtin, 1979). It is from the time of the cessation of subdivision of land that the high incidence of bachelorhood dates.

By the 1920s marriage statistics in Ireland presented some unique features. In the Free State in 1926 there was a larger proportion of unmarried persons of all ages than in any other country for which data were available. Arensberg and Kimball point out that late marriage and the high incidence of bachelorhood were associated with the reluctance of the old couple to renounce their leadership, the necessity of acquiring sufficient means to portion children and the delay in dispersing the closed corporation of the family group until it was possible to establish the new one (op. cit., p.149). Even if older farmers continue to be reluctant to pass on the farm, the existence of the old age pension plays an important part in smoothing the transition of handing over the farm to whichever son is to inherit as it provides the aged farmer with an income independent of farming. "There is no chance that the old people would give up the land but

for the pension, and there is no hurrying them" (ibid., p.121).

In a study of "Old-Age Pensions", Claire Carney (Carney, 1985) points out that the severe restrictions on the assignment of land in the early years of the scheme fell short of encouraging the marriage of children and it became apparent that an easing in the regulations was necessary. A farmer now has the option of signing over his farm to his child or children at the age of 66 rather than 70 and of being able to draw the full pension while maintaining a little altered standard of living. Carney remarks that this pension scheme begets a question of equity *vis-a-vis* other sections of the community, although there is always some risk attached to signing over property to an heir. The announcement in 1988 of the extension of social insurance for farmers, involving old age pension without a retirement condition, could drastically alter the existing situation of linking pension with land transfer to an heir. The social insurance arrangements for the self-employed as recently enacted, make no provision for a retirement condition. However, the Minister for Social Welfare has indicated that the question of a retirement condition will be considered further in the light of the National Pension Board's forthcoming report on pension arrangements generally.

Arensberg and Kimball further pointed out that only through marriage did one attain full stature and one's family take its full place in the interlocking alliances of extended kindreds in the countryside. Failure to make a match was not only a failure to fulfil one's own destiny of mating and procreating, it was also failure to provide for the dispersal and re-formation of one's group. Children were viewed as important, not only from the economic viewpoint of providing extra help on the farm, but from the aspect of continuity. Arensberg and Kimball argued that everything a man did or was in rural Ireland at that time could be referred to his blood. Heredity was the explanation of success or failure, high position or low estate.

That there was a dark side to the marriage system, Arensberg and Kimball did not doubt. The observation of a contemporary solicitor serves as a caution against idealising the past. He is quoted as describing the marriage and matchmaking system as "pernicious". "You'll go out to a smallholding and see several able-bodied men and women waiting around doing nothing. They are waiting for the eldest son to get married and for their share of the fortune that the wife brings in" (ibid. p.112). Sometimes poorer farms have done without brides for their young men and they have "died out of it".

*From Farm Work to Urban Jobs as Economic Base of Family Formation*

The findings of the *Commission on Emigration* endorsed those of Arensberg and Kimball in a number of aspects regarding marriage and the family. The *Commission* claimed evidence to show that the better paid or more secure occupations were associated with a higher proportion married in the later age

groups. Thus, more men ultimately marry when they have secure and reasonably well-paid employment. The percentage of farmers, as distinct from farm workers and relatives assisting on farms, who eventually marry, was found by the *Commission* to be relatively high. In 1946, 72 per cent of farmers were married, compared with 45 per cent of all occupied males.

The *Commission* placed major emphasis on the availability of jobs as essential to raising the marriage rate and stemming emigration. "It is the opinion of the *Commission* that until men can find employment which can support homes even those girls who would find employment locally will continue to emigrate" (*Commission on Emigration*, 1954, p.79). The *Commission* feared that lack of employment and the persistent low marriage rate would increase the risk that the community's sense of responsibility would be insufficiently developed, or that its realisation of the value or importance of the basic unit of society — the family — would be inadequate and that, as a result, its attitude to life would be unprogressive.

The emphasis placed by the *Commission* on employment opportunities for *men* was a clear reflection of the values of the time which stressed the role of men as the natural breadwinners. It is interesting to note, nevertheless, that in a forthcoming study on the transformation of Irish society since 1958, the authors restrict their analysis of the class structure to the occupations of males (Breen, Hannan, Rottman and Whelan, forthcoming, especially Chapter 3). While placing priority on secure and well-paid employment for men as the major factor facilitating marriage and family formation, the *Commission* also considered the employment position as it affected women. The *Commission* pointed out that in Ireland, unlike many other countries, married women usually did not take up employment outside the home in order to help with the financial support of their families. At the time of the 1946 Census, out of a total of just over 450,000 married women, only 11,000 or 2½ per cent, were classified as employees. The corresponding proportion in Great Britain was then about 25 per cent.

Echoing the 1937 Constitution, the *Commission* deplored the possibility that economic necessity might force a woman out of her home to take up employment. Nevertheless, in a practical tone, the *Commission* remarked that if a woman could continue in employment after marriage, the additional income might facilitate earlier marriage, and give a sense of greater security. "If, therefore, it were the custom here for women to remain in employment after marriage, it is probable that marriage rates would improve" (op.cit., p.81). However, the *Commission* also suggested that the ultimate demographic effect of more widespread employment of married women was far from certain... "it is possible that the fertility rate would decrease. Indeed, the long-term social and even economic implications must remain matters of conjecture and controversy. The effect on the home and family has also to be remembered" (ibid, p.81). The *Commission*

expressed the belief that the removal of the marriage bar in the civil service, the banks and for teachers would help to raise the marriage rate. All of these changes in turn came to pass and, as the data show, married women responded to the removal of barriers by greater labour force participation.

In a study of Irish county marriage rates in the five-year period 1961-66 Brendan Walsh concluded "a strong case may be made for a recursive model in which there is one-way causation from male to female rates reflecting the importance of male initiative in the marriage decision" (Walsh, 1970a, p.216). In facilitating this "male initiative", income per male, or as the *Commission* emphasised, jobs for men, was obviously of great importance. Interestingly, Walsh suggested that increased participation by single females in the labour force acted "as a slight deterrent to their marriage — perhaps as a reflection of its tendency to raise the opportunity cost of marriage to Irish females, although it raised the male marriage rate — presumably through increased social contacts". Walsh does not speculate on why social contacts were not as significant for females. A study by Waite and Spitze suggests that working women may, through employment, be provided with many more contacts and thus their chances of marrying may actually increase (Waite and Spitze, 1981).

It is worth pointing out that the increase in the number of married women in the labour force may exaggerate the increase in the real productive contribution of women in one important respect. In the economic sphere, a farmer's wife, though not classified as a member of the labour force, had, and continues to have, an important share in the productive activity which creates income:

She not only may help her husband in the open field at sundry times when the pressure of work demands, but regularly she assists him in the care of the stock, and normally she has charge of the vegetable garden and the poultry which are important, if secondary, sources of income for the farm family. (Humphreys, 1966, p.13).

Mary E. Daly (1981, p.107) shows that the workload of farmers' wives fell throughout the last century, but persisted in certain activities such as the egg trade. Where migratory labour was common, women and children did all the farm chores during the summer months. In response to the developing business world of the city which is based on the interaction of specialised individuals, rather than on the productive activity of family farm units, the internal structure of the urban family differed markedly from that of the farm family:

The most glaring difference is that typically the New Dubliner's family does not own and operate property productive of income and as a result it not only has lost central control over such productive activities, but has ceased to be a collective domestic unit of production. The activities of its members upon which its livelihood depends are not, as in the countryman's family,

performed together at home, but are dispersed and performed individually outside the home. Because of this elemental change among the New Dubliners, the wife in the usual case no longer participates in activity which produces income, while the husband is taken out of the home and away from the family for the major portion of the working day (Humphreys, *op.cit.*, p.33).

Humphreys summarises the effects of the urbanisation of the family as extensive and quite swift. Despite certain radical continuities between the farm family and the family in Dublin, by the time the children of the immigrants from rural areas have reached full adulthood and founded their families changes have reached the point where the distinctive pattern of the family life of the countryman is no more.

Humphreys points out that urbanisation has increased job opportunities for women:

because it tends impersonally to select the competent individual, the corporation in Dublin has opened up jobs and occupational careers for women on a hitherto unprecedented scale, and employment and promotional policies that are still discriminating against women stem less from any internal principle of organisation within the corporation than from the requirements of outside groups, and especially of the family (*ibid.*, p.31).

Humphreys was writing at a time when the marriage bar still operated within the public service and accordingly before any provisions for maternity leave had been introduced. The implicit assumption appears to have been that such barriers against the participation of women in the labour force were based on an attempt to support family life. Certainly the marriage bar reflected a view of woman's role. But it could also be viewed as straightforward discrimination against women by forcing them to choose between marriage and employment in a way in which men were not forced to choose.

#### *Modern Farm and Modern Urban Families*

In their study of farm families in the 1970s, Damian Hannan and Louise Katsiaouni find clear evidence of the development of new patterns among farm families (Hannan and Katsiaouni, 1977). The impact of technological progress both on the farm and in the farmhouse, in the form of labour-saving devices, is an important factor in reducing the sheer drudgery of traditional farm life. The spread of the motor car as a means of transport and the influence of television as a means of entertainment serve to extend the boundaries of farm life in a striking way. Role patterns within the family begin to change as women assume some further responsibility in the decision-making processes. In the modern farm

many farmers' wives keep the family accounts, while others actually pursue their professions as teachers, for example, away from the farms.

While farm wives continued to play an important income-generating role on many farms, a significant new source of income for some farm wives developed in the past 25 years. *Farmhouse Holidays* were the brainchild of Sean O'Briain of Bord Failte (The Tourist Board) who initiated the programme in the early 1960s. At that time, the tourist industry in Ireland was growing rapidly and accommodation supply was often inadequate to meet demand at peak periods. As a temporary solution to the problem Bord Failte decided to draw up a list of supplementary accommodation in key resorts and towns. The success of this scheme led to its extension to rural areas and a list of farmhouses providing accommodation was established. The advent of farmhouse holidays resulted in a dramatic change in the lifestyle and outlook of the women who ran the farmhouses. From being confined to a strictly rural social atmosphere they were thrust into the complexities of dealing with large groups of people from foreign and urban backgrounds. Equally importantly, the women now had private income:

Gone was the traditional reliance on the "Christmas turkey money", in its place came a very considerable cash income, for they rightly claimed the new tourist money as their own. With this money they improved their whole standard of life, from personal clothing to household amenities, foreign holidays, chairing meetings, seminars and a whole new role in rural life. Suddenly and often dramatically, the lives of rural women were changed irreversibly (O'Briain, 1986).

In a forthcoming study by Breen, Hannan, Rottman and Whelan, a polarisation process is shown to operate in contemporary Irish agriculture in the form of a marked divergence in farm incomes. As a result the farming sector comprises some poor, but also a minority of the richest, families in Ireland. Variation in incomes in farming is greater than in the non-farming sector. Farm income and farm size are related and the rate of growth in income is related to farm size. This trend has been especially marked since Irish entry to the EC.

#### *Mothers in the Labour Force*

Of all those who are mothers in the labour force, 70 per cent have a child aged under 15 years as shown in Table 3.5. Not all mothers are married women. In 1984 there were 133,000 married women in the labour force. Given that the vast majority of mothers are married women, it is fair to say that the number of mothers in the labour force in 1984 with a child under 15 years, i.e., 75,000 mothers, is very substantial - equal to 56 per cent of the total number of married women in the labour force. However, in all age groups, the activity rates decline

as the number of dependent children increases (Blackwell, 1986b, p.16). As might be expected the presence of children under 5 has a marked impact in reducing activity.

Table 3.5: *Mothers in the Labour Force Classified by Usual Situation, 1984*

<i>Principal Economic Status</i>	<i>Mothers with a child under 15</i>	<i>Mothers with all children age 15+</i>	<i>Total</i>
	'000		
Working for payment or profit	69.9	20.7	90.4
Looking for first regular job	0.0	—	0.0
Unemployed, having lost or given up previous job	4.9	0.7	5.6
Actively looking for work after voluntary interruption of working life	0.4	0.1	0.5
Total	75.2	21.5	96.5

*Source: Labour Force Survey, 1984*

Table 3.6 shows the labour force participation rates of women — married and non-married — related to age and number of children under 15 years in Ireland, Luxembourg, Portugal and the United Kingdom in the early 1980s. The impact of marriage on the labour force participation of women in Ireland is very similar to that in Luxembourg in all age groups, but considerably greater than in the United Kingdom, i.e., there are less married women in the labour force in Ireland at all ages compared with the United Kingdom. The major decision regarding labour force participation for married women in Ireland comes with the birth of the first child. In Ireland labour force commitment for married women is less in the older than in the younger age group but, as this table provides cross-sectional data, it does not mean that the younger mothers will replicate the behaviour of the older mothers. They may move towards the UK pattern where there is a higher level of labour force commitment in all the older age groups.

Table 3.6 illustrates the great importance of the number of children (under 15 years) for the participation rates of married as well as unmarried women. The table also shows that in all four countries with few exceptions, notably Irish unmarried mothers aged 20-24 years with 2 or 3 or more children under 15 years, the participation rates of unmarried mothers with children under 15 years are higher than those of married mothers with families of comparable size. This raises the question whether or not the aid available to unmarried mothers is

Table 3.6: *Labour Force Participation Rates of Women, Related to the Number of Children and to Age in Certain Countries, 1981 and in Ireland, 1983*

Age Group of Women	No. of Children Under 15 Years	MARRIED				NON-MARRIED			
		Ireland 1983	Luxembourg 1981	Portugal 1981	United Kingdom 1981	Ireland 1983	Luxembourg 1981	Portugal 1981	United Kingdom 1981
20-24	0	77.1	76.9	n.a.	88.7	86.2	n.a.	n.a.	86.9
	1	30.9	37.0	54.2	30.7	50.0	72.2	7.5	74.5
	2	11.7	35.4	39.9	21.8	0	50.0	11.6	61.6
	3+	8.7	16.7	27.5	16.3	0	50.0	58.3	70.0
25-34	0	72.8	72.9	n.a.	89.0	81.2	n.a.	n.a.	91.2
	1	36.4	3.8	64.6	40.3	57.7	84.0	83.4	65.2
	2	17.5	28.8	51.7	45.5	28.6	81.5	79.2	50.0
	3+	9.8	31.1	35.0	34.9	9.1	50.0	65.6	36.2
35-44	0	39.8	43.7	n.a.	80.0	74.8	n.a.	n.a.	87.6
	1	23.9	30.1	46.6	69.2	61.9	75.0	75.2	70.3
	2	18.9	29.9	43.5	64.2	33.3	66.7	71.1	64.6
	3+	13.6	28.6	34.0	49.8	26.7	58.6	61.1	48.7
45-49	0	27.2	24.8	n.a.	73.8	66.9	n.a.	n.a.	83.3
	1	18.6	20.5	35.2	65.7	35.3	57.5	60.7	68.9
	2	16.8	22.0	32.0	58.3	37.5	48.0	55.9	57.1
	3+	15.2	22.7	30.3	48.2	33.3	41.2	46.4	50.0

Source: Council of Europe, *Population Studies*, No. 19, 1987.

“large enough to offer the lone parent a genuine choice about whether or not to work” (Formulation of a UK committee on one parent families (1974) cited by Popay *et al.*, 1982). There is also the possibility that relatively more single women are already in the labour force when they become pregnant and then continue to remain on in the labour force, while a bigger proportion of married women may withdraw from the labour force when pregnant, while some married women withdraw from the labour force at the time of marriage.

The growth in the labour force participation of married women, which is a striking feature of the “Modern Urban Family” model, has been facilitated by the removal of discriminatory regulations against married women. The earliest, and arguably the most significant, change in regulations governing the employment of married women was the removal of the ban on married women teachers in national schools. The marriage bar for women national teachers was



introduced in 1933. The General Secretary of the Irish National Teacher's Organisation at the time, and subsequent author of the official history of the INTO, T.J. O'Connell, believed that an important motive behind the bar's introduction was to gain the rural vote, as in rural areas where two teachers were married to each other, their relative affluence was the cause of envy in those lean times. In October 1932, the Catholic Bishops' Conference considered the rule but decided not to express an opinion. In fact, some bishops, both Catholic and Protestant, were opposed to the bar, and others favoured it. (O'Leary, 1987, p.48, p.50 and p.52). The bar was removed by Jack Lynch when he was Minister for Education in 1958. The change came partly in response to a shortage of teachers and partly in response to arguments concerning employment opportunities for women and their effects on family formation as outlined in the *Report of the Commission on Emigration*.

A series of significant changes in regulations governing the employment of women was introduced following Irish entry to the EC in 1973. On 31st July 1973, the marriage bar in the civil service was ended. *The Anti-Discrimination (Pay) Act 1974*, came into operation in December 1975 and established the right of men and women employed at like work by the same employer to equal pay. The *Employment Equality Act* came into operation on 1st July 1977, prohibiting discrimination on grounds of sex or marital status in recruitment, training or provision of opportunities for promotion.

The other important Acts were the *Unfair Dismissals Act, 1977*, and the *Maternity (Protection of Employees) Act, 1981*. The *Unfair Dismissals Act* protects employees, including pregnant employees, from unfair dismissal by laying down criteria by which dismissals are to be judged unfair and by providing an adjudication system and redress for an employee who has been dismissed unfairly. The *Maternity Act, 1981*, was particularly important in ensuring the right of a woman to return to work following the birth of a child. The Act provides maternity protection for pregnant employees. It entitles them to 14 weeks' leave and provides for the right to return to work.

In addition to legislative changes there have been organisational changes which have facilitated the participation of mothers in the work-force. These are often overlooked, but are none the less, important. An example of such an organisational change is the general elimination of a "dinner hour" in secondary schools from the late 1960s. Until then most secondary day schools had a "dinner hour" from about 12.30 - 2.00 pm. Classes ended generally at 4.00 p.m. However, most schools now end class at 3.30 p.m. with a reduced break in the middle of the day. One effect of the smaller mid-day break is that pupils bring packed lunches to school rather than go home for a meal. As a result a parent is not required at home in the middle of the day to prepare a meal for these children while teachers who are also parents are themselves free to remain in school at midday.

*Work Sharing within the Family*

The achievement of equal treatment between men and women in the workplace is of limited value if women continue to carry the full burden of home responsibilities, thus in effect carrying a double burden. According to a recent EC document, "A *sine qua non* for the promotion of true equality at work is the sharing of family and occupational responsibilities, particularly the development of adequate child-minding facilities and a review of social infrastructure in general" (Commission of European Communities, 1986, p.5). This statement pinpoints the core of the whole equality issue and whether in fact complete equality is either possible or desirable. Men and women *are* different. Women will continue to bear the babies. No amount of substitution of paternity leave for maternity leave will alter that basic fact. As recounted in another European Community document, "A tenor is always a man, a wetnurse is always a woman". Accordingly, there is a limit on the extent to which family responsibilities can be shared. Fathers can shop, they cannot breastfeed. This of course does not imply that biology alone can explain the gender divisions in child care, in the labour market or in other areas, but rather that there is at least some biological ingredient in the explanation.

Since the question of the attainability of complete equality is central to the discussion it must be stressed that there are important groups who believe that it is attainable. In a communication to the author the Chairwoman of the Joint Oireachtas Committee on Women's Rights, Monica Barnes T.D., expressed the following viewpoint of the Committee:

the aim of achieving complete equality both in employment and professional life is both possible and desirable. Very often the achievement of equality by a woman depends on generous and unstinting support from her spouse and on attitudes which enable her to be judged primarily on her competence and ability and not on her biological make-up. If real progress is to be made in the opportunities available to married women, the Joint Committee are convinced that the responsibilities of home and family should be jointly shared by a wife and her husband.

According to the equality and legislation officer of the Irish Congress of Trade Unions, Ms Patricia O'Donovan, such equality, whether attainable or not in theory, has not been attained in practice. In an address to the annual conference of the Association of Higher Civil Servants in Dublin, in May 1988, she said that women only occupied 6 per cent of the top positions in the civil service. Ms O'Donovan said that in the 15 years since the removal of the marriage bar, little had changed, the bar seemed to have been replaced by a "baby ban" as women often left when their first or second child arrived (*Irish Times*; 9 May 1988).

There is little information available on the extent to which husbands and

children help with the housework. Impressionistic evidence suggests that today's younger husbands are more involved on the home front. Leslie Collins suggests that husbands may help a little with the housework, more so if the wife is working. Fine-Davis makes a similar finding (1988a, p.7). However, today's husbands do much more about the house than the last generation did. "But the housework is perceived by everyone in the family as, essentially, the work of the housewife" (Collins, 1986).

A more detailed analysis of the distribution of housework and childcare is provided by Tony Fahey in a 1982 survey (Fahey, 1984) and also Working Party on Women's Affairs and Family Law Reform, 1984, p.238). Fahey's findings pointed to the persistence of the "double burden". Of the housewives sampled, 82 per cent felt that they did most or all of the housework themselves while only a very small proportion — under 4 per cent — felt that they do less than half. Although a significantly smaller proportion of women with full-time jobs do most, or all, of the housework, 57 per cent of such women fall into this category, with under 13 per cent with full-time jobs claiming to do less than half the housework. In general, the information suggests that where women (employed or otherwise) get help from within the home in managing housework, it may well be that they depend on their children for that help as much as their husbands, "so that patterns of household management, as well as being a women's issue, are both a children's issue and a men's issue" (Fahey, op.cit., p.183).

Fahey's findings suggest that the involvement of husbands in the child relationships' area is considerably greater than their involvement in housework. About three-quarters of husbands share equally with wives or undertake solely in two areas "discussing school" and "taking children out to an event". However, whatever the degree of sharing specific child care tasks, "there is still an overwhelming presumption that, when it comes to adjusting patterns of work outside the home to accommodate the care of children, the primary responsibility for child care lies strictly with the mother" (ibid., p.188).

#### *Unemployment and the Family*

Table 3.7 shows that over half a million people depended on either unemployment benefit or assistance in 1985, compared with 145,000 in 1966. In addition to 221,000 recipients, there are 98,000 adult dependants and 235,000 child dependants. Out of the total of 1.2 million children for whom children's allowances were paid, more than 1 child in every 5 is in a family which depends on unemployment benefit or assistance. One child in every 3 lives in a family in receipt of some social welfare payment — old age, disability, widow's, unmarried mother's, unemployment, etc. The extent to which families depend on welfare is greater than ever previously recorded.

While women comprise about one-quarter of the total unemployed, unemployment among women is rising rapidly. In the 6 years January 1980

Table 3.7: *Recipients of Unemployment Benefit and Assistance, Adult and Child Dependants, 1966-1985*

	<i>Recipients</i>	<i>Adult Dependants</i>	<i>Child Dependants</i>	<i>Total</i>
1966	53,954	26,011	65,385	145,350
1971	79,398	41,621	109,303	230,322
1981	145,872	69,131	173,805	388,808
1985	220,897	97,834	235,411	554,142
1986	223,221	97,135	234,555	554,911

*Source: Reports of Department of Social Welfare.*

to January 1986, unemployment of women rose almost threefold from 22,000 to 63,000. Over the same period unemployment of men rose 2½ times from 70,000 to 178,000. Throughout Europe the unemployment of women is rising more rapidly than the unemployment of men. Referring to this a recent EC document stated "it is by no means evident that economic and social changes and policies adopted have improved the position of women. The continuing rise in the unemployment rate of women gives particular cause for concern" (Commission of European Communities, 1986). Nor do official figures give a complete picture of women's unemployment, as many married women who would work if jobs were available may not be registered as unemployed. This raises the question of the measurement of employment and unemployment. Measures now in use in Europe would tend to give higher levels of labour force participation for women (Garvey, 1988).

A study by Callan and Nolan (1988) demonstrates the strong impact of unemployment on family poverty. For 2 adult households with 3 or more children, 45 per cent of those below the poverty line, as measured by 50 per cent of mean household income in 1987, are headed by an unemployed man. In summarising the findings of their analysis, Callan and Nolan list as first, and possibly most important, the growing role of unemployment in causing family poverty. From this they conclude that the problem of family poverty cannot be viewed solely in terms of social welfare policy but rather in the broader macroeconomic context in which social welfare policy operates.

There is some evidence that unemployment tends to be concentrated in families. In households where the head of household is unemployed there is a higher incidence of unemployment of spouses than in households where the head of household is employed (Blackwell, 1988). It is also known that in the UK wives of unemployed men are more likely themselves to be unemployed, while youth unemployment also has a family dimension. Unemployment is certainly concentrated by location and the problems are particularly acute in certain inner city areas and deprived suburban areas of the cities, especially Dublin.

*Conclusions*

Although the total labour force in Ireland is now lower than it was in 1926, the proportion of the labour force who are married has risen substantially. The rise has been particularly marked in the case of married women since 1971. More married women have remained in the labour force as a result of increased opportunities and the removal of barriers against their participation. These "pull" factors have combined with factors which "push" women out of the household through forces which reduce their fertility. A substantial number of mothers are now in the labour force. The change in the economic role of married women involves social, cultural and ideological factors, as well as strictly economic ones. Rising unemployment levels are contributing to family poverty and placing more families in a position of dependence on State aid.

## Chapter 4

### *THE LEGAL FRAMEWORK*

#### *The Pledge in the Constitution*

In a study of the relationship between the family and the State the treatment of the family under the laws of the land is central (Binchy, 1984; Shatter, 1986). Mr. Justice Brian Walsh, Judge of the Supreme Court, has pointed out that on the one hand, family law can be approached simply on the basis that it deals with the legal relations of family members, on the other hand, it may be taken to include every branch of law which impinges on the family. With this latter approach family law would include a vast range of laws such as those relating to social welfare, rent control, income tax and education. According to Mr. Justice Walsh:

The development of family law in Ireland must be seen against the background of the social, moral and economic conditions prevailing in Ireland. But, most importantly, the moral concepts which are given the force of law by the Constitution play and have played a very important part in the development of family law... To mention but a few (cases), constitutional interpretation established the equality of parents and distinguished between the natural guardianship and the legal custody of children. It has led the courts to strike down legislation inimical to family life, even in the field of income tax. It has established the concept of marital privacy (Walsh, Introduction to Binchy, 1984).

Articles 41 and 42 of the Irish Constitution of 1937 deal directly with the Family and Education. Professor John Kelly in his study of *The Irish Constitution* (Kelly, 1980, p.483), describes these two Articles as being among the most innovative in the entire Constitution. He points out that the Constitution of 1922 which was replaced by that of 1937 contained nothing at all about the family and marriage and its references to education were more limited. Mr Justice Costello has pointed out that the explicit reference to the family which was a novel feature in the Irish Constitution was subsequently also made by the United Nations in the Declaration of Human Rights, by the Council of Europe, by the Organisation of South American States and by the Organisation of African Unity (Costello, 1988).

The key portions of Articles 41 and 42 are:-

*Article 41*

- 1.1 The State recognises 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.
- 1.2 The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.
- 2.1 In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.
- 2.2 The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.
- 3.1 The State pledges itself to guard with special care the institution of marriage, on which the Family is founded and to protect it against attack.
- 3.2 No law shall be enacted providing for the grant of a dissolution of marriage.

*Article 42*

1. The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.

The family in the Constitution is the family founded on marriage. This was confirmed in the Nicolaou case in 1966 when the father of a child born out of wedlock wished to have an order to place the child for adoption, based on the wishes of the mother alone, set aside. The Supreme Court said that it was quite clear "that the family referred to (in Art.41) is the family which is founded on the institution of marriage and in the context of the Article, marriage means valid marriage under the law for the time being in force in the State"...

While the family defined in the Constitution is the family based on legally contracted marriage the family does not depend for its existence upon positive law. To quote Mr. Justice Brian Walsh once more:

The family is, above all, a moral institution and this must be reflected in all laws which purport to deal with the family. However, the laws must also recognise that each individual member of the family, whether spouse or child, has his or her own guaranteed personal rights which are co-existent

with, but separate from the rights of the family as a unit group. This becomes increasingly important with the emerging position of women in society and the recognition of the rights of children. (Walsh, op.cit.).

Professor Kelly points out that the Constitution, while guaranteeing the family's rights, does not say what these are, and the Courts in consequence have had to rely largely on their instinct. Much of the practical protection which has been given to spouses and children has resulted from specific statutes passed by the Oireachtas. For example, it was not until the *Succession Act*, 1965, that a surviving wife had any legal right to a share in her husband's estate if he chose to leave her out of his will. Important features of family law have developed as a result of Constitutional interpretation and review.

The sections of Article 41 regarding the life of women in the home have sometimes been viewed as restricting women to that sphere. Yvonne Scannell of Trinity College suggested a more positive protective intention in the course of a Thomas Davis lecture in 1988 (Scannell, 1988). Eoin O'Leary probably makes a reasonably accurate interpretation of prevailing attitudes in the 1930s when he writes:

It was the consensus, enshrined in the policies of the Irish Women Workers' Union no less than in Bunreacht na hEireann, that a mother should be mistress in her own home rather than polishing the silver in the house of the stranger (O'Leary, 1987, p.48).

#### *Constitutional Interpretation and Review*

A famous case may serve to illustrate Mr. Justice Walsh's statement concerning the necessity of viewing the development of family law against the background of the prevailing social, moral and economic conditions in Ireland. Judgement was given in the case of the Tilson minors<sup>3</sup> in 1950. Ernest Tilson, a Protestant, married Mary Barnes in a Catholic Church in 1941. Mr. Tilson signed an ante-nuptial agreement that any issue of the marriage would be brought up as Catholics. The couple later had four boys who were, in 1950, aged 8, 7, 6 and 5 years. All had been baptised as Catholics. Mr. Tilson left home unexpectedly taking the three eldest boys with him. After a time he placed the boys in a Protestant orphanage and school, stressing that he wished the boys to be brought up in the Church of Ireland. Mrs. Tilson brought *Habeas Corpus* proceedings against the Governors of the orphanage.

Up to that time English law had been followed, which meant, in practice, that the father's wishes prevailed. Mr. Justice Gavan Duffy refused to follow

3. Tilson case (1951), *Irish Reports*, p.1. An excellent synopsis of the case may be found in Colum Gavan Duffy "George Gavan Duffy", *Dublin Historical Review*, 1983. The account given here is drawn from that source. See also J. M. Kelly, op.cit., pp.503-505 and W. Binchy, op.cit., p.424.



the English precedents and, in accordance with the *Ne Temere* decree,<sup>4</sup> which then prevailed, held that Mr. Tilson was bound to his pre-nuptial promise to bring up his sons as Catholics. The orphanage was ordered to hand over the three boys to their mother. In delivering his judgement, Mr. Justice Gavan Duffy said:

for religion, for marriage, for the family and, for the children, we have laid down our own foundations. Much of the resultant Irish standards are both remote from British precedent and alien to the English way of life. When the powerful torch of transmarine legal authority is flashed across our path to show us the way we should go, that disconformity may point decisively another way. Consequently, however wide the unfettered authority of the father may be, a judicial theory which, under cover of public policy would freely allow a father to spoil his children's birthright by uprooting their creed at his pleasure in plain defiance of his gravest obligations taken as husband and father, can find no place in a jurisprudence moulded to fit the Constitution of Ireland.

On appeal, the Supreme Court, by four judges to one, affirmed Mr Justice George Gavan Duffy's decision. Mr Justice George Murnaghan said:

The true principle of the Constitution is this. The parents — father and mother — have a joint power and duty in respect of the religious education of the children. If they, together, made a decision and put it into practice, it is not in the power of the father or the mother to revoke such decisions against the will of the other party.

It is worth noting that the emphasis in the Supreme Court decision was placed on the joint decision of the parents to bring up their children as Catholics and the fact that the decision was put into practice, a decision which could not be rescinded by one parent. This fell short of giving legal validity to the pre-marriage agreement. The Supreme Court decision in 1951 would appear to be fully in accord with the principle of joint guardianship enshrined in the *Guardianship of Infants Act*, 1964, and indeed to anticipate it. The judgment in the Tilson case is of special interest also in that the Judge refused to follow English law, which was also pre-Independence Irish law and as such would have been taken over into the law of the new State in 1922. At a later date the *Succession Act* would introduce principles in the area of Succession law which varied from the English

4. *Ne Temere* decree of Congregation of the Council, 2nd August 1907 under Pius X made provision for the promise by a non-Catholic spouse to bring up the children as Catholics. This decree is no longer in operation. In 1970, in the document *Matrimonium Mixta* issued by Paul VI, the promise by the non-Catholic partner was dropped. In its place the Catholic partner is to promise to do his/her best to bring up the children as Catholics. The origins of *Ne Temere* are explained in de Bhaldrathie, 1988.

practice. Later still the Murphy case would lead to a taxation regime for married couples also distinct from English practice.

Over the past couple of decades a number of cases have been brought before the High Court and the Supreme Court which involved Constitutional interpretation. One of the most important was the case of *McGee v. The Attorney General*, (1973). At the time of the case the importation of contraceptives was illegal. Mrs. McGee wished to obtain contraceptive devices which she and her husband could use together in private. With that objective she placed an order for a supply of contraceptives and these were impounded by the Customs. In a far-reaching decision, in which many American decisions were cited, the Supreme Court held that there was a right under the Constitution to marital privacy. This is certainly a case where the Courts led the way and the politicians reacted accordingly. Following an unsuccessful attempt by the Cosgrave coalition government to rationalise the situation which arose following the McGee case, Mr. Haughey, when Minister for Health, introduced legislation in the late 1970s which provided for limited availability of contraceptives for *bona fide* family planning purposes. The Act, which was passed by the Oireachtas, was subsequently amended by Mr. Desmond, when as Minister for Health in 1985, he extended the availability of contraceptives to those aged 18 years and over, whether married or not.

In the case of *Murphy v. The Attorney General* (1980) the question of whether or not a married couple was being taxed in an unconstitutional manner was examined. In this case a young Dublin couple, Frank and Maura Murphy, both national teachers, won a major victory when Section 192 of the 1967 *Income Tax Act*, which obliged a husband and a wife to pay more tax on their combined salaries than they would if they were single, was declared unconstitutional.

Mr. Justice Hamilton held that sections of the Act discriminated against married couples. He held that by entering the married state, a woman did not surrender her right to work. It was not a matter in which the State was entitled to interfere, by way of prohibition of the exercise of the right or the imposition of a penalty, should the right be exercised.

The central challenge of the case was to those provisions of the 1967 *Income Tax Act* which led to the aggregation of a husband's and wife's income for tax purposes. This resulted in a higher tax bill than would have been payable if the income tax code dealt with them as two separate persons. Mr. Justice Hamilton said that provisions of Section 192 of the Act and the effect of them were contrary to the principles underlying the remainder of the Act, that was, the principle of individual taxation on an individual income. In no other circumstances was provision made for deeming an income, which an individual did not himself earn or receive, as his income for income tax or surtax purposes. The provisions only applied in the case of married couples living together; it

did not apply in the case of any other individuals living together, whether members of a family or not. Consequently it was clear that the provision, and the method of assessment caused by it, was based on the circumstances of marriage and the fact that the married woman was living with her husband. As such, it was an exceptional provision which discriminated against married persons because, as a result of it, they might have to pay more by way of tax than other persons. By virtue of the provisions of Article 41 of the Constitution, the State guaranteed to protect the family, and pledged itself to guard with special care the institution of marriage, on which the family was founded.

By entering the married state a woman did not surrender her right to work. Having chosen to exercise that right the plaintiffs by virtue of Section 192, had become liable to pay a higher amount of income tax than they would be liable for as single persons. This was due to the fact that they were married. Other people living together did not become so liable. Mr. Justice Hamilton said that consequently he was satisfied the provisions of Sections 192 and 198 (i)(b) of the Act were invalid having regard to the provisions of Articles 41 and 40 (i) of the Constitution.

The High Court decision of Mr. Justice Hamilton was subsequently upheld by the Supreme Court. In the 1980 Budget the benefits of the Court decision were extended to all married couples, by allowing to persons whose spouses are not in paid employment double the personal allowance of a single person. The result of the Court decision was to bring the greatest tax saving to those with the highest joint income.

*The Airey Case* (1978) is a striking example of a case in which the Courts say that the State has some duty which the government is failing to discharge. In this instance the Court was the European Court of Human Rights and the Court was measuring Irish performance in relation to the European Convention on Human Rights to which Ireland is a party. Mrs. Airey won her case and the Irish Government was held to have a duty to provide her citizens with free legal aid in family law cases. Prior to this a major difficulty about matrimonial litigation was that it was difficult for a spouse without funds to get the requisite professional assistance and this obviously weakened the position of wives.

#### *Statutory Protection of Spouses and Children*

While the Constitution spells out the general principles and intentions of the law, specific protection for the family is afforded by a number of pieces of statutory legislation. The most important of these include *The Married Women's Status Act*, 1957, *The Guardianship of Infants Act*, 1964, *The Succession Act*, 1965, *The Family Law (Maintenance of Spouses and Children) Act*, 1976, *The Family Home Protection Act*, 1976 and *The Family Law (Protection of Spouses and Children) Act*, 1981. Thus with the passage of time and the enactment of legislation a number of specific

rights of the family has been built up. "While these rights may all be regarded as having been introduced in pursuance of the duty to protect the Family imposed by Article 41, nevertheless that Article alone was not sufficient to afford any of these rights to spouses and children".<sup>5</sup>

Until near the end of the nineteenth century, a wife had no right to hold property in her own name separately from her husband. Husband and wife were regarded as one person in law, and the husband held all the property. By an enactment just over 100 years ago, in 1882, a wife was allowed to hold property and could make a contract separately. *The Married Women's Status Act, 1957*, represented an important development of the law in regard to a married woman's property rights. The Act permits one spouse to sue the other in Court. Section 12 of the Act is most commonly used in Court disputes to determine proprietary rights to the family home. In a comment to the author the Joint Oireachtas Committee on Women's Rights say that in considering such cases:

the Courts have found that a wife, who has given up employment outside the family in order to care for her husband and children, cannot on this account claim any beneficial interest in the home.

The Committee viewed this as manifestly unjust as the wife's contribution, while not directly financial, is of the utmost importance in maintaining and looking after the family. In April 1983 the then Minister for Justice announced that the government had decided in principle that legislation would be introduced to give each spouse equal rights of ownership in the family home and contents. He said that a legal presumption would be established that a spouse is entitled to an equal share in the ownership of the home without requiring that spouse to produce proofs in Court about the value of his or her contribution. In December 1985, the then Taoiseach, Dr Garret FitzGerald, told the Dail that the legislation was at an advanced stage of preparation (The Law Reform Commission, 1985). No legislation had been placed before the Dail on this matter by December 1988. However, early in October 1988 a new ruling on the contribution made by a full-time mother in the home was given by Mr Justice Robert Barr, in a written judgment after a family lawcase held *in camera*. Mr Justice Barr ruled that the special recognition granted in the Constitution gives the full-time homemaker wife the right to up to half of the family home and its contents:

In my view the property right conferred on a woman by Article 41 through the assessment of her work in the home is limited to a beneficial interest in the family dwelling and its contents. It does not confer on her a right to a beneficial interest in other property acquired by the husband (*The Irish Times*, 6 October 1988).

5. Alan Dukes, Minister for Justice, Interview in *The Sunday Press*, 25th May, 1986.

The judgment is subject to appeal to the Supreme Court.

*The Guardianship of Infants Act, 1964*, provides that all matters concerning guardianship and custody of children should be decided on the basis of the welfare of the child. It also gives statutory recognition to the principle that married parents are joint guardians of their children. The mother of a child born outside marriage is its sole guardian.

*The Succession Act, 1965*, was a major piece of legislation affecting the family. Prior to this Act it was possible for one spouse to exclude the other from benefiting from his or her estate. It was possible for a man or woman to leave his or her property to a cousin or a friend or to a charity rather than to his or her spouse. *The Succession Act* entitles a surviving spouse to a proportion of the deceased spouse's estate whether or not a will exists. If there is no will the surviving spouse is entitled to the whole estate if there are no children, and to two-thirds of the estate if there are children, while the children receive one-third of the estate. Even if there is a will, the surviving spouse is entitled to half of the estate if there are no children and one-third if there are children.

The Succession Bill was formally introduced in the Dail by the then Minister for Justice, Mr. Haughey, on 17th June, 1964. However, it was his successor as Minister for Justice, Mr. Brian Lenihan, who actually steered the Bill through the Oireachtas as in October 1964 Mr. Haughey replaced Mr. Patrick Smith as Minister for Agriculture. There was considerable opposition to the Bill, both inside the Dail and outside, for example, it was opposed by the Incorporated Law Society who favoured the then prevailing British system which was a discretionary system which left the decision to the discretion of the Court in a particular case. In its *Just Society* (1965) document, Fine Gael pledged itself to a rejection of the Fianna Fail Succession Bill. The Bill only passed into law after a struggle. In an interview 20 years after the passage of the Bill, Mr. Haughey said:

The biggest political battle was on the Succession Act. Up to then a man was totally free to dispose of his property in whatever way he wanted and I brought in this requirement that he had to give a third to his spouse and a third to the children. It aroused terrific hostility (*Irish Press*, 16th May, 1986).

It is fair to say that part of the hostility aroused by the Succession Bill sprang from the possibility of property passing out of the husband's family in the case of childless marriages. Some thought it unfair that a man could not leave his farm to a nephew, for example, if he was himself childless and provided he made provision for adequate maintenance for his widow.

Speaking on the second stage of the Bill in December 1964, Mr. Lenihan described it as one of the most important measures of law reform ever brought

before the House. At the time the Bill was introduced there was a 50 per cent intestacy rate. Mr. Lenihan argued that there was no real moral or historical view that freedom of testation is a fundamental right:

On the contrary, the protection and preservation of the family as a continuing institution demands that the right to dispose of the property by will should be subordinated to the just claims of the testator's spouse and children. In a country such as ours which recognises the very special position of the family as a moral institution forming the necessary basis of social order, freedom to disinherit one's wife and children is a paradox which cannot be defended on any ground. (*Parliamentary Debates, Dail Eireann*, Vol.213, Cols. 335/336).

Mr. Lenihan observed that laws of succession everywhere are but an attempt to express the family in terms of property. He further pointed out that "in drafting the Succession Bill the underlying aim has been to devise a system of succession which will be suitable to Irish needs and compatible with the traditions, beliefs and values of our people" (*PDDE*, Vol.213, Col.352).

*The Succession Act* represented a departure from current British practice and was more in keeping with the "Custom of Ireland" which was abolished four years after the Treaty of Limerick and at the outset of the Penal Laws. According to the "Custom of Ireland" only one-third of the personal estate of a deceased person was subject to disposition by will. According to the Custom if a man died leaving a wife and children his estate was divided into three equal parts whereof one part belonged to the wife and another to the children. The remaining third was disposable by will (*PDDE*, Vol.213, col.337).

From the Opposition benches, John A. Costello — although both he and his son, Declan Costello, would vote against the Bill — made a significant contribution. As an experienced lawyer he was thoroughly conversant with the issues involved. From his own experience he knew the hardship caused by the freedom of testation which then existed:

I have seen cases of wives, after a lifetime of service, being rather badly treated, if not very badly treated... we all know from our own experience the extraordinary habit of some people... who want to control their family from the grave (*PDDE*, Vol.213, col.481).

Deputy Costello gave an insight into the bleaker aspects of family life in rural Ireland when he said:

We know the little settlements made on marriage in this country. Writing is drawn up almost in common form. Very often when a will is made, if there is not a settlement of that kind, provision is made for one particular son. He has to provide again very small fortunes for the sisters. The widow

is relegated to the use of one room, the grass of a cow, wet or dry. She is to be given the use of the horse and car to bring her to Mass on Sunday. She is to be maintained in the condition in which she was heretofore maintained... to that type of farmer and to that type of outlook, the provisions of this Bill must have been not merely academic but a shock (*PDDE*, Vol.213, col.483).

Deputy Sean MacEoin asked if there had been any consultation with Catholic social and moral thinkers. Deputy Lenihan assured Deputy MacEoin that he had taken the very best moral and Canon Law advice available and that that advice fully endorsed the provisions of the Bill:

The influence of Canon Law on the law of succession has always been very great. Provisions providing for legal rights to specific shares for a widow and children are to be found in all countries in the Catholic tradition... There is an endorsement of the essential rights of the family in this Bill (*PDDE*, Vol.213, Col.1062).

After a lengthy debate the Committee stage of the Bill was passed in the Dail by 69 votes to 43. The Final stage was declared carried on 7th July 1965. *The Succession Act* was a measure patently intended to support family life yet it was carried in the teeth of formidable opposition, although, unlike the Mother and Child Scheme, the Catholic Church supported the Bill.

*The Family Law (Maintenance of Spouses and Children) Act*, 1976, contains a code relating to the maintenance of spouses and children and provides for enforcement of maintenance orders through attachment of earnings. Before 1976 maintenance could be obtained only in cases where the husband had deserted or had behaved in such a way as to give grounds for a judicial separation. The 1976 Act reversed the onus by permitting a wife who was not being maintained to sue for maintenance and the onus then rested on the husband to show that it was the wife who had deserted or had committed adultery. A significant development was that adultery was made a discretionary bar to maintenance whereas previously it was an absolute bar.

*The Family Home Protection Act*, 1976, prevents either spouse disposing of the family home without the written consent of the other. It does not give any right to ownership. However, most litigation in the family law area now includes a request for a declaration as to the respective interests of the respective spouses within the family home.

*The Family Law (Protection of Spouses and Children) Act*, 1981, enables one spouse to obtain an order barring the other spouse from the family home where the welfare or safety of the first spouse or any child so requires. Pending the making of a barring order, a protection order, to the effect that a spouse will not use or threaten violence against the other spouse, may be obtained. This Act

developed the provision for barring orders first provided under the 1976 Family Law Act. The history of barring orders seems to be that at first a barring order was given fairly readily in any case where a marriage had broken up. Subsequently the Courts decided that a barring order could not be given unless the husband had been violent or had behaved in such a way as to cause serious injury to the health of the wife or children (Binchy, 1984, p.306).

### *Illegitimacy, Children's Rights*

#### *Illegitimacy*

The extremely rapid rise in the number of illegitimate births — just 11 per cent of all births in 1987 were illegitimate — adds urgency to a consideration of this question. As mentioned earlier, in the Nicolaou case in 1966 the parents of an illegitimate child became involved in a legal battle as to who should have custody of the child. The mother wished to hand the child over for adoption but the father wished to bring up the child himself. In the event the mother's right to hand the child over for adoption was upheld irrespective of the father's wishes. According to Professor John Kelly, "The Constitutional position of illegitimate children and their parents, and how far this differs from the position of children born in wedlock and their parents, is not a very fully explored subject" (Kelly, 1980, pp.496-497). In a case in 1946 which concerned custody of an illegitimate child Mr. Justice George Gavan Duffy said that he regarded "The innocent little girl as having the same 'natural and imprescriptible rights' [under Art.42] as a child born in wedlock to religious and moral, intellectual, physical and social education" (Kelly, *op.cit.*, p.497).

In 1983, the Law Reform Commission issued a recommendation that the status of illegitimacy be abolished. The Commission argued that existing law could not be justified in protecting the institution of marriage by denying the legal rights of innocent persons — "namely children born outside marriage" — and, in the opinion of the Commission, the Constitution would not require such a conclusion. The Law Reform Commission proposed "that the legislation remove the concept of illegitimacy from the law and equalise the rights of children born outside marriage with those of children born within marriage". The Report of the Commission states that this will mean the recognition of the relationship "in cases which the law in many countries has been reluctant to recognise — namely where children are born as a result of adulterous or incestuous unions". The Commission states "in our view it should be open to the mother, a man alleging that he is the father, the child, or any person with a proper interest, to take proceedings seeking a declaration as to parenthood". The Commission recommended that in proceeding to establish parenthood the father and the mother should be compellable witnesses, and that it should be possible to ask



for a declaration of parenthood "at any time during the joint lives of the parent and child, and where either dies, within six years of the death, where a share in the estate is being claimed".

#### *Succession Act and Illegitimacy*

In January 1984, the Supreme Court ruled that illegitimate children had no succession rights in respect of their father's estate where their father died intestate. An unmarried man died intestate, leaving a daughter, sisters and a brother. It was argued on behalf of the daughter that *The Succession Act*, 1965, should be interpreted to permit an illegitimate child to succeed to his father's estate where the father had died intestate. If this was not accepted, it was argued that the Act was unconstitutional in that it discriminated against the child.

The Supreme Court held that *The Succession Act* distinguished between legitimate and illegitimate children, and that the Act gave no rights of succession to a father's estate to an illegitimate child. The Court rejected the view that such an interpretation of the Act could be unconstitutional. All persons had to be treated equally before the law but the distinction made between the rights of children born in and out of marriage had to be considered in the light of the Act. One of the purposes of the Act was to safeguard the inheritance rights of married persons and of the children of a marriage.

According to the Court the Oireachtas by acting to protect the legitimate family was acting in accordance with Article 41 of the Constitution. At times the judgment hints that while the Court did not necessarily approve of the law as it then stood, it would not say that the exclusion of illegitimate children to the estate of a father who dies intestate was unconstitutional.

#### *Status of Children Act (1987)*

The principle underlying this Act is to place children whose parents have not married each other on the same footing, or as nearly so as possible, as those born within marriage in the areas of guardianship, maintenance and property rights. The non-marital child will have to prove any such claim in Court. The Act provides a means of appointing the father of a non-marital child as guardian jointly with the child's mother, by applying to a Court. Where the mother consents and the father has been entered on the births' register as the father, joint guardianship can be effected with the minimum formality. The non-marital children of a testator will have the right to apply for just provision under Section 117 of *The Succession Act*.

It is worth emphasising that the *Status of Children Act* differs from the recommendation of the Law Reform Commission. The main difference is that the Law Reform Commission recommended that prima facie the father of an illegitimate child should be in the same position as the father of a legitimate

child and it was up to the mother to apply to the court if this position was to be altered. *The Status of Children Act* puts the onus the other way. The great problem is to cater for the variety of circumstances of relationship that may exist between a father and an illegitimate child. The Act proposes a procedure enabling a person born outside marriage — other than an adopted person — to apply to the Courts for a declaration as to his/her parenthood.

#### *Divorce and Separation*

Writing in 1966, Alexander Humphreys suggested that clerical concern for Catholic familial morality had contributed to the conservatism of the Irish revolution. He instanced the case of Irish Family Law. Humphreys went so far as to claim that family law in Ireland at that time was still fundamentally the common law of England as it was based on Canon Law prior to the Reformation (Humphreys, 1966, p.55).

The British Parliament specifically exempted Ireland from the innovations concerning marriage and divorce which were introduced into England after 1857. While in that year the *Matrimonial Causes Act* legalised divorce *a vinculo* in England, a series of special Acts from 1844 to 1871 continuously maintained the prohibition on divorce *a vinculo* in Ireland. Private Acts were passed in the United Kingdom for divorces of Irish couples before 1921 and it was the introduction of the standing order to ensure that no further such Bills would be passed by Dail Eireann that gave rise to Yeats' famous speech in the Senate in 1926. The Constitution of 1937 fortified the extant legal position by proscribing the introduction of legislation permitting divorce. Even Papal decrees of dissolution of marriages that are *ratum, non consummatum* (i.e., decree of dissolution of a validly contracted, but unconsummated, marriage), which are sometimes granted, are not recognised in Irish law. Canonically both parties to such a match may be free to contract valid marriages with other parties. In civil law this is impossible.

Judicial separation or divorce *a mensa et toro* does exist. Under Section 7 of the *Matrimonial Causes (Ireland) Act*, 1870, the High Court has power to grant a decree of Judicial Separation or divorce *a mensa et toro*. *The Courts Act*, 1981 extended the jurisdiction to grant judicial separations to the Circuit Court. Judicial separation is fault-based. To obtain a decree a plaintiff must prove that the defendant has been guilty on one of the following (i) adultery, (ii) cruelty, (iii) unnatural practices.

In 1987 the government agreed to the introduction of a Bill dealing with the separation of marriage partners which had been drafted by opposition deputy and family law expert, Alan Shatter. The Judicial Separation and Family Law Reform Bill was placed before the Dail in 1988 and the Minister for Justice suggested amendments. The main point of contention appears to centre on whether the notion of "irretrievable breakdown" of marriage will or will not be

recognised as grounds for judicial separation. This would eliminate the existing fault-based requirement. For couples who have already decided to separate the introduction of Family Mediation Services to sort out the details of the separation without resort to the Courts has been a welcome development. According to the Judicial Separation Bill provision is made for capital transfers at the time of separation. Prior to this only maintenance rights were covered. This Bill, therefore, provides for a "clean break" with division of property.

If a judicial separation is granted, remarriage is still not allowed. The granting of the right to remarry is the essence of divorce. On two occasions since the enactment of the 1937 Constitution the provision of Art 41.3.2, that "no law shall be enacted providing for the grant of a dissolution of marriage" has been examined by Oireachtas committees. First, the prohibiting Article was examined by the Informal Committee on the Constitution (1967) and secondly, by the Joint Committee on Marriage Breakdown (1985). The 1967 Committee on the Constitution recommended an alternative form of wording to replace Article 41.3.2. The Committee suggested that the object underlying the absolute prohibition on divorce in the 1937 Constitution could be better achieved by using alternative wording. The Committee suggested the following alternative:

In the case of a person who was married in accordance with rites of a religion, no law shall be enacted providing for the grant of a dissolution of that marriage on grounds other than those acceptable to that religion (Oireachtas Committee, 1967).

No action was taken regarding this suggestion. Just 16 years later in July 1983 a Joint Committee of the Dail and Seanad was appointed "to consider the protection of marriage and of family life, and to examine the problems which follow the breakdown of marriage, and to report to the Houses of the Oireachtas thereon". The Committee was composed of 16 members, 11 from the Dail and 5 from the Seanad. The majority of the members, 9 of the 16, were women. In discussing how best the State can lead the way towards protecting marriage and family life, the Committee felt it did not have the resources to examine the economic and social pressures on marriage. However, the Committee recommended that such an examination be undertaken "as a matter of urgency by appropriate bodies". Under the heading of the "Protection of Marriage and Family Life", the Committee dealt briefly, in less than 10 pages, with education, counselling, mediation and the age of marriage. The bulk of the Report deals with marriage breakdown, its associated problems and legal remedies. The Committee recommended the holding of a referendum regarding the removal of Art.41.3.2. The referendum was held in June 1986 and was defeated by a majority of 63 per cent to 37 per cent. No systematic surveys have been carried out concerning the reasons for the defeat of the referendum. Undoubtedly, many

opposed the introduction of divorce on moral and religious grounds, while the loss of property rights under the *Succession Act* by the "first spouse" also appeared to be a crucial element in the debate. The *Domicile and Recognition of Foreign Divorces Act*, 1986 relaxed the requirements for the recognition of a foreign divorce in that prior to the Act a divorce was recognised in Ireland only if granted in a country where both spouses were domiciled, while subsequent to the Act a divorce is recognised if granted in a country where either spouse is domiciled. Under the terms of the Act the domicile of a married woman shall be an independent domicile and shall be determined by reference to the same factors as in the case of any other person capable of having an independent domicile. Accordingly, the rule of law whereby upon marriage a woman acquires the domicile of her husband and is during the term of the marriage incapable of having any other domicile is abolished.

#### *Civil Nullity*

The law of nullity is concerned with circumstances in which a marriage is invalid. In its thorough and detailed *Report on Nullity of Marriage*, (1984), the Law Reform Commission points out that the present law of nullity of marriage is based on principles applied by the Ecclesiastical Courts of the Church of Ireland before 1871, principles themselves derived from pre-Reformation times. In 1870, after the Church of Ireland was disestablished, jurisdiction in matrimonial matters was transferred to the civil courts. The Commission says that "To an increasing extent in recent years, the High Court and Supreme Court have developed and extended these principles. Moreover, statutory reform has affected certain aspects of the Law" (Law Reform Commission, 1984, p.vii).

According to Irish law on civil nullity a marriage may be invalid for several reasons. These include marriage between partners of the same sex, or marriage between persons under the age of 16 years without approval of the President of the High Court. Other reasons are prior subsisting marriage, failure to observe the necessary formal requirements, mental incapacity, duress, mistake and fraud, marriage between relations who come within the prohibited degrees of relationship, and impotence. The Commission illustrates with actual cases the development of the law in relation to nullity, for example nullity based on mental incapacity. In one instance the judge referred to incapacity "to form a caring or considerate relationship", while in another case, a different judge referred to the inability of the respondent due to a psychiatric illness "to enter into and sustain a normal marriage relationship with the petitioner". Clearly the grounds for nullity based on "mental incapacity" must leave scope for some variety of judgement. As yet the Supreme Court has not spoken on the question of the extent to which mental incapacity invalidates a marriage.

The chief effects of nullity are as follows. The children of a void marriage

are illegitimate. No maintenance or other property rights attaching to marriage apply to the parties to a void marriage. Only decrees of nullity granted by the State courts are legally binding. The Church of Ireland does not grant decrees of nullity and while the ecclesiastical tribunals of the Roman Catholic Church may grant decrees of Church nullity, such decrees have no civil legal validity. Cases may, therefore, arise where individuals with Church annulments enter new unions which, from the viewpoint of civil law, are bigamous.

#### *Social Welfare Legislation*

Social Welfare legislation is an area of very great importance for the family. Many aspects of the social welfare code as they affect families will be discussed in Chapter 5. Social Welfare legislation has developed piecemeal over a long period of time and, like legislation in general, reflects to some extent the prevailing values held in society. For many years, the central assumption of the social welfare code was that of the "Breadwinner Father". The thrust of many provisions of the code, therefore, has been towards supporting the dependent wife.

Following the passage of *The Succession Act* in 1965, which was so important in securing as a minimum a third of an estate for a surviving spouse, the 1970s saw the introduction of a good deal of Social Welfare legislation which was supportive of wives, for example, the introduction of a Deserted Wife's Allowance in 1970 and a Deserted Wife's Benefit a few years later. No corresponding allowances were introduced for deserted husbands. These allowances combined with procedures for obtaining and enforcing maintenance orders, the family home protection measures introduced in 1976, and the introduction of a system of civil legal aid favourable to the non-earning wife, in family law cases, have all strengthened the position of wives in marital conflict. It is possible that the drift in legislation in favour of wives has gone so far as to constitute discrimination against husbands. In 1983 William Duncan, lecturer in law at Trinity College, wrote:

The absence of a deserted husband's allowance and the alleged loading of the civil legal aid scheme in favour of the non-earning wife have been offered as examples of discrimination against husbands. But more than anything, it is the system of barring orders, introduced in 1976 and extended in 1981, which has raised the hackles of the new men's movement (Duncan, 1983).

The following year a case was heard in which a deserted husband applied to the Minister for Social Welfare for relief under the *Social Welfare Act, 1981* as a deserted spouse. Having been informed that relief under the Act was given only to deserted wives and not to deserted husbands, he applied to the High Court contending that to provide a social welfare payment for a woman and not for a man in similar circumstances was invidious discrimination. Judgment

was delivered in the case *Dennehy v The Minister for Social Welfare* by Mr Justice Henry Barron in July 1984 and the Plaintiff failed in his case. There was no appeal as the Plaintiff died shortly after judgment was delivered. The case appears to have turned upon the correct interpretation of Article 40, Section 1 of The Constitution. There does not appear to have been any reference to the Directive of the Council of the European Community (79/7/EC) on the progressive implementation of the principle of equal treatment for men and women in matters of social security. And, of course, the *Social Welfare (No. 2) Act 1985*, which is an attempt to implement this principle of equal treatment in the Social Welfare code in Ireland had not then become law. The long title describes the 1985 Act as "an Act to provide for equal treatment for men and women in matters of social welfare and for that purpose to amend the Social Welfare Acts 1981 to 1985". It is possible that a Plaintiff in a case similar to *Dennehy v. The Minister for Social Welfare* could now succeed.

#### *Agenda for Family Law Reform*

The need for reform in areas relating to family law is suggested by the fact that many of the reports issued by the Law Reform Commission (established pursuant to the *Law Reform Commission Act 1975*) have been in the area of family law. Although initially the Commission did not intend to cover the whole field of family law, in the event it almost did just that, partly because the Attorney General submitted several major topics in this area to the Commission (Lysaght, 1986). The *Reports* issued by the Commission include those on Illegitimacy (1982), Divorce (1983) and Nullity of Marriage (1984).

No legislative proposals have been brought forward in respect of the majority of the *Reports* submitted by the Commission to the government. In some cases the *Reports* have been with the government for a relatively short time. In the case of those on judicial separation and nullity of marriage it is understandable that the government should have decided to await the outcome of the Divorce Referendum before deciding on a course of action. The proposals of the Commission in the area of family law which have been long outstanding relate to the ownership of the family home. These were contained in the *First Report on Family Law* (1981). In this report the Commission had proposed that a spouse could claim a share of the ownership of the family home on the basis of a contribution to its acquisition, improvement or maintenance even if this did not take the form of money earned or paid.

The only family law recommendation made by the Commission which has so far been translated into legislation in the exact form made by the Commission dealt with the abolition of breach of promise of marriage. In the *Family Law Act, 1981*, criminal conversation was abolished as recommended by the Commission, but its abolition was not accompanied by the substitution of a family

action for adultery maintainable by either a husband or wife as had been proposed by the Commission. *The Domicile and Recognition of Foreign Divorces Act*, 1986 has gone beyond the Commission's recommendations, by including in the Act recognition of divorce where a spouse who has always been domiciled in Ireland does not consent to the divorce. *The Status of Children Act* does not follow the recommendations of the Commission that no distinction whatsoever should be drawn between children born within marriage or outside of marriage. However, it does seek to abolish most of the practical consequences of that distinction. The Commission has also made proposals for a general minimum age of marriage of 18 years and for legislation on child kidnapping on which no action has yet been taken. William Binchy, a research counsellor at the Commission, has suggested that reforms might also be introduced regarding waiting periods before marriage, adoption and housing support (Binchy, 1988). In regard to adoption, Binchy has suggested that subject to safeguards, provision for adoptees to trace their origins might be introduced. In regard to housing support he has suggested that a combination of incentives and prohibitions might be devised to increase the supply of private rental accommodation for families with young children (Binchy, 1988). With much work still to be done and given the pace of legislative reform, family law reform will remain an important item on the Agenda for government until the end of the century.

Changes in values and attitudes regarding the family have been, and will continue to be, reflected in legislation and in the decisions of the Courts. Looking back on past developments the acceptance of the equal right of a mother to determine matters affecting the welfare of children grew out of the greater social and economic autonomy of women. The *Guardianship of Infants Act* 1964, gave the mother an equal say in all decisions concerning the upbringing and welfare of the children. In the case of disputes this legislation decreed that the welfare of the children should be the paramount consideration in making a decision. What is not altogether clear is how this would apply if a difference arose concerning religious education, for example, as in the Tilson case. In 1979 the Supreme Court decided that custody of a child could be given to a mother living in adultery even in circumstances where that child was being brought up as a Catholic. The Court considered that the temporal welfare of the child should weigh more heavily than any example contrary to Catholic practice which was involved by being in the mother's custody (*MacD. v. MacD.* cited in Binchy, 1984, p.449).

The right of a spouse and children to be maintained out of the husband's income and property has been more effectively secured both by changes in the law and by providing free legal aid. What has not been resolved clearly are the circumstances in which a wife may forfeit this right due to her behaviour. The emerging trend in countries where divorce is common is to hold that a wife should

have no ongoing financial claims on a husband after a marriage has terminated. She should be compensated for her contribution to their joint wealth or the loss she has suffered from forgoing a career — but no more. This needs to be worked out in the context of separation in Ireland. The fact that this question has not been resolved led to confusion in the divorce debate. The issue is illustrative of the changing economic position of women. When should a separated or divorced woman be supported financially? Are there grounds for viewing such support as creating “alimony drones” in certain circumstances? The present poor economic climate in Ireland must increase the difficulties for older women, for example, to find employment and answers to family law questions must to some extent take account of the economic environment.

#### *Conclusions*

Articles 41 and 42 of the 1937 Constitution were among the most innovatory of the Constitution. The 1922 Constitution contained nothing about the family and marriage. The Constitution spells out general principles, while specific protection for the family is provided through a number of statute laws. The Constitution does not preclude support for extra-marital children and both the Courts and the Law Reform Commission have supported the rights of illegitimate children. *The Status of Children Act*, 1987 places children born outside marriage as nearly as possible on the same footing as children born within marriage.

While much important legislation regarding the family has been enacted since the Constitution was drawn up in 1937, the need remains for further reform in the family law area. Several of the *Reports* issued by the Law Reform Commission have dealt with the area of family law, but no legislative proposals have been brought forward in respect of a number of the *Reports*.



## Chapter 5

### *TAXATION, SOCIAL WELFARE AND THE FAMILY*

#### *Development of State Support for the Family*

The evolution of government expenditure and taxation policies has had an immense impact on the family. The following comment on the UK situation may be applied with accuracy to Ireland:

From maternity allowances to death grants the State affects family welfare throughout the life cycle. Social services now affect families in a number of areas where previously the family had exclusive domain and received little or no help from outside bodies. Education, health care and the welfare of aged relatives are some obvious examples of State involvement (Wicks and Rimmer, 1980, p.30).

In 1937 the main forms of public social welfare expenditure relating to the family were the Old-Age Non-contributory Pension, Widows' and Orphans' Contributory and Non-contributory Pensions, and the Marriage and Maternity Grants payable under National Health Insurance. Over the succeeding five decades, almost a dozen programmes were added. They include Children's Allowances, now called Child Benefit, (1944), Maternity Allowance (1953), with a further scheme of Maternity Allowance in 1981, Old-Age Contributory Pension (1961), Retirement Pension (1970), Deserted Wife's Allowance (1970), Deserted Wife's Benefit (1973), Unmarried Mother's Allowance (1973), Prisoner's Wife Allowance (1974) and Family Income Supplement (1984). The Marriage Grant was abolished in 1974 and the Maternity Grant was abolished in 1983. Notwithstanding the growth in public expenditure and services the Combat Poverty Agency has found that poverty is increasing (Combat Poverty Agency, 1988a).

The development of the tax and social welfare codes in regard to the family has been based on certain assumptions, sometimes implicit, sometimes explicit, about family life. For very many years the assumption that the family unit comprised a breadwinner father with dependent wife and children was reflected in tax and social welfare provisions. The other side of the breadwinner father coin was the assumption that a woman would leave the work-force when she got married. In many employments, including the public sector up until 1973, a marriage gratuity was paid in recognition of this event. If a woman did return to employment after marriage she had to build up fresh social insurance contributions from the date of her marriage in order to qualify for certain benefits.

Section 30 of the *Social Welfare Act*, 1952, which disqualified women on marriage from receiving unemployment, disability, maternity and treatment benefits until 26 contributions were paid on their behalf subsequent to their marriage, was not repealed until 15th October 1973, following a recommendation by the Commission on the Status of Women.

Many of our taxation and social welfare policies have been based on the assumption contained in the Beveridge Report that:

All women by marriage acquire a new economic and social status, with risks and rights different from those of the unmarried. On marriage, a woman gains a legal right to maintenance by her husband as a first line of defence against risks which fall directly on the solitary woman (Beveridge, 1942).

In 1985, in order to comply with EC regulations governing social security provisions, the Irish government adopted a new definition of economic dependency, i.e., the wife must be mainly dependent on her husband in order to be regarded as his dependant. This is a recognition of the *de facto* economic independence of the increasing number of married women in the work-force and the move towards an egalitarian system. It is worth noting that the new definition of dependency applies only to spouses, i.e., a cohabitee cannot be regarded as a dependent.

Another assumption underlying tax and social welfare policies for many years was that the family was based on marriage. In response to changing conditions and realities, changes have been made in the social welfare code which have given recognition to the economic needs of children born outside marriage, e.g., via the allowance for the unmarried mother and her child or children, and the move towards equal treatment of the single parent and child with the married couple and child in the provision of housing. Changes have also been made in the Social Welfare Code which recognises marital breakdown and desertion, e.g., via the deserted wife's allowance. As yet there are no benefits or allowances for deserted husbands which may indicate, in part, the continuance of the "breadwinner father" assumption, though deserted fathers would be entitled to see it as a form of discrimination against men.

The legislation providing for equality of treatment for men and women in the Social Welfare Code (*Social Welfare, Amendment No. 2, Act*, 1985), allows either member of a married couple to claim the main payment. The payment of an adult dependant allowance is determined by whether the other adult is in employment or already in receipt of a social welfare payment. However, the relevant Act also stipulates that apart from the case of both individuals in the couple being independently entitled to insurance benefits, a couple cannot receive 2.0 adult equivalents where either both apply separately for assistance payments

or where one applies for an insurance payment and the other for an assistance payment. In these latter cases the maximum payment will amount to one full payment plus an adult dependant payment. The Commission on Social Welfare views such a situation as anti-marriage:

It is our view that where each member of a couple can qualify for a social insurance or an assistance payment, on an individual basis, each should be paid the appropriate rate; in adult equivalence terms, this would mean a couple would receive 2.0. To treat a married couple on any other basis, as this legislation provides, is to discriminate not on the basis of sex but on the basis of marriage. This is contrary to the spirit of the Directive on Equality of Treatment (*Report of Commission on Social Welfare, 1986, p.196*).

The difference in treatment as between married and unmarried couples is becoming of increasing importance. The provision of the 1985 Act which limits the payments to a married couple where one is on assistance and the other either on benefit or assistance was the subject of a High Court case. In January 1988 Mr Patrick Hyland won a case in the High Court in which he claimed that a portion of the 1985 *Social Welfare Act* was unconstitutional. Mr Hyland claimed that as a married man living with his wife he received a lesser sum in unemployment assistance than if he had not been married, or if his wife had ceased to live with him. In his judgment Mr Justice Donal Barrington said that ironically the problems which gave rise to the case arose out of an attempt by the Oireachtas to remove discrimination which formerly existed in the Social Welfare Code between the rights of married men and married women. The Oireachtas was in fact trying to implement the directive of the Council of the European Community on the equal treatment of men and women in the social welfare system. The High Court judgment is now being appealed to the Supreme Court.

#### *Financial Aids for Parents with Dependent Children*

The principal forms of State financial assistance for parents with dependent children are tax allowances under the Income Tax Code, social welfare Children's Allowances, payments for dependants of social welfare beneficiaries (CDAs) and family income supplement which is paid where a parent is in full-time, but low paid, employment.

As shown in Table 5.1 £407 million was spent on child income supports in 1985. Exactly half of the total was absorbed by the CDAs of social welfare recipients. The range of payment per child varied from £42 per annum in the case of the average child tax allowance to £500 per annum per CDA. All categories of parents regardless of circumstances are entitled to children's allowances. Payment per family ranged from £113 per annum in the case of the taxpayer

to £1,350 per annum in the case of the social welfare recipient. On average there were 2.7 children in the families of both the taxpayer and the social welfare recipient, while there was an average of almost 4 children in the family of the claimant of family income supplement.

Table 5.1: *Child Income Supports, 1985*

	<i>£m per cent of total</i>		<i>Average Payment per child per family per annum</i>	
Child tax allowances (1985/86)	29.8	7.3	42.0	113.41
Children's Allowances	171.5	42.2	145.3	363.32
Child Dependant Allowances (CDAs)	203.0	50.0	500.0	1,350.33
Family Income Supplement	2.2	0.5	122.6	478.14
	406.5	100.0		

- 1 Average of 2.7 children per family
- 2 Average of 2.5 children per family
- 3 Average of 2.7 children per family
- 4 Average of 3.9 children per family

Source: Department of Social Welfare, Revenue Commissioners and *Report of Commission on Social Welfare*.

#### *Tax Allowances*

Personal allowances under the Income Tax Code as well as allowances in respect of dependent children have existed since the earliest years of the State, as shown in Table 5.2. From April 1986, however, the tax allowances in respect of dependent children have been abolished. The justification for allowing a portion of personal income free from tax stems from the notion that basic needs should be met before income becomes liable to tax. In a nutshell, the provision of child tax allowances may be seen as an attempt to take account of the number of child dependants who must be supported from a given pay packet. During the early days of the State the benefit of such allowances was fairly limited, as the total number of income taxpayers was relatively small both as a result of the high proportion engaged in farming and low incomes generally. With the introduction of PAYE from 6th April 1960, following the Report of the Commission on Income Taxation, and the massive increase in the number of PAYE taxpayers, these allowances began to affect an ever-widening sector of the population.

The abolition of the child tax allowance from April 1986 was based on the argument that such allowances were worth most to those paying the highest marginal rate of tax. While this is true, by far the biggest category of beneficiaries were paying at the lowest marginal rate of 35 per cent. In 1985/86 of the total

Table 5.2: *Personal Income Tax Allowances for a Married Couple, other Persons and Children, 1923-1988, current prices*

	<i>Married Couple</i>	<i>Other Persons</i>		<i>Children</i>	
		<i>Widow/Widower</i>	<i>Single Person</i>	<i>1st Child</i>	<i>2nd and subsequent child</i>
			£		
1923/24-1931/32	225		135	36	27
1932/33-1935/36	225		125	50	50
1936/37-1938/39	225		125	60	60
1939/40-1943/44	220		120	60	60
				<i>1st and 2nd child</i>	<i>3rd and each subsequent child</i>
1944/45	220		120	60	48
1945/46-1946/47	220		120	60	43
1947/48-1950/51	260		140	60	43
1951/52-1953/54	280		140	80	63
1954/55-1955/56	300	175		85	85
1956/57-1959/60	310	175		100	100
1960/61-1965/66	394	259		120	120
				<i>Under 11</i>	<i>11 and over</i>
1966/67	394	259		120	150
1967/68-1968/69	394	259		135	150
1969/70-1971/72	424	274		135	150
1972/73-1973/74	494	324		155	170
				<i>Each eligible child</i>	
1974/75	800	550		500	200
1975/76	920	635		575	230
1976/77	1,010	685		620	240
1977/78	1,100	735		665	240
1978/79	1,730	935		865	240
1979/80	2,230	1,185		1,115	218
1980/81-1981/82	2,230	1,185		1,115	195
1982/83-1983/84	2,900	1,950		1,450	100
1986/87	4,000	2,500		2,000	zero
1988/89	4,100	2,550*		2,050	zero

\* If a widow/widower has a child under 16 years of age or over 16 years of age in full-time education, the widow/widower is also entitled to an additional allowance of £1,550, bringing total personal allowances to £4,100. In 1979/80 a single parent allowance was introduced. At present this is £2,050, so that a single parent with a dependent child (children) also gets £4,100 in personal allowances.

Source: Report of Revenue Commissioners

of 258,000 claimants for allowances in respect of 709,000 children, 63.6 per cent of claimants claiming for 63 per cent of children, paid tax at 35 per cent, compared with 22.7 per cent of claimants, claiming for 23 per cent of children, who paid tax at 48 per cent. Only 13.6 per cent of claimants, claiming in relation to 14 per cent of children, paid tax at the highest marginal rate of 60 per cent.

Between 1923 and 1951 the tax-free allowance for a married couple was somewhat less than twice the allowance for a single person. The assumption on which this was based was, presumably, that two could live more cheaply together than separately, i.e., that economies could be derived from shared accommodation, etc. For a brief interlude between 1951/52 and 1955/56 the allowance for a married couple was exactly twice that of a single person. The differential reopened between 1956/57 and 1978/79. From 1980/81 the allowance for the married couple has been exactly twice that for the single person.

The biggest bone of contention and one at the centre of the Murphy case discussed in Chapter 4 was that for tax purposes the incomes of husband and wife were added together and taxed as a single income. With the result the joint income of a married couple was subject to higher tax as it reached higher tax bands more quickly than the same total income if earned by two single people. One result of the Murphy case was to remove a serious tax deterrent to dual income-earning families. The sharp increase in the number of married women in the Labour Force since 1980 must, in part, reflect the improved tax environment subsequent to the Murphy case. Table 5.2 suggests that what married couples gained from the Murphy case, married couples with children may have lost. During the last 6 years the child tax allowance was systematically reduced until it was completely abolished in 1986.

Table 5.3 highlights the continuous decline in the child tax allowance relative to the allowances for a married couple or a single person, since the late 1960s. From the early 1920s the child tax allowance *rose* steadily relative to the married couple's allowance until 1944, the year in which social welfare children's allowances were first introduced for the third and subsequent children. In 1943/44 the child tax allowance was 27 per cent, or over one-quarter of the married couple's allowance. This declined to 22 per cent in 1944/45. For the period 1945/46 to 1953/54, while the "clawback" was in operation the child tax allowance for the third and each subsequent child, i.e., children for whom social welfare children's allowances were now payable, was reduced somewhat. However, in the case of the first and second child — for whom no social welfare children's allowance was paid — the child tax allowance was increased relative to the married couple's allowance.

Notwithstanding the introduction of a social welfare children's allowance for the second qualified child in 1952 and for the first qualified child in 1963, the child tax allowance relative to that of a married couple continued to rise to a

peak for the entire period 1923-1988, during the years 1967/68-1968/69. For these two years, during which no clawback operated, and when social welfare children's allowances were paid for each qualified child, including the first, the child tax allowance was 34 per cent of the married couple's allowance for a child under 11 years and 38 per cent of a married couple's allowance for a child aged 11-16 years, and 16-18 years in certain circumstances. Since 1968/69 the child

Table 5.3: *Child Tax Allowance as Per Cent of Married Couple's and Single Person's Allowance, 1923-1988*

	<i>Married Couple</i>		<i>Single Person</i>	
	<i>Per cent</i>			
1923/24-1931/32	16a	12b	26.7a	20.0b
1932/33-1935/36		22.2		40
1936/37-1938/39		26.7		48
1939/40-1943/44		27.3		50
1944/45		21.8		50
1945/46-1946/47	27.3c	19.5d	50.0c	35.8d
1947/48-1950/51	23.1c	16.5d	42.9c	30.7d
1951/52-1953/54	28.6c	22.5d	57.1c	45.0d
1954/55-1955/56		28.3		56.7
1956/57-1959/60		32.3		66.7
1960/61-1965/66		30.5		51.3
1966/67	30.5e	38.1f	51.3e	64.1f
1967/68-1968/69	34.3e	38.1f	57.7e	64.1f
1969/70-1971/72	31.8e	35.4f	54.2e	60.2f
1972/73-1973/74	31.4e	34.4f	51.9e	56.9f
1974/75		25		40
1975/76		25		40
1976/77		23.8		38.7
1977/78		21.8		36.1
1978/79		13.9		27.7
1979/80		9.8		19.6
1980/81-1981/82		8.7		17.5
1982/83-1983/84		3.4		6.9
1986/87		zero		zero
1988/89		zero		zero

a 1st child

b 2nd or subsequent child

c 1st and 2nd child

d 3rd and each subsequent child

e child under 11

f child aged 11-16 years and over 16 in certain circumstances.

Source: Derived from Table 5.2.

tax allowance relative to the married couple's allowance has declined steadily to zero in 1986.

Table 5.3 also shows the position of the child tax allowance relative to that of a single person. A comparable pattern emerges to that already discussed in relation to the married couple's allowance. The position of the child relative to the single person improved fairly steadily until it reached a peak of 67 per cent in the years 1956/57 to 1959/60. It declined relatively in the early 1960s, recovered again in the late 1960s and then declined steadily from 1968/69 to the present level of zero. How much the trends depicted in Tables 5.2 and 5.3 were the result of chance or deliberate policy choice, must remain a matter for speculation. There does not appear to be any evidence that the composition of governments, i.e., whether the government was Cumann na nGael, Fianna Fail, Inter-Party or Coalition, has had any influence on the tax treatment of children. The trends seem to have occurred regardless of changes in government.

#### *Clawback*

When social welfare children's allowances were first introduced for the third and subsequent child in 1944, a "clawback" of the tax allowance was also introduced to ensure that the taxpayer did not get any additional advantage. In the words of the *First Report of the Department of Social Welfare (1947-49)*:

Attention is directed to the provision made in the Finance Act, 1944, to the effect that the deduction allowed under the Income Tax Code for children living under the age of 16 years at the commencement of a year of assessment shall be reduced from £60 to £43 in respect of any such child in excess of two such children for the year beginning 6th April 1945 or any subsequent year. If, therefore, persons liable for Income Tax wish to avoid the possibility of loss, then they should claim the allowances to which they are entitled under the Children's Allowances Acts.

and

Attention is directed to the provision made in the Finance Act, 1951, to the effect that the deduction allowed under the Income Tax Code for children living under the age of sixteen years at the commencement of a year of assessment shall be reduced from £80 to £63 in respect of any such child in excess of two such children for the year beginning 6th April, 1951, or any subsequent year (*Second Report of the Department of Social Welfare, 1950-53*).

The clawback operated between 1944 and 1954. For the tax years 1954/55 to 1968/69 inclusive, the clawback did not operate. Clawback was reintroduced in 1969/70 and operated until 1973/74 inclusive. According to the *Reports of the Revenue Commissioners*:



In the case of children qualified throughout the year for Children's Allowances under the Social Welfare Acts the deduction is reduced for all but one such children by £10 for 1969/70. For 1970/71 where there are two such qualified children the deduction is reduced by £15 for the second child, and where there are more than two such children by £15 for the second child and by £19 for the third or subsequent child. For 1971/72, 72/73 and 73/74 the deduction for the third or subsequent child is reduced by £23. For 1973/74, where the income of the parent exceeds £2,500 there is a further reduction of £42 in respect of each qualified child.

No clawback operated from 1974/75 to 1978/79. From 1979/80 clawback gave way to across the board reductions in the tax-free allowances for children. Thus for 1979/80 the child tax allowance was reduced from £240 to £218; in 1980/81 there was a further reduction to £195; while in 1982/83 a further reduction to £100 was made. The child tax allowance was finally abolished in 1986.

A study dealing with the changing burden of personal income tax in Ireland in the period 1946-1976, by Fionan O Muircheartaigh (1977) sheds some light on the topic. O Muircheartaigh's general conclusions are as follows. First, there was an increase in the progression of the tax schedules of each of the family types studied — single, married couple and married couple with 3 children — in the years after the war. Secondly, the income tax changes in the late 1950s and 1960s were regressive in character. Thirdly, in the years after the war there was a steady improvement in the position of married couples relative to single persons. Between 1961 and 1976, however, there was a dramatic deterioration in the relative position of the family *vis-a-vis* the single person. O Muircheartaigh found that proportionate increases in taxation between 1971 and 1976 were particularly large for those with children. The threshold for tax exemption continued to fall between 1971 and 1976, despite increases in nominal personal allowances, so that inflation continued to draw lower real incomes into the tax net. This was especially so in the case of a low income married couple with 3 children for whom the exemption level fell by several hundred pounds between 1973 and 1976.

#### *Taxation Based on Marital Status of Parents*

Table 5.4 shows how the amount of tax paid varies according to the marital status of parents. In the table "Lucy" is assumed to be a widow or a single parent with 2 dependent children, earning an average industrial wage of £12,000, "Frank" is in a similar position. In the case of a widow/widower the personal allowance in 1987/88 was £2,500 and the single parent allowance was £1,500, giving a total of £4,000. In the case of a single parent the allowance includes a personal allowance of £2,000 and a single parent allowance of £2,000, giving a total of £4,000.

Table 5.4: *Taxation Based on Marital Status of Parents, 1987/88*

	<i>Single Persons</i>		<i>2 Single Persons</i>	<i>Married Couple</i>	<i>Widow/Widower</i>
	<i>Lucy</i>	<i>Frank</i>	<i>Lucy &amp; Frank</i>	<i>Lucy &amp; Frank</i>	<i>Lucy or Frank</i>
Gross Income	12,000	12,000	24,000	24,000	24,000
PRSI Allowance	(286)	(286)	(572)	(572)	(286)
PAYE Allowance	(700)	(700)	(1400)	(1400)	(700)
Personal Allowance	(2000)	(2000)	(4000)	(4000)	(2500)
Single Parent Allowance	(2000)	(2000)	(4000)	—	(1500)
Total Allowances	(4986)	(4986)	(9972)	(5972)	(4986)
Taxable Income	7,014	7,014	14,028	18,028	19,014
Tax Payable	2,756	2,756	5,512	7,734	9,667
Net Income	9,244	9,244	18,488	16,266	14,333

Source: Budgetary data. The idea for this table is derived from Moore 1988, Appendix II.

Lucy and Frank living as 2 single parents or as 2 widows/widowers would have combined net income of £18,488. However if Lucy and Frank marry their net income falls by £2,222 to £16,266, i.e., a decline of 12 per cent. They may possibly gain economies by joint accommodation; on the other hand they may be forced to seek more expensive accommodation. One way or another their tax liability increases substantially on marriage. If Lucy or Frank subsequently becomes a widow/widower and receives income of £24,000, equivalent to their previous level as a married couple, tax payable rises very substantially from £7,734 to £9,667, i.e., by 25 per cent, while net income falls from £16,266 to £14,333 by just 12 per cent. In this case it may be argued there is 1 less person to support but the burden of widowhood can also include increased expenditures. In the case of the married parents their relative disadvantage *vis-a-vis* single/widowed parents arises due to the non-availability to them of the Single Parent Allowance, while the relative disadvantage of the widow or widower stems from the fact that they no longer have the double band for purposes of tax rates which they previously enjoyed in their married status. An observation of Supreme Court member, Mr. Justice Brian Walsh, is relevant in this context. Likening the decision which treated married couples as two individuals for purposes of income tax to a similar case decided by the German Constitutional Court on the grounds that treating couples less favourably than unmarried people was inimical to family life, Mr. Justice Walsh says:

But we haven't had the second leg yet. About two years ago the Germans decided that an unmarried couple living together and getting more social welfare benefit than a married couple was equally unconstitutional. We

cannot place the unmarried family in a better position than a married family (Pyle, 1987).

#### *Covenants*

A covenant is simply a legal promise. In this context the word is used to refer to certain covenants which are recognised for tax purposes. The application of the Age of Majority Act to the tax code by the Finance Act, 1986 made covenants to one's children over 18 years effective for tax purposes. According to the Finance Act, 1986 a parent may covenant up to 5 per cent of his or her income to a child or children aged 18 years or over. The period of the covenant must be for a minimum of 6 years. Basically a covenant is an income transfer arrangement which serves to reduce income tax liability. A tax-paying parent who transfers income to a child who does not have any other income, or sufficient income to pay tax, or sufficient income to pay tax at as high a marginal rate as his parent, reduces overall tax liability.

A person with income of £20,000 per annum could covenant up to £1,000 to his child and save £580 in tax if his marginal rate is the top rate of 58 per cent. In this example the child gets £350 of the £580 tax relief and the parent gets £230. A parent with an income of £30,000 could covenant up to £1,500 and save £870 in tax. A parent with an annual income of £40,000 could covenant £2,000 and save £1,160 in tax. A tax saving of £1,160, which may possibly be gained by covenanting £2,000 to one child is virtually identical with the *total* annual payment of £1,164 in children's allowances for 6 eligible children.

#### *Children's Allowances*

Social welfare children's allowances were first introduced in 1944 for the third and subsequent child. The background to this innovation is provided in the *First Report* of the Department of Social Welfare:

The promotion of schemes of family welfare is a comparatively late development in the history of social welfare in this country. The earlier schemes show concentration on making provision against the immediate risks which threatened the economic security of the individual and his dependants and survivors. When considerable advances had been made in this direction, it was possible to turn to the apparently less pressing problem of raising the standard of living of the family. It became clear that measures were required to remove the relative disadvantages in material circumstances which harassed parents of families, and thus to mitigate the handicaps arising from parenthood.

The scheme of children's allowances is non-contributory, and its entire cost is borne by the State. It is unique among the non-contributory schemes of social

welfare in that there is no direct means test. When first introduced, the scheme was limited to the third child aged under 16 years. From July 1952 an allowance was introduced for the second qualified child. The introduction of an allowance for the first child coincided with the introduction of a new Turnover Tax in November 1963. While child tax allowances had been provided from the outset for children under the age of 16 years or 16 years and over, if continuing in full-time education, it was only following the *Social Welfare Act, 1973* that the social welfare children's allowances scheme was extended to provide payment in respect of children between the ages of 16 and 18 years who are continuing in full-time education, are apprenticed, or are disabled. From July 1983, the payment of children's allowances for apprentices has been discontinued.

Among the recommendations made in the *Report of The Commission on the Status of Women* was one concerning the vesting of title to children's allowances in the mother. This recommendation was implemented under the *Social Welfare Act, 1974*. Allowances under the Children's Allowances scheme and increases of benefit, pension or assistance in respect of dependent children are payable to the person with whom the children are normally resident. Prior to the passing of the *Social Welfare Act, 1974*, the person with whom the children were normally resident for the purposes of allowances under the Children's Allowances scheme was also the person with whom they were normally resident for other social welfare purposes. The 1974 Act made the changes necessary to ensure that when the title to allowances under the Children's Allowance scheme was vested in the mother instead of the father there would be no change in the determination of the normal residence of children for the purpose of paying increases of benefit, pension or assistance. In more than 80 per cent of cases mothers were already receiving children's allowances as nominees of fathers. The total number of families in receipt of children's allowances has risen from 132,000 in 1944 to 475,000 in 1985, while the total number of children in respect of whom allowances were paid rose from 321,000 to 1.2 million over the period. Table 5.5 shows the monthly rates of allowances for certain years since 1944. Allowances were increased at a modest pace until the large increases introduced by the Fine Gael-Labour Coalition in 1973. Substantial increases were again granted by the next Fine Gael-Labour Coalition in July 1981, and by the Fianna Fail administration in April 1982. Table 5.6 shows the position when inflation is taken into account. In real terms allowances more than doubled between their introduction and 1973. However, between 1973 and 1979 they declined. They then increased steadily to their all-time peak in 1982. Since then they have fallen back somewhat.

A suggestion to tax children's allowances was a feature of the child benefit proposals of the last Fine Gael-Labour Coalition Government. The objective of such a tax was to release resources for an increase in the child benefit rates by introducing greater selectivity. An alternative proposal of an income cut-off

Table 5.5: Rates of Children's Allowances in Certain Years, 1944-1986, Current Prices

	1944 August	1952 July	1963 Nov.	1973 July	1979 April	1981 July		1982 April	1986 April
Rate per month £									
First Child	—	—	0.50	2.00	3.50	6.00	1st-5th child	11.25	15.05
Second Child	—	0.55	0.78	3.00	5.50	9.00			
3rd + Child	0.54	0.88	1.32	3.75	5.50	9.00	6th + child	17.50	21.75

Source: Reports of Department of Social Welfare and Budget Statements of Minister for Finance.

for child benefit allowances received extensive media coverage in the context of the Government's Estimates in 1987. The question of achieving greater selectivity in the child benefit area may become a live issue in the future, particularly in the context of efforts to curb public expenditure.

An important element in devising a child support scheme is some idea of the costs involved in rearing children. A study by Conniffe and Keogh (1988) attempts to estimate equivalence scales for children based on Household Budget data, while a summary of equivalence scales used in Irish poverty studies is to be found in Nolan and Callan (1988, p.157). An equivalence scale is the extra proportion of income that a household with certain characteristics would require in order to attain the same standard of living as another type of household. Conniffe and Keogh favour equivalence scales which decline as income rises. In absolute terms they estimate the weekly cost of a young (0-4 years) child as £19.6 and of an older (5-14 years) child as £28.2 in 1987.

Table 5.6: Rates of Children's Allowances in Certain Years, 1944-1986, 1986 Prices

	1944 August	1952 July	1963 Nov.	1973 July	1979 April	1981 July		1982 April	1986 April
Rate per month £ 1986									
First Child	—	—	4.67	10.15	7.99	9.45	1st-5th child	15.75	15.05
Second Child	—	7.33	7.24	15.23	12.56	14.17			
3rd + Child	9.00	11.67	12.34	19.04	12.56	14.17	6th + child	24.07	21.75

Source: Table 5.5.

*Horizontal and Vertical Equity — Taxes and Transfers Combined*

The concepts of horizontal and vertical equity are useful in an assessment of the tax-transfer treatment of families. Horizontal equity in the present context concerns the position of families with children *vis-a-vis* others without children, but with the same income. Vertical equity concerns the position of families with similar family circumstances, e.g., 1, 3, or 5 children, but with different levels of income. The rationale for child tax allowances was based on the concept of horizontal equity. It was deemed appropriate that in 2 families with the same pre-tax income, a married couple with 3 dependent children should have a greater after-tax income than a married couple with no children. Means-tested benefits, such as medical cards, are based on the concept of vertical equity.

Separate examination of changes in taxation and children's allowances give incomplete pictures of the tax treatment of families. Tables 5.8, 5.10, and 5.12 show the combined effect of taxation and children's allowances at selected income levels since 1937. In Tables 5.7 — 5.12 inclusive, income tax liability has been calculated on the basis of no non-standard allowances. This is because allowances such as mortgage interest relief and relief on Voluntary Health Insurance premiums are relevant only for those taxpayers who make these payments. Also the married couples shown in the tables are single-earner couples. In 1987/88 the cost of mortgage interest relief was about £160 million and the cost of relief on VHI and life assurance premiums was about £100 million.

Table 5.7: *Tax Liability at Average Industrial Earnings (Adult Male, Transportable Goods) According to Marital Situation, 1937-86, Current Prices*

Year	Av. Ind. Earnings	Tax Liability					
		Single Person		Married Couple No children		Married Couple Three Children	
		£	Eff. Rate %	£	Eff. Rate %	£	Eff. Rate %
1937	146	nil	0	nil	0	nil	0
1947	254	nil	0	nil	0	nil	0
1957	433	37.4	8.6	nil	0	nil	0
1967	832	136.5	16.4	80.5	9.7	nil	0
1977	3,996	990.9	24.8	839.0	21.0	587	14.7
1986	11,278	3,448.0	30.6	2,202.2	19.5	2,202.2	19.5

Source: *Irish Trade Journal and Statistical Bulletin, Statistical Bulletin, Reports of Revenue Commissioners.*

Table 5.8: *Disposable Income (After Tax Income plus Children's Allowances) in Relation to Direct Income, Average Industrial Earnings, (Adult Male, Transportable Goods), 1937-86*

Year	Single Person		Married Couple no children		Married Couple three children	
	Disp. Inc. £	Disp./Direct Per cent	Disp. Inc. £	Disp./Direct Per cent	Disp. Inc. £	Disp./Direct Per cent
1937	146	100	146	100	146	100
1947	254	100	254	100	260.5	102.6
1957	395.6	91.4	433	100	455.5	105.2
1967	695.5	83.6	751.5	90.3	863.2	103.8
1977	3,005.2	75.2	3,157.0	79.0	3,544.0	88.7
1986	7,830.0	69.4	9,075.8	80.5	9,617.6	85.3

Source: *Irish Trade Journal and Statistical Bulletin, Statistical Bulletin, Reports of Department of Social Welfare.*

#### Horizontal Equity

Table 5.7 shows the tax liability for a single person, a married couple with no children and a married couple with 3 dependent children in households where there is one earner in receipt of the adult male rate of average industrial earnings in transportable goods industries in selected years since 1937. Tables 5.9 and 5.11 show a similar comparison for an earner at two-thirds average industrial earnings and twice average industrial earnings respectively.

Table 5.9: *Tax Liability at 2/3 Average Industrial Earnings (Adult Male, Transportable Goods) According to Marital Situation, 1937-86, Current Prices*

Year	2/3 Av. Ind. Earnings £	Tax Liability					
		Single Person		Married Couple No children		Married Couple Three Children	
		£	Eff. Rate %	£	Eff. Rate %	£	Eff. Rate %
1937	97	nil	0	nil	0	nil	0
1947	169	nil	0	nil	0	nil	0
1957	289	10	3.5	nil	0	nil	0
1967	555	63.8	11.5	nil	0	nil	0
1977	2,664	525.0	19.7	372.4	14.0	186.0	7.0
1986	7,519	1,586.6	21.1	886.6	11.8	886.6	11.8

Source: *Irish Trade Journal and Statistical Bulletin, Statistical Bulletin, Reports of the Revenue Commissioners.*

Table 5.10: *Disposable Income (After Tax Income Plus Children's Allowances) in Relation to Direct Income at 2/3 Average Industrial Earnings (Adult Male, Transportable Goods), 1937-86*

Year	Single Person		Married Couple no children		Married Couple three children	
	Disp. Inc. £	Disp./Direct. Per cent	Disp. Inc. £	Disp./Direct. Per cent	Disp. Inc. £	Disp./Direct. Per cent
1937	97	100	97	100	97	100
1947	169	100	169	100	175.5	103.6
1957	279.0	96.5	289	100	311.5	107.8
1967	491.2	88.5	555	100	586.2	105.6
1977	2,139.0	80.3	2,291.6	86.0	2,613.0	98.1
1986	5,932.4	78.9	6,632.4	88.2	7,174.2	95.4

Source: *Irish Trade Journal and Statistical Bulletin, Statistical Bulletin, Reports of Revenue Commissioners.*

For the average industrial earner the tax liability rose from zero in 1937 to 31 per cent in 1986 for the single person and from zero to 19.5 per cent for both the childless married couple and the married couple with 3 children. At present the single person on average industrial earnings pays just 31 pence tax on every pound he earns compared with less than 20 pence in the pound paid by married couples with similar income. The abolition of the child tax allowance ensures that married couples, regardless of the number of children, pay the same tax. There was a striking change in the relative tax burden of childless married

Table 5.11: *Tax Liability at Twice Average Industrial Earnings (Adult Male, Transportable Goods) According to Marital Status, 1937-86, current prices*

Year	Tax Liability						
	2 × Av. Ind. Earnings	Single Person	Married Couple No children		Married Couple Three Children		
	£	£	Eff. Rate %	£	Eff. Rate %	£	Eff. Rate %
1937	292	15.7	5.5	nil	0	nil	0
1947	508	70.9	13.9	31.9	6.3	nil	0
1957	866	158.6	18.3	98.6	11.4	6.4	0.7
1967	1,664	354.9	21.3	298.9	18.0	151.9	9.1
1977	7,992	2,771.0	34.7	2,521.0	31.5	2,161.9	27.3
1986	22,556	9,990.0	44.3	7,468.6	33.1	7,468.6	33.1

Source: *Irish Trade Journal and Statistical Bulletin, Statistical Bulletin, Reports of Revenue Commissioners.*



Table 5.12: *Disposable Income (After Tax Income Plus Children's Allowances) in Relation to Direct Income at Twice Average Industrial Earnings, (Adult Male, Transportable Goods), 1937-86*

Year	Single Person		Married Couple no children		Married Couple three children	
	Disp. Inc. £	Disp./Direct. Per cent	Disp. Inc. £	Disp./Direct Per cent	Disp. Inc. £	Disp./Direct Per cent
1937	276.3	94.6	292.0	100	292.0	100
1947	437.2	86.1	476.2	93.7	514.5	101.3
1957	707.4	81.7	767.4	88.6	882.1	101.9
1967	1,309.1	78.7	1,365.1	82.0	1,543.3	92.7
1977	5,221.0	65.3	5,471.0	68.5	5,966.0	74.6
1986	12,566	55.7	15,087.4	66.9	15,629.2	69.3

Source: *Irish Trade Journal and Statistical Bulletin, The Statistical Bulletin, Reports of the Revenue Commissioners, Reports of the Department of Social Welfare.*

couples and married couples with dependent children between 1977 and 1986. In 1977 the tax burden of the childless married couple was almost 50 per cent higher than that of the married couple with 3 dependent children. As a result of the Murphy case (1980) the income of husband and wife was no longer aggregated and taxed as a single income. Henceforth the married couples' allowance was exactly double that of the single person and most importantly, tax bands were doubled. The immediate effect was to reduce the burden on married couples. However, the reduction of the child tax allowance from £240 per child in 1977 to zero in 1986 helped to increase the burden on married couples with children.

At two-thirds the average industrial wage the horizontal equity picture is similar — a steep rise in the burden of taxation on the single person from zero in 1937 to 21 per cent in 1986 and from zero to just 12 per cent for married couples regardless of family circumstances. Between 1977 and 1986 similar tax burden patterns emerged at two-thirds the average as at average industrial earnings. In 1977 the tax burden on childless married couples was twice that of couples with 3 children. By 1986 the tax burden was equal for all couples, regardless of number of children. The picture is also similar at twice average industrial earnings. In 1986 a single person at this level paid 44 pence tax per pound earned compared with 14 pence in 1947, while a childless married couple paid 33 pence compared with 6 pence in 1947 and a married couple with 3 children paid 33 pence compared with zero in 1947. At this income level there was some increase in the tax burden of the childless married couple between 1977 and 1986, but it was not as sharp as for the married couple with children. Between 1967 and 1986 the tax burden on a married couple with 3 children rose more than 3½

times, while that of the childless married couple rose less than twice.

When the effects of taxation and transfers are combined it appears that single people and married couples with and without children all have less disposable income relative to direct income now than in 1937. Married couples do emerge with a higher disposable/direct ratio than single persons and married couples with children have a somewhat higher ratio again. At average industrial earnings in 1986 the disposable/direct ratio was just 70 per cent for a single person, 80 per cent for a childless married couple and 85 per cent for a married couple with 3 children.

#### *Vertical Equity*

Vertical equity appears to operate fairly strongly. The single person on two-thirds average industrial earnings had an effective tax rate of 21 per cent compared with 31 per cent at average industrial earnings and 44 per cent at twice that level in 1986. The childless married couple and the married couple with 3 children had an effective rate of 12 per cent at two-thirds average industrial earnings in 1986 compared with 20 per cent at the average level and 33 per cent at twice the average.

At all levels of income and various marital conditions the growth in the burden of taxation since 1937 has been very striking. Nor has the growth in children's allowances counterbalanced the reduction and, finally, the abolition of the child tax allowances. In 1937 the adult male at two-thirds average industrial earnings, married with 3 children, paid no tax and received no children's allowances: his disposable/direct ratio was 100. By 1957 he still paid no tax, but as a result of children's allowances the disposable/direct ratio was 108 per cent. By 1986 the ratio was down to 95 per cent. The pattern was similar at the average level of earnings — a ratio of 100 in 1937 as a result of no tax and no children's allowances, a ratio of 105 in 1957, still no tax, but positive children's allowances. By 1986, as a result of the rising tax burden, his ratio was down to 85. A similar trend operated at twice the average level of industrial earnings where the ratio of disposable to direct income was 70 per cent in 1986 compared with 102 per cent in 1957. Although vertical equity is operative and the government withholds a higher proportion of income from higher incomes, at all income levels the tax-transfer position has deteriorated over time.

#### *Child Dependant Allowances*

Child Dependant Allowances (CDAs) are paid weekly with social welfare payments. Of the 406,000 child dependants in relation to whom CDAs were paid in 1985, 234,000, or over half, had a parent claiming either unemployment benefit or assistance. In the case of a further 53,000, or about 13 per cent of children, the recipient parent was receiving disability benefit. Thus well over

60 per cent of CDAs are paid to recipient parents who are in receipt of either an unemployment or a disability payment.

In general the age limit for child dependants is 18 years. However, in certain cases payments are continued for children between the ages of 18 and 21 years who are receiving full-time education. The amount payable per child dependant depends on the category of payment involved, whether it is an insurance payment or an assistance payment, and on the ranking of the child in the family. In July 1986 payments varied from £5.80 per week for the sixth and subsequent child of a recipient of supplementary welfare allowance to £13.80 per week for the second to fifth child of a recipient of a widow's contributory pension (for elderly widows) or second to fifth child of a deserted wife. In many cases, including old age, invalidity and unemployment payments, the allowances paid per child decline after the second child. The reason behind the declining payment per child in larger families is unclear, but perhaps related to the possibility of some economies of scale in larger families, or perhaps it was tied in with the children's allowances which work in the opposite direction. Also there is the problem of containing the disincentive to work for low paid workers with big families. The amount paid per child varies within a range of about one-quarter to one-third of the personal rate for an adult. For a number of years these allowances were updated periodically on a lump sum basis. During the 1970s there was a shift towards across-the-board percentage increases which ensured that the supplements for dependent children grew at the same rate as social welfare payments generally. In the 1981 Budget there was a new departure in relation to CDAs. On that occasion while long-term personal and adult dependant rates for Social Welfare recipients were increased by 25 per cent from April 1981 and short-term payments were increased by 20 per cent, the increase for child dependants was limited to 10 per cent or 75p per week extra. This was the first occasion on which the rates for child dependants were not increased in line with adult rates. However, on that occasion children's allowances were increased fairly substantially. In the 1986 Budget while adult rates were again increased, child dependant rates were frozen.

While the question of the relationship between unemployment compensation and work incentives is a complex one, there is no doubt that recipients of unemployment compensation who have the biggest families fare better relative to those in employment than either single persons or married persons with small families (Blackwell, 1986a). In 1984 the replacement ratio of unemployment to average industrial earnings was 46 per cent for the single person on unemployment benefit compared with 82 per cent for the married person with 4 children and 92 per cent for the married person with 6 children. The corresponding ratios for the very low paid, e.g., those earning only half the average industrial wage, would be 92 per cent, 164 per cent and 184 per cent respectively.

The high proportion of children in big families who are children of a recipient of unemployment benefit or assistance is striking. In 1985, 40 per cent of all dependent children who belonged to families with 6 or more children were children of a recipient of an unemployment payment. As the family grew smaller so the proportion of children where the parent was a recipient of an unemployment payment declined. The proportions for families of 5, 4, 3, 2 and 1 children were 28, 21, 16, 15 and 13 per cent respectively. The proportion of all dependent children who are children of an unemployment payment recipient was just under 20 per cent.

#### *Unemployment Traps and Poverty Traps*

The term "unemployment trap" describes the situation of a person who is as well or better off unemployed than in employment. The existence of the unemployment trap is due mainly to the fact that unemployment payments increase with the number of dependent children in the unemployed person's family. It is quite possible for low-paid workers with medium to large-sized families to receive more in unemployment benefit than in take-home pay. The unemployment trap may be seen as a disincentive to work. The Family Income Supplement was designed to overcome the unemployment trap. The unemployment trap can, of course, be as much due to low wage levels as to the structure of the social welfare payment system.

The term "poverty trap" describes the situation of a person whose post-tax income does not increase even if his pre-tax income increases (Blackwell, 1988, Table 4A). This is mainly due to the increase in taxes and the withdrawal of benefits as income increases. Final income, that is, income after the deduction of income tax and PRSI and with the addition of children's allowances and estimated value of the medical card, less the estimated local authority rent, can fail to rise despite increases in earnings for several reasons (NESC, 1985). Following are the main reasons:

- (i) Income tax becomes payable by a married couple at around £100 per week.
- (ii) Effective PRSI payments (including income levies) increase from 5.5 per cent to 8.5 per cent of gross earnings when a household's income exceeds the medical card limits, that is, around £100 p.w. for a married couple with children and somewhat higher for larger families.
- (iii) The loss of medical card eligibility due to an increase in earnings further reduces final income.
- (iv) Local Authority housing rents increase as earnings increase.
- (v) Family Income Supplement payments reduce to zero as earnings rise.

Before the payment of Family Income Supplement the unemployment trap for married couples with 2 and 5 children respectively operated at earnings around £80 and £100 weekly, while poverty traps exist for such families at around £105 and £133 per week. A sharp fall into the poverty trap at these levels results from the simultaneous withdrawal of medical card eligibility and the increase in PRSI rate from 5.5 per cent to 8.5 per cent. The re-introduction of child tax allowances at the 35 per cent marginal rate could provide considerable tax relief for low income earners with a number of dependent children. One of the main reasons behind the recent reforms of social security in the UK concerned the existence of poverty and unemployment traps. However, the reforms did not include the provision of child tax allowances and in many instances the traps remain, notwithstanding reforms in the social security system (Dilnot and Webb, 1988).

#### *Marriage and Maternity Payments*

Health Insurance was instituted from 15th July 1912 under the *National Insurance Act, 1911*. Insurance was compulsory for persons aged 16-70 years who were employees. It excluded persons in non-manual employment who earned more than £160 a year. The Act provided for voluntary insurance for certain persons who were not compulsorily insurable. The cost of the scheme was shared between the insured persons, their employers (in the case of the employed) and the State. The main benefits provided were for sickness, disablement and maternity. The standard cash benefits were 10/-d. a week for men and 7/6d. a week for women as sickness benefit, 5/-d. a week for men and women as disablement benefit and a lump sum maternity benefit of 30/-d. Maternity benefit could be claimed by a man or a woman, if insured. It consisted of a payment in the case of the confinement of the wife, or where the child was a posthumous child, of the widow of the insured person, or of any other woman who was an insured woman, married or single.

Under the 1911 Act insured women who married and did not continue in employment were suspended from the ordinary benefits but could become voluntary contributors subject to certain modifications as to rates of contribution and benefits. Under the *National Health Insurance Act, 1918* an insured woman who married and did not continue in employment was entitled to limited sickness and maternity benefits up to the second anniversary of her marriage. She was no longer allowed, however, to become a voluntary contributor as formerly. Henceforward the benefits of married women after two years of marriage would accrue as a dependant of her husband only. Also under the 1918 Act The Women's Equalisation Fund, financed mainly by the State, was established to assist in meeting women's sickness claims. Under the *National Health Insurance Act, 1920*, maternity benefit was increased to 40/-d (£2).

Under the first *National Health Insurance Act* following Independence, the

Women's Equalisation Fund was abolished in 1923. *The National Health Insurance Act, 1929*, made further changes in the insurance position of married women. A woman's insurance now ceased on marriage. Instead of the limited benefits which continued until the second wedding anniversary, a new benefit called *marriage benefit* was introduced. This payment varied according to the duration of insurance and the number of contributions paid and was subject to reduction on account of arrears in contributions. A married woman was treated as a new entrant to health insurance in respect of employment after marriage. This remained the case for many years. In 1937, just 25,000 maternity benefits were paid, only 1,200 of which were paid on the woman's insurance. In the same year 5,400 marriage benefits were paid. By 1947, 29,000 maternity benefits were paid, almost all on the man's insurance, and nearly 6,000 marriage benefits were paid.

From 1953 maternity benefit included two schemes — a *maternity grant* of £2 which was, in effect, the new name for the old lump sum maternity benefit and *maternity allowance* which is a weekly payment for twelve weeks paid only on a woman's own insurance. In 1953 it was 24/-d, i.e., £1.20 per week. The objective of the maternity allowance is to relieve a woman of the necessity of working for 6 weeks before and 6 weeks after confinement.

Under the *Social Welfare (Pay Related Benefit) Act, 1973*, an earnings-related supplement to flat-rate unemployment, disability and maternity allowances was introduced. Pay-related benefit is subject to a ceiling. The *Social Welfare (Amendment) Act, 1981*, provided for the introduction of a new pay-related maternity allowance scheme. The scheme applies to women in full-time employment who are resuming work with the same employer at the end of their maternity leave. The allowance is payable for 14 weeks. The payment ceiling used for purposes of calculating pay-related benefit was 80 per cent of earnings in 1981. The ceiling was reduced to 70 per cent in 1984. In the case of those with low pay a minimum weekly payment is made. The 12-week maternity allowance (with pay-related supplement, where payable), continues to be paid to women who do not qualify under the 1981 Act.

In the case of unemployed women there is a flat rate maternity allowance payment. In order to qualify for this payment a total of 39 contributions must have been made by the woman since entering employment. Since 4th January 1988, at least 13 of the 39 contributions must be paid in the relevant tax years. This regulation was introduced in order to exclude those who are long-term unemployed, and signing for credits, from receiving maternity allowance. The flat rate maternity allowance is £42.50 during the 6 weeks prior to the birth. Following the birth of the child a supplement of £9.70 is paid. Where both father and mother are unemployed and married the child supplement is divided, each receiving £4.85, bringing the woman's maternity allowance up to £47.15. An

unmarried mother can opt for the unmarried mother's allowance of £57.80 following the birth.

The marriage grant was abolished in the 1970s to tie in with the removal of the provision which disqualified women on marriage from receiving unemployment benefit and disability benefit. The maternity grant which covered all women, married or unmarried, in the labour force, or full-time at home was abolished in 1983. It was in fact the only payment made to the woman full-time in the home in respect of maternity. In 1987 approximately £20m was paid in maternity allowances, including pay-related supplements.

*State Support for Unmarried Mothers, Deserted Wives and their Children*

While there has been a long tradition of aid for unmarried mothers provided by voluntary bodies it was not until July 1973 that a State allowance was introduced for the unmarried mother who keeps her child. The allowance was introduced following a recommendation by the *Report of the Commission on the Status of Women* (1972). The allowance is payable until the child is aged 18 years or 21 years if in full-time education. The allowance is paid subject to a means test and the rates of payment are similar to those for the non-contributory widow's pension. In July 1987 the allowance was £57.80 weekly for an unmarried mother with 1 child. An additional £12.70 weekly was paid for the second to the fifth child. For the sixth and subsequent child the payment was £10.90. For taxpayers, a single parent allowance was introduced in 1979/80 which means that a single parent with a dependent child (children) gets the same personal allowance as a widowed parent or a married couple.

There has been a steady increase in both the numbers of unmarried mothers and their child dependants and in total expenditure, since the introduction of the allowance over a decade ago. At the end of 1985 there were over 11,000 unmarried mothers in receipt of the allowance with over 14,000 eligible child dependants compared with 2,000 mothers and less than 3,000 child dependants in 1974. There is no payment for an unmarried father who opts to care for his child. However, an unemployed person with 1 child dependant would be entitled to £43.90 (short-term rate) or £47.10 (long-term rate) in an urban area or £42.90 (short-term rate) or £46.10 (long-term rate) in a non-urban area, substantially less than the unmarried mother's allowance.

The annual increase in the number of beneficiaries is a net figure, i.e., it is the net outcome of the number of new mothers added to the list each year less those mothers who leave the list for various reasons. For example, some mothers are disqualified as a result of marriage, or in some cases a child may be admitted to full-time residential care. In 1981, of a total of over 3,700 children admitted into care for various reasons, ranging from physical abuse to sudden family crises, more than 1,300 or about 36 per cent were admitted because their

unmarried mothers could not cope. In the five years 1980-1985 the net annual increase in the number of mothers receiving the allowance averaged 1,250. As the number of recipients of the allowance has grown, so also has total public expenditure on the allowances. Expenditure in 1985 was over £33m. compared with just over £1m. in 1974.

*Deserted Wife's Allowance and Deserted Wife's Benefit*

The Social Welfare Code recognises the breakdown of marriage resulting from the desertion of a wife, with or without dependants, by her husband. Both a deserted wife's allowance and a deserted wife's benefit exists. The rate of the allowance is the same as that for the unmarried mother's allowance, or widow's non-contributory pension, while the benefit rate is equivalent to widow's contributory pension.

A deserted wife's allowance became payable under the provisions of the *Social Welfare Act, 1970* with effect from 1st October, 1970. The allowance is made at the same rates and subject to the same conditions as to the means and the qualification of children as widows' (non-contributory) pensions. The conditions which must be satisfied before a woman can be regarded as having been deserted by her husband are:

- (i) Her husband must have left of his own volition and must not have lived with her for a continuous period of not less than 6 months (reduced to 3 months from 1st July 1974).
- (ii) She must have made and must continue to make, reasonable efforts, within the means available to her, to trace her husband or to compel him, by legal process or otherwise, to contribute to the support of her and her children.
- (iii) Her husband must not have resumed living with her and must have wilfully refused or neglected to contribute to the support of her and his children, and
- (iv) She must be resident in the State at the date of the claim.

The *Social Welfare Act, 1973*, provided for the payment of a deserted wife's benefit, subject to relevant contributions. There has been a steady growth in the number of recipients of deserted wife's allowance and deserted wife's benefit. In the first year, of each scheme, 1971 and 1974 respectively, there were 1,300 allowances and 1,100 benefits paid. By 1985 there were just 4,000 recipients of deserted wife's allowance and 5,000 recipients of the benefit. While some of these 9,000 wives had no children, those who did had a total of 15,712 child dependants between them. Combined expenditure on the allowance and benefit was £31m. in 1985. According to the results of the 1986 Census over 11,500 persons were classified as "deserted". Of these 9,000 were women and 2,500 were men.



*Family Income Supplement*

Family Income Supplement (FIS) was introduced in 1984 to assist families where the head of the household is in full-time, but low-paid, employment. Where such workers have several children they may be little better off than if they were claiming unemployment benefit. If their wages are low enough they could actually be better off unemployed. Families with a gross wage below a certain standard receive 25 per cent (50% from July 1987) of the difference between their actual gross wage and the defined standard, subject to a maximum payment in 1985 of £8 weekly for 1 child. In 1985 a 1-child family needed to have a weekly income of £100 or less to qualify for FIS, while a 2-children family had to have a weekly income of £118 or less. A person with 2 children earning a weekly wage of £100 would receive £5.00 in FIS weekly. If a person's income were £90 and he had 2 children he would receive a £7.50 weekly supplement. In 1985, 4,660 families received FIS in relation to over 18,000 children. Payments may be made for up to 5 children per family. As the scheme disregards sixth and subsequent children it might be criticised for neglecting the problems of the largest families. However, the scheme is subject to review at present and any inconsistencies may be ironed out as a result. A quite remarkable finding of a recent report, *Poverty and the Social Welfare System* (Combat Poverty Agency, 1988a) was the very low rate of take-up of Family Income Supplement. The rate of take-up was estimated as between 13 and 22 per cent of families eligible for payments under the scheme and between 14 and 40 per cent of the amounts of money payable under the scheme.

*Pensions*

Old-Age Pensions may be regarded as a very significant form of support for the family as they reduce the direct burden on the young of supporting the old, thereby freeing the young to establish families of their own. However, all State expenditure, including that on pensions, is ultimately financed from taxation which is levied on the whole community, but primarily on the working population. Germaine Greer remarks, "under all the complex structures which have taken over from the family lies the ancient verity, we must depend upon our children" (Greer, 1984, p.376). While it is true that pensions are paid from a combination of taxation and contributions, a redistributive element operates. For example, young urban workers may help to finance the pensions of retired farmers. In addition to pensions, the job of providing for the aged has been shifted to the State through a variety of schemes, including free travel, free electricity and free black and white TV licences. The elderly also enjoy a number of tax concessions. There is a £200 tax allowance for over 65s. The income tax age exemption limits, £3,250/£6,500 for over 65s and £3,800/£7,600 for over 70s are far higher than the general £2,750/£5,500 limits. The only individuals

entitled to reclaim deposit interest retention tax if they are not liable to income tax are over 65s and the handicapped, while income tax relief on rent up to £750 is confined to the over 55s.

Old-Age Pensions were first provided on a means-tested basis for those 70 years and over under the 1908 *Old Age Pensions Act*. The contributory old-age pension was introduced in 1961 which led to some diminution in reliance on the non-contributory pension. In 1970 a retirement pension was introduced which could be availed of by insured workers at 65 while continuing in self-employment if desired. In 1935 the payment of widows' and orphans' pensions — contributory and non-contributory was introduced. Tables 5.13 and 5.14 show the growth in the number of pensioners and in expenditure on pensions during the last 50 years.

Table 5.13 shows that the numbers in receipt of pensions doubled in the past 50 years, rising from 165,000 in 1937 to 334,000 in 1986. Over the same period expenditure on pensions rose from less than £4m. in 1937 to £910m. in 1986. Even allowing for the change in the value of money over the period the increase in expenditure on pensions is very striking. In addition to expenditure on pensions in 1986 a further £60m. was spent on free travel, free electricity, free bottled gas, free TV licences and free telephone rental schemes for pensioners. Free travel expenditure — which is not means-tested — accounted for £25m. with an estimated number of recipients including dependants of pensioners amounting to nearly 412,000 persons.

In 1986 expenditure on old-age and retirement pensions and free travel, etc., for pensioners amounted to nearly £720m. and was the largest category of social welfare expenditure, just ahead of expenditure on unemployment payments.

Table 5.13: *Number of Pensioners, 1937-1986*

	1937	1947	1957	1967	1977	1986
	<i>000s</i>					
Old-Age and Blind (Non-contributory)	137	147	166	112	136	125
Old-Age (contributory)	nil	nil	nil	42	60	74
Retirement	nil	nil	nil	nil	28	38
Widows' (Non-contributory)	26	23	27	21	11	17
Widows' contributory	2	13	21	45	64	80
Total	165	183	214	220	299	334

Source: *Reports of Department of Social Welfare and Statistical Abstract.*

Table 5.14: *Expenditure on Pensions 1937-1986*

	1937	1947	1957	1967	1977	1986
	<i>£m. current prices</i>					
Old-Age and Blind (Non-contributory)	3.40	4.80	10.50	13.8	80.86	283.90
Old-Age(contributory)	nil	nil	nil	8.8	52.04	251.07
Retirement	nil	nil	nil	nil	25.49	123.37
Widows' and orphans' (Non-contributory)	0.39	0.35	1.70	2.4	8.27	39.53
Widows' and orphans' (Contributory)	0.08	0.47	1.90	6.8	46.67	212.09
Total	3.87	5.62	14.10	31.8	213.33	909.96

*Source: Reports of Department of Social Welfare and Statistical Abstract.*

Old-age expenditure absorbed 29 per cent of social welfare expenditure compared with 27 per cent on unemployment. This represented a long-term decline in the share of old-age expenditure. In the late 1940s old-age and blind non-contributory pension expenditure was not only three times greater than the next most costly social welfare scheme, but represented 40-45 per cent of the total annual cost of all schemes administered by the Department of Social Welfare. This relative decline in the importance of old age expenditures, notwithstanding the massive absolute increase, gives some insight into the rate of growth of the other social welfare schemes during the period under review. Given the projected increase in the elderly population it is possible that the relative decline may be reversed, while the absolute increase will certainly continue.

In addition to direct expenditure on pensions there is a State subsidy for private occupational pensions which takes the form of tax reliefs. Relief from income tax is allowed on contributions paid under approved schemes by both employers and employees. This relief is analogous to that granted on Voluntary Health Insurance premiums. Tax relief is also available on the income from investments or deposits made under private occupational pension schemes. However, in the 1988 Budget a 6 per cent "once off" tax was levied on the income of pension funds. Keogh and Whelan (1985) have estimated the overall coverage of occupational pension schemes at about 47 per cent of the employed labour force.

Pensioners have fared well over time relative to the average industrial earner. Hughes (1985) shows that when the old-age contributory pension was introduced at the start of the 1960s, 20 per cent of the average male industrial wage before

tax was replaced by the single person's basic pension as against 23 per cent after tax. In 1984 the percentage of the pre-tax wage replaced by the basic pension was 26 per cent whereas the percentage replaced after tax had almost doubled to 42 per cent. Hughes concludes that:

The behaviour of the replacement ratio series before and after tax suggests that changes in the income and social insurance tax systems are not taken into account by the Government when changes in social welfare benefits are being considered and this has led to an unintended growth in benefits relative to disposable income (Hughes, 1985, p. 73).

#### *Taxation and Social Welfare Combined*

Hughes' point concerning a lack of co-ordination in regard to taxation and benefit regimes in the case of pensions has a wider validity. A number of inconsistencies arise due to their lack of co-ordination. For a start, certain social welfare payments are totally disregarded for tax, regardless of the other income of either the claimant, spouse or dependants. These include unemployment benefit and disability benefit. In some cases payments are means-tested and the presumption is that there is little or no other family income, or if there is and it passes a certain level the payment will be trimmed accordingly. Some payments are liable to income tax on the same basis as employment income and accordingly the claimants are entitled to the PAYE allowances. The payments treated in this way are the widows' and orphans' contributory pension and the old age and retirement pensions. A third group of payments are liable to tax but do not entitle the claimant to a PAYE allowance. This group of payments includes invalidity pension and deserted wife's benefit. The sort of anomaly which can arise as a result of this arrangement would be, for example, that an invalidity pensioner with dependent spouse and 3 child dependants will be liable to some tax, although the recipient of unemployment benefit with similar family circumstances will not be liable to tax.

Because of the fact that unemployment benefit is not taxed cases can arise, especially where there are several dependants, where a person's net income position may be improved by not working certain periods of the year. In other cases the differences between working and not working is very small, or even negative if the costs associated with working are taken into account. In some cases it may be possible for the spouse of a highly paid worker to work sufficient weeks in the year to qualify for tax-free unemployment benefit for the rest of the year, regardless of means either of the claimant or the spouse.

#### *Conclusions*

The central assumption on which much of the social welfare and taxation system was based — that of breadwinner father with dependent wife and children

— has been modified gradually as more and more married women and mothers remain in the labour force and as more solo mothers rear children. In accordance with the changed realities and EC regulations the definition of economic dependency in the social welfare code has been modified. In addition the Social Welfare Code has gradually extended its coverage to non-marital families. This reflects a pattern described as follows by the International Social Security Association:

While the majority of families still conform to the traditional pattern of the nuclear family of husband and wife and dependent children, there is emerging a greater diversity of family forms and living styles (International Social Security Association, 1983, p.10).

The number of solo mothers is increasing, as is the incidence of marital breakdown and desertion. Partly as a result of these trends, complex issues are arising regarding entitlement to benefit, the unit of payment and responsibility for child dependants.

An examination of the main forms of State support for children indicates a move towards direct cash payments in the form of children's allowances and child dependant allowances for social welfare recipients, and away from child tax allowances. An examination of the combined effects of trends in tax allowances and children's allowances shows that at all levels of income examined the ratio of disposable to direct income has declined over time. For families with children the growth in children's allowances has been outweighed by the growth in the burden of taxation due partly to the abolition of the child tax allowance. Some element of horizontal and vertical equity operates in the system. Couples with children fare better than couples without children at the same level of income as a result of children's allowances. Since the Murphy case they pay identical income tax bills. As families with the same number of children progress up the income spectrum they are left with a lower ratio of disposable to direct income, indicating a degree of vertical equity.

With families on social welfare the situation is sometimes quite complicated. The Commission on Social Welfare asserted that one of the values underlying social policy is the recognition and maintenance of the family. However, the Commission comments:

Social welfare payments are not fully consistent with this principle. Firstly, the pattern of child dependant payments is highly anomalous, and secondly, the lowest child dependant allowances apply to those payments (unemployment benefit and assistance and disability benefit) where recipients have the largest share of children dependent on social welfare (p.167).

In some cases low paid workers with medium to large-sized families fare better on unemployment benefit than with take-home pay. The reintroduction of child tax allowances for low income workers could give considerable relief for such workers who have a number of dependent children. The extraordinarily low take-up of Family Income Supplement reported by the Combat Poverty Agency (1988a) requires explanation.

Aid for unmarried mothers and deserted wives has been an important form of support for these groups and has grown steadily since introduced in the 1970s. However, there is no corresponding support for deserted husbands or lone fathers. The steady growth of State pensions and the increased numbers availing themselves of these pensions represent a very important form of family support provided by the State. Some striking anomalies exist, for instance the deterioration in net income which occurs when two single or widowed parents marry, and the anomalies which arise because some benefits are taxed and others are not. Clearly there is a need for closer co-ordination between the taxation and social welfare codes as they affect families.

## Chapter 6

### *THE IMPACT OF PUBLIC EXPENDITURE PROGRAMMES ON THE FAMILY*

#### *Effects of State Transfers on the Family*

Before discussing the impact of public expenditure programmes on the family it is important to emphasise the link between taxation and expenditure. It was shown in Chapter 5 that the burden of direct taxation has risen for all taxpayers. The reason why taxation has risen over the years is because public expenditure has risen. An analysis of the rise in taxation and the effect of this increase on families is necessarily incomplete without a corresponding analysis of the growth of public expenditure and the effect of this trend on families.

In attempting to answer the question of the extent to which State support for the family is reflected in public expenditure programmes, the difficulty of definition reasserts itself. The family of the unmarried parent and child, or children, while given definite recognition in social welfare and housing policies, does not have any special recognition in the Constitution. For practical purposes much of the data relates to families with or without children, whether marriage-based or not. Furthermore, the requirements of the family, however narrowly or widely defined, vary over time. Accordingly, the appropriateness, or otherwise, of supportive programmes for the family, will vary over the life-cycle of the family. As in Chapter 5 the concepts of horizontal and vertical equity prove useful. Family life-cycle analysis relates to the concept of horizontal equity. There are no life-cycle data available which take account of different levels of direct income.

Looking first at the effects of State transfers on all households, regardless of household type, Tables 6.1 and 6.2 show average weekly income, taxes and benefits, for all households in the State in 1980. Table 6.1 shows that the average weekly household direct income in 1980 was £111.14p with average disposable income of £106.45 and average final income of £108.99. Final household income after all taxes and benefits reflects the full impact of State taxation and benefits. It is obtained by adding to disposable income the value of State benefits in kind received and by subtracting indirect taxes paid directly or included in the purchase price of goods and services. Average final income was equivalent to 98 per cent of average direct income. The ratio of final income to direct income provides a convenient measure of the degree to which income is redistributed by the combined effects of taxes and benefits. A ratio greater than unity means that households on average registered a net gain, while a ratio below unity indicates a net loss.

Table 6.1: *Average Weekly Income, Taxes and Benefits for all Households in the State, 1980*

	<i>£ per week</i>
Direct Income (A)	111.14
Cash Benefits (B)	14.26
Gross Income (A+B)	125.40
Direct Taxes (C)	18.95
Disposable Income (A+B-C)	106.45
Non-Cash Benefits (D)	20.85
Indirect Taxes (E)	18.31
Final Income (A+B-C+D-E)	108.99
Final Income ÷ Direct Income	0.98

Source: CSO, *Redistributive Effects of State Taxes and Benefits on Household Incomes in 1980*, September, 1983.

Table 6.2 provides a breakdown between cash and non-cash benefits and direct and indirect taxes. It shows that on average for all households in the State in 1980 the weekly burden of taxes exceeded the value of benefits covered.

#### *Horizontal Equity*

Table 6.3 shows the situation for households of different types. The tax-benefit ratio, i.e., total taxes divided by total benefits is greater than unity for 3 out of the 4 households. Only in the case of the 1 adult household is the ratio less than unity, indicating that benefits received are in excess of taxes paid. The negative outcome is exceptionally heavy in the case of the 2 adults plus 1 child household. In this case the tax-benefit ratio is greater than 3, i.e., taxes paid are 3 times as great as benefits received. In the case of the 2-adult household the ratio is close to 1 while in the case of the household of 2 adults with 3 children the tax burden is 1.25 times as great as the benefits received.

These data must be interpreted with caution. They do not tell us about the direct income distribution of the different households. For example, it is certain that many of the 1 and 2 adult households will comprise pensioners. Nevertheless, the relative burden on couples with 1 child is very striking. Further light on the situation may be gained by examining income data by stage of family cycle presented in Table 6.4. These data refer only to direct and disposable income, not to final income. Therefore, non-cash benefits and indirect taxes are excluded.

#### *Family Life-Cycle*

The family-cycle classification originates with the pioneering work of David Rottman, Damian Hannan, Niamh Hardiman and Miriam Wiley at The



Table 6.2: *Average Weekly Taxes and Benefits by Type of Tax and Benefit for all Households in the State, 1980*

<i>Taxes</i>	<i>£ per week</i>	<i>Benefits</i>	<i>£ per week</i>
Direct Taxes		Cash Benefits	
Income Tax	16.15	Children's Allowance	1.80
Social Insurance	2.80	Social Welfare Pensions	6.71
Unemployment Payments	2.87	Total	18.95
Other	2.88	Total	14.26
Indirect Taxes		Non-Cash Benefits	
Rates and Water			
Charges	0.05	Medical Services	8.19
Motor Taxation	0.10	Education	9.12
Vat	6.88	Housing	1.00
Fiscal duty	10.76	Other	2.55
Other	0.51		
Total	18.31		20.85
Total Taxes Covered	37.26	Total Benefits Covered	35.11

Source: *Redistributive Effects of State Taxes and Benefits on Household Incomes in 1980*, CSO, September 1983.

Economic and Social Research Institute. In 1982 Rottman *et al.* (1982) published a study of social class and family-cycle inequalities. In that study the authors put forward a ten-stage family life-cycle, moving from "young single" to "old single". Following are the ten stages: young single, young married, family formation, middle child-rearing, complete, early dispersal, dispersal, two-generation adult, empty nest and old single. Using Household Budget data for 1973, Rottman *et al.* found that income inequalities are systematically associated with changes over the family cycle. Household disposable incomes were highest, on average, at stage 6 — "early dispersal", where the balance between income earners and dependants is most favourable. Household disposable income rises on average from stages 3 through 6, while from stage 7 onwards household disposable income falls. The discrepancy between income and need is most marked at the middle child-rearing stage.

The overall assessment of Rottman *et al.* is that redistribution does take place among households at different family-cycle stages. Typically the transfer is from the relatively unburdened early stages, and the dispersal stages in which a large number of income earners are present. The net contributions made by those

Table 6.3: Average Weekly Cash Benefits, Non-Cash Benefits, Direct Taxes and Indirect Taxes for Different Household Types in the State, 1980

Household Composition	Cash	Benefits		Taxes		Total	Tax/ Benefit Ratio
		Non-Cash	Total	Direct	Indirect		
							£
1 Adult	10.96	7.64	18.60	8.22	7.19	15.41	0.83
2 Adults	16.96	11.40	28.36	15.10	14.24	29.34	1.03
2 Adults with 1 child	4.88	8.58	13.46	21.55	19.44	40.99	3.05
2 Adults with 3 children	9.64	22.09	31.73	19.66	20.03	39.69	1.25

Source: CSO, *Redistributive Effects of State Taxes and Benefits as Household Incomes in 1980*, Appendix 1.

households is primarily of benefit to households at the middle child-rearing stages and to households in the late stages of the cycle. The resulting redistribution, according to Rottman, is not sufficient in relation to the burden of dependency; nor is it sufficient to alleviate the very low incomes found late in the cycle.

The most recent data relate to the Household Budget Survey, 1980. In this survey, the CSO introduced an eleven-stage family life-cycle, similar to, though slightly different from, the Rottman classification. The main difference between the Rottman and CSO classifications is that the CSO distinguishes between "head of household without spouse or children" and "head of household with resident spouse and/or children". In the first category, three stages are distinguished — young, middle-aged and retired. In the second category eight stages are distinguished. These are reproduced in Table 6.4 below.

When interpreting these data it must be remembered that the data used to illustrate life-cycle effects are cross-sectional, not time-series. Therefore, changes over time in State policy may mean that current differences over the life-cycle stages do not accurately represent what changes were or will be experienced by each cohort over its life-cycle. This point can be illustrated by the example of house purchase. The generation which bought houses in the 1970s did so in a period of high inflation and low or negative real interest rates. In the early 1980s a later cohort bought expensive houses followed by a period of low inflation and very high real interest rates. The life-cycle experience of the second group in regard to housing is very different, therefore, to that of the first group.

Table 6.4 shows average weekly household income classified by stage of family cycle in 1980. The table shows a similar pattern to that identified by Rottman *et al.* using 1973 data. Household disposable income rises on average from stages 2 through 6, while it falls at stages 7 and 8. In every case where children are present disposable income is less than direct income. This is also true at the

Table 6.4: Average Weekly Household Income Classified by Stage of Family Cycle, 1980

	<i>Pre-Family</i>	<i>Pre-School</i>	<i>Early School</i>	<i>Pre-Adolescent</i>	<i>Adolescent</i>	<i>Adult</i>	<i>Empty Nest</i>	<i>Retired</i>	<i>All</i>
£									
Total Direct Income (A)	150.5	121.3	118.4	120.6	134.0	172.2	77.0	34.9	111.1
Total State Transfers (B)	4.5	6.6	10.9	13.8	15.5	20.9	14.0	27.9	14.3
Gross Income (A + B)	155.0	127.9	129.3	134.4	149.5	193.1	91.0	62.8	125.4
Total Direct Tax (C)	33.5	20.4	18.0	18.3	20.7	31.9	13.7	3.9	19.0
Disposable Income (A+B-C)	121.5	107.5	111.3	116.1	128.8	161.2	77.3	58.9	106.4
Per cent									
Disposable Income ÷ Direct Income	81	89	94	96	96	94	100	169	96

Source: Household Budget Survey, 1980, Vol.4 (Oct, 1984). Appendix 2, Table A, p.260.

“pre-family” and “adult” stages, while at the “empty nest” and “retired” stages the reverse is the case.

This is quite a striking finding because it means that at the end of a complex and administratively expensive process, households with children as well as households at the “pre-family” and “adult” stages are, on average, actually worse off than they would have been if the State never became involved in the first place. However, Table 6.4 only provides a limited picture of State involvement. It covers direct taxes and cash benefits. The cash transfers included are those on children’s allowances, old-age and retirement pensions, widows’ and orphans’ pensions, unemployment benefits and assistance, education grants/scholarships and other State transfers. Table 6.4 does not include either indirect taxes borne by households or the non-cash benefits provided by the State, for example, primary and free post-primary education, and free or subsidised health and housing. Many of these non-cash benefits, especially those relating to education, would be most likely to benefit families with children. Unfortunately data on non-cash benefits over the family life-cycle are not available.

A study, *Redistribution Through State Social Expenditure*, prepared for the National Economic and Social Council (1988) finds that between 1973-80 there was a net transfer of resources from economically active households to households in which the head is over retirement age. The study also finds a failure to target benefits to households with families. “That failure is evident in the distribution of the tax burden and the allocation of both cash transfers and subsidies in the form of services. Households in which a family was being reared were less well

off relative to other types of household at the end of the period" (McCashin, 1988, pp.17-18).

#### *Vertical Equity*

Another limitation of Table 6.4 is that it does not take account of differences in the direct income distribution. Table 6.4 is based on the presumption that the direct income distribution is exogenous, whereas in the absence of tax and benefit regimes the direct income distribution itself would alter (Nolan, 1981, pp.81-83). For example, in many cases direct income comes in whole or in part from the State and accordingly from the taxpayer. Public sector employees, including civil servants, gardai, teachers and hospital consultants derive their direct income either totally or in part from the State.

According to the findings of the Household Budget Survey 1980, the overall effect of State taxation and social welfare schemes is to redistribute income from higher income households to those which are less well off. The ratio of final income to direct income shows that households were better off after all taxes and benefits in the six lowest income ranges (i.e., under £90 direct income per week in 1980) and worse off in the higher income ranges. In fact a progressive shift from one extreme to the other is discernible along the direct income scale.

Comparing families of 2 adults plus 2 children with families of 2 adults without children it emerges that, overall, the ratio of final to direct income favours the families without children who have a ratio of 99 compared with 86. However, within each of the 13 direct income groupings, the family with children fares better than the family without, except in the category £20-£29 weekly. Therefore, controlling for direct income, in this particular comparison, families with children tend to do better than families without children (CSO *Redistribution Study, 1980, 1983*).

However, recent analysis by McCashin of non-cash benefits in relation to income of typical households, indicates that large amounts of aid go to better-off households. In particular the data for expenditure on education suggest that the highest income categories benefit most, relatively, through participation in higher education:

In the highest income households two of the four children attended higher education and this results in an amount of education non-cash benefit which is almost *twice* the amount for other households (McCashin, 1986, pp.37-40).

For households with children, education is a large and relatively significant subsidy, whereas the medical benefits are most significant for the elderly households. McCashin points out that as the housing non-cash benefits include tax relief on mortgage interest, the two highest income categories obtain proportionately greater non-cash housing benefits than the middle income

categories, but the effect of local authority housing provision is redistributive towards the lower income categories.

While precise information on the redistributive effects of State expenditure on housing, education and health among families and over the family life-cycle is limited, some general comments may be made about the impact of these programmes on families.

#### *Housing*

Next to a job or some other source of income housing is the most basic need of the family. The housing conditions of families with children are the most important aspect of the environment in which they live (E.E. Davis, N. Bolger, G. Downey, 1981, p.4). A consistent association has been found between poverty and poor housing with bad health, delinquency and drug abuse. Housing policy which has the straightforward maximisation of output as its chief target may take insufficient account of the varying need for shelter at different stages of the family life-cycle. Family space needs are not static. As the family grows its space needs grow; as it decreases so also does the amount of space it needs (O'Beirne, 1971, p.1). In 1987 current subsidies to housing cost the Exchequer £584 million. State assistance towards the provision of housing takes a variety of forms. On the one hand, local authorities build and provide houses directly. On the other hand grants are available to purchasers of private housing. Taxation relief on mortgage interest payments up to a maximum of £4,000 per annum for a married couple was available until the 1987 Budget when it was reduced to 90 per cent of payments. The cost of the relief on mortgage interest was £152 million in 1986/87. The cost of this relief has risen rapidly during the past decade. With more taxpayers exposed to high marginal tax rates, the value of this tax expenditure has risen sharply. In 1977/78 the cost to the Exchequer of tax relief on *all* loan interest was just £22 million, one-seventh of the cost of mortgage interest relief in 1986/87.

There is no simple answer as to the extent to which housing policy takes account of the family cycle. Local authorities do give more "points" to housing applicants as family size increases. Since the early 1970s local authorities have allocated about 10 per cent of housing output to two special categories — the elderly and the disabled. Housing grants to construct extra bedrooms and to ease overcrowding have taken account of family size. However, grants by the Department of the Environment for extensions to private houses were terminated with effect from 27th March 1987. While mortgage interest relief for a married couple is twice the tax relief allowed for a single person there is no additional recognition of children.

Gabriel Kiely suggests that housing policy suffers certain deficiencies from the viewpoint of the family. For example, he suggests that young couples, already

overburdened, may be encouraged to have children in order to improve their chances of public housing. Although there has been some increase in the average size of local authority houses, Kiely also suggests that larger houses have not been provided for larger families:

our society which has "idealised" large families has forced them to live in small houses (in the public sector at least). The Church has not followed through with a campaign for larger houses to be consistent with the beliefs of the faithful (Kiely, 1986, p.154).

While Kiely is correct that many large families have had to live in crowded accommodation in the past, average completed family size is now under 3 and 80 per cent of applicants on local authority housing lists at the end of 1987 consisted of households of 3 or less. Given the established trend towards smaller household sizes deficiencies in the local authority housing stock now appear to be of the smaller rather than the larger units. Single parent families now constitute over 20 per cent of applicants for local authority housing. Young homeless persons are increasing in number. In 1984 a survey by the National Campaign for the Homeless identified 800 young homeless, more than half of whom were under the age of 20. These are figures for young homeless who were in contact with some of the various agencies dealing with the homeless. It may be assumed that the total number of young homeless is actually greater. Very significantly a survey of homeless young people in Dublin revealed that 89 per cent came from parts of the city with high levels of long-term unemployment. In general it was found that poverty and/or family breakdown emerge as major causes of youth homelessness (Stanislaus Kennedy, 1987). It is hoped that the *Housing Act 1988* will provide a framework for tackling the problem of homelessness. The Act provides a legal definition of homelessness and it makes it clear that local authorities are the bodies responsible for tackling the problem. However, it does not make it obligatory on local authorities to house single homeless people.

If many problems still remain, achievements in housing policy have been very substantial indeed. It is not so many years ago since overcrowding and slum dwelling were widespread. On the threshold of the twentieth century, Horace Plunkett observed "Indeed the Irish peasant scarcely seems to have a home in the sense in which an Englishman understands the word" (Plunkett, 1904, p.53). Little wonder, perhaps, given the poverty of the Irish peasants. In the 1920s overcrowding was endemic in many rural areas, particularly in the West of the country. According to the 1926 Census most of the rural population lived in three-roomed dwellings, whether the family comprised 2 or 11 persons. Dwellings were generally white washed thatched cottages.

Urban overcrowding was rampant and conditions frequently miserable. In *Strumpet City*, James Plunkett portrays the "ashbin children" as "pinched and wiry

and usually barefooted. They lived on the cast-offs. They came each morning from the crowded rooms in the cast-off houses of the rich; elegant Georgian buildings which had grown old and had been discarded". In 1926 there were 22,900 families living in overcrowded conditions in one-room dwellings, and 39,600 families living in 2 rooms. Almost 25,000 persons living in 2,800 families with 9 persons each, resided in two-room dwellings. Despite considerable progress between 1932 and the outbreak of World War II housing conditions for the majority remained abysmal. Insanitary conditions and crumbling dwellings in rural areas combined with widescale tenement living in the cities added up to a grim situation. In Dublin in 1938, out of 33,411 families covered by a survey, 70 per cent occupied one-room dwellings.

The post-war years 1947-1952 were years of housing boom. The total number of dwellings built with State aid grew from 1,600 in 1947 to 14,000 in 1952. The boom was short-lived. A period of gradual decline in housing began in 1952, culminating in a massive cutback between 1956 and 1958. Towards the end of the 1950s and in the early 1960s housing policy shifted towards conservation of the existing housing stock. Speaking in the Dail, the then Minister for Local Government, Mr. Blaney, referred to "a decided shift in emphasis in recent years from the building of new houses to the conservation of existing houses" (*PDDE*, Vol.175, 1379). It soon became apparent, however, that housing needs were mounting again and that more local authority housing, in particular, was urgently required. As the population began to grow after 1961 and emigration to fall, there was a big increase in demand for dwellings, in particular in Dublin city and other urban areas. Furthermore, the marriage rate which had been rising since 1951 rapidly accelerated in the improved economic conditions of the mid-1960s. Births were rising steadily.

In Dublin city the existing housing stock was being reduced as the life-cycle of non-maintained Georgian dwellings was then drawing to a close. The collapse of a number of houses in which 4 people were killed in Dublin in June 1963 signalled a crisis and sparked off a chain of events which resulted in an intensified housing campaign. A leading article in *The Irish Times* stated that "after a long period of eclipse, during which it was the least discussed of all sectors of the building industry, housing has again captured the public attention" (23rd July, 1963). Between 1st June and 3rd September 1963, 285 Dublin city buildings were condemned, involving 989 families. The massive emigration of the 1950s, while mainly an emigration of individuals rather than families, had contributed to the lack of awareness of an impending housing crisis. In Dublin the true picture of housing needs had been obscured by the growing number of vacancies in Corporation housing estates. For instance, in 1959 there were 1,000 applications from families in the perimeter areas of Finglas and Ballyfermot who wanted to get back into the city. Vacancies in the outlying estates were in part due to

the fact that people in the centre city slums would not move out to the estates. At approximately this point in time Dublin Corporation decided on a policy of building flats in the city. The Ballymun project was launched by the National Building Agency for Dublin Corporation on 31st March, 1965. The Ballymun scheme consisted of a number of blocks of "high-rise" flats. Over the years the Ballymun scheme has been found to suffer from the defects now generally recognised as features of "high-rise" living. For example, the difficulties in watching children at play, while attending to routine household chores, which arise even in single-storey dwellings, become insuperable in "high-rise" blocks.

The 1970s saw a renewed housing drive as population continued to expand and housing incentives were increased. Between 1971 and 1979 the total number of private households in permanent housing units increased from 726,000 to 867,000, or by nearly 20 per cent. Between 1979 and 1986 the number further increased to 965,000 or by 11 per cent. The expansion in housing during the 1980s has come from the private sector as the output of local authority housing has fallen significantly from an average level of 6,000 per annum at the start of the 1980s to 3,000 in 1987. Estimated completions of local authority housing for 1988 are down to 1,600, the lowest level of completions since 1961.

Examination of the increase in private households during the 1970s shows the largest increase in "1-person households". This category rose by nearly 40 per cent from 103,000 to 142,000. There were large increases in 1-person households for all age groups, with those in the age groups under 25, 25-29 and 30-34 more than doubling. The number of persons aged 65 and over living alone rose by about 40 per cent from 43,000 in 1971 to over 60,000 in 1979. About 17 per cent of persons aged 65 and over were living alone in 1979. By 1986, 81,000 persons, or 21 per cent of the total aged 65 years and over were living alone. Over 57,000 persons aged 70 years and over or 23 per cent of the age group live alone.

Partly as a result of "household fission", i.e., the division of larger households into a bigger number of smaller households, as people in both the younger and older age groups in particular, set up independent households, the average size of households fell from 3.94 persons in 1971 to 3.73 persons in 1979. It had been 4.31 in 1936 and 4.16 in 1946. Average household size is already well below 3 in several European countries. Apart from household fission another important factor contributing to the decline in average household size has been the decline in the fertility of marriage. Average completed family size fell from 4 in 1971 to 3 in 1981. Relative to a decade ago, there has been a sharp decline in the number of very big families. Inevitably this is reflected in household sizes. Between 1971 and 1981 there was a decline in the number of private households in permanent housing units with 8 or more persons per household. The number of households with 10 persons per household declined by over one-quarter, while



the number of households with 12 or more persons declined by over one-third. During the 1970s housing demand was markedly influenced by changing patterns of household formation as more people, especially more young single people, moved out from the family home into separate dwellings. As a result of such household fission, the rise in the number of households was relatively greater than the rise in population.

John Blackwell (1983b) has raised the question of what lay behind the rise in household formation in the 1970s. Blackwell states that a major reason for the rise in household formation in the 1970s was the rise in real personal incomes. The rise in real incomes coincided with a change in tastes, especially an increased desire to set up an independent home on the part of young single people. The demand for housing as an asset also increased with the high inflation rates of the 1970s as mortgage interest relief combined with subsidies for first-time buyers encouraged more people to enter the housing market as a hedge against inflation. During the 1970s there was a great growth in the number of flats and apartment blocks, particularly in Dublin and in the other major cities. In addition to demand from single people there was also a demand from retired people for accommodation in flats both because accommodation requirements were for smaller units as the children had left the family home, and increasingly, due to better security arrangements in apartment complexes.

Given the demographic changes which are taking place — a decline in marriages and births and a rise in emigration — combined with the poor prospects for real income growth, there is likely to be a slowdown in housing demand in the immediate future. Also there is likely to be a shift in demand towards smaller units. Already such trends are in evidence. The average floor area of private estate type houses peaked in 1978 and 1979 and declined in the early 1980s (McCarthy, 1982).

One policy implication concerns the mismatch between household size and dwelling size. A survey of the housing position in Dublin in the early 1970s showed a range from “five rooms per person to five persons per room” (MacGreil, 1977). According to Davis *et al.* the extent of overcrowding in all households in the late 1970s tended to be roughly half that of households with dependent children (Davis *et al.*, 1981, p.7). With a “maximum output” objective, incentives which encourage household fission and facilitate people in the younger age groups in particular to buy dwellings of their own, may be very effective. Where the priority is to house more families, for example, then a more need-specific set of incentives may be required. One incentive scheme designed to encourage a growth in private housing output introduced in the early 1980s was the surrender grant scheme, which provided a £5,000 grant to persons in Corporation houses to leave these houses and purchase dwellings in private housing estates. The surrender grant scheme secured the release of 8,400 local authority dwellings

for reletting. The capital cost of the grant scheme was £42 million compared to a capital cost of providing 8,400 new local authority dwellings of about £270 million. The scheme had some adverse social consequences. As a result of the scheme the best equipped families tended to leave the Corporation estates, while families depending on social welfare remained, leading to a growth in "unemployed ghettos" in certain housing estates. In assessing the social impact of the surrender grant scheme it might also be borne in mind that approximately two-thirds of applicants for local authority housing are wholly or mainly dependent on social welfare. If these applicants are to be provided with local authority accommodation, whether in new or existing housing estates, it is inevitable that a concentration of welfare dependency will occur. The effects of the surrender grant scheme in the Dublin housing area were studied by *Threshold* in a report published in June 1987. The scheme was discontinued in 1987. By the end of 1987 the numbers of approved applicants on local authority waiting lists had fallen to 18,500 from 30,000 at the end of 1982.

#### *Education*

Twenty years ago public expenditure on education was £60 million. In 1987 it was well over £1,000 million. At present about 41 per cent of public spending on education is incurred at the primary level, 44 per cent at second level and nearly 16 per cent at third level. When measured in relation to the numbers participating in each sector, public spending per pupil per annum is about £750 at primary level, £1,200 at second level and £3,200 at third level. Within second level the subsidy per pupil to the Community and Comprehensive Schools and the Vocational Schools is somewhat above £1,200, while the subsidy to Secondary Schools is slightly less. At current prices a child who spends 7 years at national school, 5 years at post-primary school and 3 years at university may be the object of £21,000 of public spending. Depending on the school attended and the courses followed the subsidy may be more or less. Those who remain longest in education gain most.

Under the Constitution the family is recognised as the primary educator of the child. The State's function is to help and supplement the family with its task. It has been suggested elsewhere that among the major goals of the education system in the post-war period have been the provision of a minimum standard of education for all, the equalisation of opportunities and the assisting of economic growth (Kennedy, 1975 and Breen, 1985).

Consider the objective of economic growth first. In Ireland the idea of investment in education gained great impetus in the early 1960s when a major OECD study, directed by Professor Patrick Lynch, was published. The origin of education as investment in a human resource goes back, at least, to Adam Smith's *Wealth of Nations*. From an economic viewpoint a central issue arises

from the fact that those who bear the expenses of rearing and educating a future worker may receive little of the reward that is paid for his service in later years. Alfred Marshall expressed the problem this way:

But the investment of capital in the rearing and early training of the workers of England is limited by the resources of parents in the various grades of society, by their power of forecasting the future, and by their willingness to sacrifice themselves for the sake of their children ... The professional classes especially, while generally eager to save some capital *for* their children, are even more on the alert for opportunities of investing it *in* them" (Marshall, 8th ed. 1961, p.467).

Stressing the vital importance of the mother, Marshall suggests that the great advantage which the child of an artisan has over the child of an unskilled labourer derives in part from the fact that "his mother is likely to be able to give more of her time to the care of her family" (op. cit., p.469).

The objective of economic growth and of equality of opportunity through education are both linked in the sense that they provide justification for the State to counterbalance deficiencies in family capabilities. The family, of its nature, will conflict with certain trends of a modern economy rooted in individualism — the trend towards greater equality, for example. The property-owning family, small or large farm family, the business family, will be opposed in general to inheritance taxes and other equalisation measures. In the sphere of education, families with privilege will endeavour to pass on educational privilege to their children. At the other end of the scale parents with low levels of educational attainment may generate little educational motivation for their children. Greaney, for example, suggests that lower working class parents are "indifferent to or place little value on formal education" (Greaney, 1973, p.95). Greaney also suggests that poor pupil performance and pupil attendance "probably reflects a lack of commitment to education in the student's home (op.cit., p.96).

Suggestions such as those quoted from Greaney should not be interpreted as criticism of lower working class parents. What is at issue has been confirmed by numerous studies, i.e., that while the school is of importance for educational attainment, the home influence is of greater importance. A survey of studies in six European countries showed that social background factors accounted for 23-59 per cent of the variation in achievement scores, genetic factors accounted for 40-52 per cent and school factors accounted for 6-22 per cent (OECD, 1970). The chances of changing the achievement pattern are higher, therefore, if expenditure is devoted to overcoming social background factors than to reforming the school system. Successful intervention to help children from underprivileged backgrounds must strike at the roots of the problem, i.e., the family. For children to flourish and "do well" in life they must in general come from homes which

are not overwhelmed by the handicaps of unemployment, poverty, lack of basic education of parents and so on. Equality of educational opportunity does not start with equal access to school, but with equal access to jobs by parents. A first step towards this goal is access to *some* job for those parents caught in the vicious circle of deprivation.

Richard Breen has drawn attention to the fact that about 10 per cent, or between 5,000 and 7,000 young people leave school each year without sitting any public examination (Breen, 1985; p. 102). In addition quite a large proportion do very badly in basic subjects — English and Maths — at Intermediate Certificate level. Referring to the post-1967 reforms, Breen says:

because the provision of educational opportunity has been made largely without regard to pre-existing differences between pupils and their families, in terms of not only their financial but also their cultural resources, there still remain inequalities in educational opportunity which are too great to overlook (Breen, 1985, p.104).

Breen concludes another study with the following remarks:

the fundamental problem of early labour market inequalities, as currently reflected in the distribution of unemployment among school leavers and in differences in the kinds of jobs they enter, lies in the educational system and the close relationship between educational attainment and family circumstances (Breen, 1984, p.152).

Dale Tussing (1978) noted the higher per capita expenditure on education in the better-off economic localities. Early school leavers come mainly from working class families. As Breen points out "what is disturbing in the Irish context is the degree to which differences in educational outcomes are related to class origins and the magnitude of these differences" (Breen, 1985, p. 104). In the period 1976-1977 on average, 4 per cent of the sons of "semi-skilled manual workers" entered third-level education compared with 50 per cent of the sons of "upper non-manual fathers". At second level among boys entering post-primary education, those from upper-non-manual families, i.e., those whose father is an executive, manager or professional, are at least 6 times more likely to sit the Leaving Certificate examination than are those whose father is an unskilled or semi-skilled labourer and they are almost 13 times more likely to enter third level. Among girls the equivalent differences are somewhat less.

The consequences of the marked differential in participation rates are compounded when pupils leave education and enter the labour force. The National Manpower Services Survey of School Leavers shows a clear relationship between educational participation and unemployment. Between 1978/79 and 1980/81 for those who left school before sitting any public exam, the total

percentage unemployed was 3 times as great as among those who left after sitting the Leaving Certificate. Of those who left school with the Leaving Certificate in 1980-82 less than 2 per cent were unemployed and 36 per cent were students, when surveyed; of those who left in the same period with no educational qualification almost 11 per cent were unemployed, while less than 2 per cent were students. Thus the vicious circle is revealed. Deprived families where there is no parent in employment lead to low educational achievement of the children in such families. In turn the labour market prospects for such children are dismal. As soon as the circle is complete these children in turn establish a new batch of deprived families.

David Rottman and Philip O'Connell (1982, pp. 63-88) have set the issue in a wider context of social structure. Rottman and O'Connell say that a class consists of families that have a similar set of economic resources that they use to generate income. The life chances of individuals depend, by and large, on the quality of such resources, whether in the form of property, as in farmland, or in qualifications, for wage employed — physical property and paper property.

A changing class structure alters the relative advantage of possessing different forms of economic resources. In recent decades in Ireland there has been a continuous contraction of employment possibilities for semi- or unskilled manual work and a growth in employment prospects for those with the credentials required for white-collar jobs. Between the 1951 *Census* and the 1979 *Labour Force Survey* a marked change took place in the composition of the work-force. In 1951, 46 per cent of the male work-force were employers or self-employed and 54 per cent were employees. By 1979 only 31 per cent were employers and self-employed while 69 per cent were employees. Within the employee category the percentage of semi- and unskilled manual workers declined from 24 per cent to 15 per cent. Thus a huge contraction of opportunity has occurred for those with neither physical nor paper property. For many there is no choice other than the dole.

According to Rottman and O'Connell, by 1979 Ireland had clearly ceased to be characterised as petit bourgeois; the predominant categories were of large-scale employers and of well-qualified employees. The weight of inheritance as a factor in life chance allocation diminished. Only 15 per cent of young men aged 20-24 in 1971 relied on family employment; one-third had been so employed in 1951. It is possible in the future that the importance of inheritance could increase once more.

In 1979 a substantial share of the work-force was in residual categories, stranded in the course of industrial development, especially farmers on marginal holdings and labourers without skills. The chances for the children of those in these categories are poor, thus "perpetuating marginality within families" (Rottman and O'Connell, 1982, p.72). Rottman and O'Connell remark:

Today's class structure contains a substantial number of positions that are viable only in so far as they are underwritten by State social welfare programmes and from which, especially given present economic circumstances, there appears to be no exit.

In the mid-1970s, such positions accounted for more than one-twelfth of the work-force. In 1973 one-half of marginal farmers and 41 per cent of unskilled manual workers were dependent on the State for at least 30 per cent of gross income.

Referring to the education system, Rottman and O'Connell point out that Education was given particular prominence in *The Second Programme for Economic Expansion, 1963*:

Decisions on revitalising Irish education, made and implemented over the next two decades, helped to set the definitive cast to the class structure. Irish society became more meritocratic ... The expansion of education, and particularly the opening of opportunities through "free education" in the 1960s and 1970s did more to consolidate the advantages of propertied and professional middle class families than to facilitate social mobility: the strong encouragement to educational accomplishment was disproportionately taken up by children from middle class backgrounds. The qualifications so obtained were used to secure for those families the bulk of opportunities becoming available in white collar and skilled industrial employment and self-employment.

The result is a virtual middle class monopoly of the advantages that depend on education. Economic growth during the 1960s and 1970s did not secure the promised progress. "The educational system today is a barrier to social mobility" (Rottman and O'Connell, 1982, p.75).

Rottman and O'Connell's conclusions about the Irish education system may seem an unduly disillusioned one only 20 years after the dawn of great expectations with the introduction of free post-primary education by Donough O'Malley. The introduction of free secondary education in the late 1960s did mean that more students from lower income groups stayed on longer at school. The reasons why third-level institutions remain so strongly middle class have not been fully researched. The university grants system may need to be reviewed as a remarkably high number of grants go to farmer's children and relatively few to the children of the urban working class. From what is known, it appears that students, especially boys, from working class families are relatively much less likely to sit for the Leaving Certificate examinations than students from "non-manual" families. Even if they obtain the points for university attendance, very few from "unskilled manual" families actually attend. In 1986 University College Dublin and Trinity College had less than 80 students from "unskilled

manual" families on their rolls. It seems fairly safe to conclude that for equality of opportunity to operate more effectively, inequalities in family background must be reduced. This can probably be helped to some extent by a more selective concentration of educational resources from the very earlier levels of education in the more deprived areas, but above all, it requires greater job opportunities for parents in deprived areas. Equality of opportunity could also be improved by greater access to third-level education for those who may have entered the job market on leaving school, but after some years in the work-force seek re-entry to the education system.

#### *Health*

Assessing the impact of public health expenditures, which amounted to well over £1,000 million in 1987, on the family at different points of the life-cycle or at different points in the income distribution spectrum is perhaps an even more difficult task than assessing the impact of other forms of social expenditure. Inherent circularity operates. Health needs tend to be greatest at certain points in the life-cycle, especially at birth and during infancy and old age. The health needs of the poorest families are likely to be increased due to poor nutrition, poor housing and, in general, poorer living conditions.

Evidence exists of differences in health status between social classes (Department of Health and Social Services, 1980). There is also evidence of a link between poverty and women's mental health. A study by the Tavistock Institute in London shows that among women with children at home, working class women were 4 times more likely to suffer from a psychiatric disorder (Brown and Harris, 1982). Using occupation of the father as an indication of socio-economic group, there is evidence that higher infant, neonatal and perinatal mortality is associated with a lower socio-economic group (Department of Health, 1987).

The general improvement in living standards probably had a much bigger impact on maternal and infant mortality than any specific "health" measures. In 1949 Ireland had the highest rate of infant and maternal mortality in Europe. At the time of the establishment of the Free State some health care provision existed for mothers and children under 5 years of age (*Notification of Births (Extensions) Act, 1915*), and school health inspection and treatment services for children attending national schools had been introduced (*Public Health, Medical Treatment of Children (Ireland) Act, 1919*). Little innovation took place until after the World War II. On 22nd January 1947 a separate Department of Health was established.

The *Health Service (Financial Provisions) Act, 1947* provided the financial basis for the expansion of the services because it put the financial burden on the Central Fund, rather than the local authorities. More than financial provisions were

necessary, however, as evidenced by the fate of the Mother and Child Scheme contained in Part III of the 1947 Health Act. Under the Mother and Child Scheme a comprehensive health service would be provided for mothers and children up to the age of 16 years. The Irish Medical Association and the Catholic hierarchy both strongly opposed the scheme. The hierarchy expressed its objections in a letter dated 10th October 1950 to the Taoiseach, John A. Costello:

... the right to provide for the health of children belongs to the parents, not to the State. The State has the right to intervene only in a subsidiary capacity to supplement, not to supplant. It may not deprive 90 per cent of parents of their rights because of 10 per cent necessitous or negligent parents (*Irish Times*, 13th October, 1951).

Despite assurances from the Minister for Health, Dr. Browne, that there was no question of compulsion implied by the scheme, that parents would be free to avail themselves of it rather in the same way as they were free to avail of State-aided primary education, the opposition remained implacable. The events centering on the Government crisis of Easter 1951 belong to modern Irish political history. The comprehensive Mother and Child scheme never came into being. The new service was confined to "the lower and middle income groups". Treatment of children was confined to those up to 6 weeks of age instead of 16 years. The controversy played an important part in the enshrinement of the selectivity principle as a fundamental tenet in the provision of health services in Ireland at that time and for very many years subsequently. The point frequently overlooked in analysis of the Mother and Child controversy is that mothers predominantly then (1951) and now work full-time in the home, so that Browne's scheme was an attempt to support, in particular, the constitutional ideal. Yet the scheme was bitterly opposed.

The influence of the Mother and Child controversy in engendering a great air of caution among politicians in their approach towards any health measures which might be construed as intervention in the family cannot be exaggerated. Following the McGee case it was left to Mr. Haughey as Minister for Health to bring legislation through the Oireachtas to make contraceptives available for *bona fide* family planning purposes. The measure was described by Mr. Haughey as "an Irish solution to an Irish problem". In 1985 another Health Minister, Barry Desmond, carried a Bill through the Oireachtas which legalised the availability of contraceptives for all those aged 18 years and over, whether married or single. To what extent ready access to contraceptives, irrespective of marital status, may be regarded as support of the family as defined in the Constitution, is open to debate.

The lack of availability for so many years of dental, ophthalmic and aural benefits to women who work full-time in the home, with the limited exception



of dental benefits for pregnant women, poses a different question regarding the State's commitment to the family. While such benefits have been available to holders of medical cards, they have at last been made available to the dependant spouses of insured workers, from October 1987.

Just 20 years after the last White Paper on Health, entitled "The Health Services and their Further Development" was published in 1966, the Department of Health issued a consultative statement on health policy, "Health — The Wider Dimensions" in 1987. Referring to responsibility for health, the document states:

Responsibility for health arises at a number of levels, i.e., the individual level, the wider community level and the State. The balance between these levels is determined by the overall political philosophy adopted by a particular society. In the Irish context, given the primacy of the individual in our political philosophy, it is reasonable that the individual should be regarded as having primary responsibility for his/her own health to the extent that he/she has discretion in controlling relevant influencing factors.

Surprisingly there is no mention of the family. The absence is all the more striking in view of the mounting evidence worldwide of the degree to which the health of an individual may be influenced by the health of the mother while the child is still in the womb. Studies by the World Health Organisation stress the importance of breast feeding for both child and mother, while many psychological studies suggest the importance of satisfactory early parenting for subsequent emotional development. Dental health of a child can be influenced by the diet of the pregnant mother, while diet, and oral hygiene in early childhood will have a strong influence on the dental health of the adult.

In the consultative statement, "families" are mentioned *en passant* in a category within a sub-heading in the section entitled "Promoting Positive Health". Thus among five rather general items listed as "structural influences on behaviour" the following is included, "strengthening the social support system (families, self-help groups, etc.) that assist individuals and vulnerable groups to cope". Apart from a statement regarding the importance of "imparting the health message to children from the earliest opportunity, a task that for the most part can be and is effectively carried out by a child's parents", there is really no significant mention of the family or "families" in regard to health.

#### *Conclusions*

The difficulties in measuring the impact of public expenditure programmes on the family are considerable. Subject to the important *caveats* discussed perhaps the most striking finding is that illustrated in Table 6.4. This table shows average weekly household income classified by stage of family cycle in 1980. When direct tax and transfers are taken into account, in every case where children are present,

final income is *less* than direct income. But aids to the family under health, education and housing programmes are significant, although such aids may be provided on an individual, as distinct from a specifically family basis.

Looking at the three areas of housing, education and health, it would appear that State support for education is of greatest benefit to the higher income groups. The comment of Philip O'Connell in relation to 1973 data appears still valid in 1988:

Expenditure on health and housing was progressive in 1973, benefiting lower income families more than higher income families. State support for education, on the other hand, was of greatest benefit to higher income families, enhancing the life chances of those already advantaged (O'Connell, 1982, p.268).

Studies of the class structure in Ireland suggest that despite massive State expenditures inequality of opportunity is as great as ever (C. Whelan, 1986). The children with the "good addresses"<sup>6</sup> will tend to receive the best education and in turn obtain the best jobs, and vice versa.

Clearly, support for "the family" is a complex business. Given limited resources, if higher levels of support are to be directed to families most in need, redistribution between families is necessary. As Mr Justice Costello has pointed out in the context of the family and the Constitution, conditions of economic and social deprivation are undermining many families in a most insidious way (Costello, 1988). If these families are to be helped, it may mean that better-off families will have to continue to bear high levels of taxation.

6. Bruce Bradley, *James Joyce's Schooldays*, Dublin: Gill and Macmillan, 1982, p.100.

## Chapter 7

### *A FORWARD LOOK*

For the past half century the family, founded on marriage, has enjoyed special recognition under the Constitution. In June 1986 the majority of the Irish people voted to retain the Constitutional ban on divorce. The stated religion of over 90 per cent of Irish citizens is Catholicism. On the basis of these facts it might be presumed that the family would receive considerable practical support from the State and that, broadly speaking, family life in Ireland might reflect the tenets of the Catholic Church. In important respects, both structural and behavioural, the facts of Irish family life do not accord with the theory, or as Richard Kearney says: "We have been preaching one set of laws for the nation — as witnessed in our legislation on divorce and contraception for example — but practising quite another set of laws as individuals" (Kearney, 1987).

In an editorial written in 1986, the editor of the Jesuit quarterly, *Studies*, suggests that notwithstanding professed commitment to the family by both Church and State, genuine commitment must be questioned "when one looks at the increasing pressures there are on families and the limited extent to which either Churches or the State is tackling the problem" (*Studies*, Summer, 1986, p.126). In an article in the same volume, Gabriel Kiely, remarks that "in spite of all our protestations the family often takes second place to the needs of other institutions in our society" (Kiely, 1986, p.155). Professor Joseph Lee has identified deep historic roots for the disparity between precept and practice regarding the family in post-Famine Ireland. Lee says that Irish society:

claimed to venerate the family as the fundamental unit of society and yet insisted on depriving a higher proportion of its people of the opportunity of establishing a family than any other European country (Lee, 1978, p.42).

Fintan O'Toole who has analysed the family in Ireland in the context of a study of playwright Tom Murphy in whose work, over the past 25 years, the family is central, also draws a dichotomy between precept and practice. Rather than seeking an explanation in terms of economic forces, O'Toole locates his explanation in a repressive view of human sexuality. While according to the political ideology of the State as expressed in the Constitution the family is the guarantor of social stability, O'Toole finds that this reverence for the family as an institution went hand in hand with an official mistrust of sexuality:

This combination of an overwhelming emphasis by Church and State on the value of the family with a very half-hearted commitment to the nuclear family based on marriage, made for the strength of a different kind of family unit: the extended family of unmarried brothers, sisters and cousins (O'Toole, 1987, p.58).

Support for the family in Ireland must be viewed in light of the statements regarding the family in the Constitution. If reality falls short of the stated aims, the gap may be less in regard to the family than in regard to other Articles, for example, those concerning the national territory or the Irish language. Such comparisons are not readily amenable to measurement and even with some degree of measurement they remain at core matters of judgement. It would be a distortion of the truth to ignore the considerable extent to which the State has endeavoured to support the family. For practical purposes much of the legal protection of the family stems from statute law. A number of milestones were referred to in Chapter 4, for example, *the Succession Act, 1965*. During the campaign prior to the referendum which proposed the elimination of the constitutional ban on divorce, the loss of succession rights by the "first" spouse featured prominently in the debate and must have contributed to the defeat of the proposal.

In Chapter 5 it was shown that the tax burden on families has increased as it has also increased for single persons. The abolition of the child tax allowance means that married couples now pay the same tax regardless of child dependants. The growth in children's allowances, which are approximately half the level of those paid in Northern Ireland, has not compensated those liable to tax for the abolition of the tax allowances. The general range of dental, ophthalmic and aural benefits available to insured workers has only very recently been made available to stay-at-home wives and mothers who are spouses of insured workers. The extension of the treatment benefits scheme also applies to dependent husbands of working wives.

There is no special support for "ordinary" mothers, some of whom may have to enter the work-force in order to support their children. In 1984, there were close to 100,000 mothers in the work-force — 75,000 of whom had at least 1 child aged under 15 years. Understandably, for the past 10 to 15 years, policy for women has been labour-force oriented because of the hard fight that women have experienced in order to obtain fair treatment in the labour market. But no one knows how many mothers work due to economic pressures in order to pay the rent and buy the food — pressures which the Constitution deplures. Mr. Justice Brian Walsh has expressed astonishment that no one has brought a constitutional case on behalf of mothers who are forced into the labour force by economic necessity. "Astonishingly, this protective guarantee (i.e., Art. 41.2.2) has never been invoked in any litigation" (Walsh, 1987, p.98).

At the behavioural level, the facts are not as might be expected on the basis of presumed values. Because the vast majority of the population is Catholic one might expect to find high marital fertility, low extra-marital fertility, little use of contraception, negligible abortion and little terminal breakdown of marriage. In practice marital fertility has been declining rapidly, while extra-marital births have been rising extremely rapidly. In 1987, more than 1 in 10 births took place outside marriage. The use of artificial means of contraception is widespread. The number of women with Irish addresses obtaining abortions in England rose steadily until 1987, when it showed some decline, but then rose again in the first quarter of 1988. Abortions are now equivalent to about 6.5 per cent of total births. Family breakdown is becoming much more widespread. For a tiny, but growing, minority cohabitation is becoming an option. The trends regarding contraception, abortion, marriage breakdown and cohabitation have occurred despite the fact that the State supported the tenets of the Catholic Church regarding contraception up to 1979 and it still supports the Catholic Church in its prohibitions on divorce and abortion. Most of the legislative and constitutional action in the last 15 years in relation to contraception and divorce has been concerned with removing legal support for Catholic Church teaching and allowing people who disagree with this teaching to exercise freedom of choice. The implication of the behavioural changes noted would seem to be that increasing numbers do not view Catholic Church teaching in these matters as of practical relevance.

*Does the Family Need to be Redefined?*

Are the changes which have occurred in the family, especially during the past two decades, so great as to require a redefinition of the family? The Chouraqui Report points out that while, on the one hand, it is often said that the family is being undermined, or is in a state of crisis, on the other hand it is said that there is a rediscovery of the family and the values it represents. According to Chouraqui:

Freedom and human dignity are dependent on the fundamental nucleus of the family which, although it changes in response to current needs, has always been and is still the essential reference point of our society (Chouraqui, 1986, pp.20-21).

The emergence of cohabitation as an alternative to marriage for a very small minority and the substantial growth in the number of births outside marriage are important reasons for considering the definition of the family. In the context of government policies to support "the family", definition is very relevant. For example, granting equal succession rights to extra-marital children under the *Status of Children Act*, 1987, could be viewed as diminishing the succession rights

of marital children. While in the case of the *Adoption Act*, 1988, it was decided by the Supreme Court that parental failure on moral or physical grounds could justify the placing for adoption of children without the consent of the parents or guardian, thus modifying the rights of parents. The Constitution places considerable emphasis on the rights of married parents. In Article 42.1 the duty of parents to provide according to their means for the education of their children is mentioned in the company of the corresponding "right". In Article 42.5 it is stated that:

In exceptional cases, where parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

Thus, the State can step in where married parents fail in their duty (Kelly, 1980). The Constitution says nothing at all about the duty of an unmarried parent. The father of an extra-marital child has no special duty under the Constitution as the duty of parents in the Constitution refers to the duty of married parents. Regardless of the question of "redefining" the family, the practical question of who provides for the support — material and emotional — of an extra-marital child, or children, must be examined. As shown in Chapter 5, State support for the unmarried mother who keeps her child was introduced in 1973. This represented an important marker as a pathway from a situation in which people denied themselves marriage because they could not afford to support a family, to one in which the State assumed a degree of economic responsibility for the extra-marital child. In some cases a couple may simply cohabit and jointly care for the child or children. Clearly it is extremely difficult, although many endeavour to do so, for a mother to care for an infant or young child on her own and at the same time earn a living. What of the father? While no comprehensive data are available it is likely that only a small proportion of unmarried mothers obtain financial assistance from the father of their children. Regardless of financial considerations the question of the father's identity is important. Does a child not have the right to know his father, or a father to know his child? Malinowski has argued that "no child (in the kin) should be brought into the world without a man assuming the role of sociological father" (Malinowski, 1930). It is worth reflecting that in the Muslim culture, there is much stronger insistence on knowledge of the father than in our own Christian culture. In Ireland application may be made to the Courts regarding guardianship, maintenance and property rights under the *Status of Children Act*, 1987.

It is informative to compare the Irish position in regard to births outside

marriage with that of another small European country, Denmark. As far as extra-marital births are concerned, Denmark is in a league all of its own, with well over a third of all births taking place out of wedlock. While over one-third of all births in Denmark are illegitimate, 1-parent families comprise about 12 per cent of all family households compared with 13 per cent in Ireland (Table 2.2). This striking comparison is partly explained by the frequency of common law, as distinct from contracted marriage, in Denmark. Under Danish law each parent has equal responsibilities for the support of a child whether or not the child is born within a legally contracted or a common law marriage, that is whether the parents are married or cohabiting. Children have equal succession rights to property. If one parent neglects his or her duty then the State pays the child support allowance and in turn endeavours to recoup the payment from the neglectful parent through compulsory wage deductions. The child support contribution, paid by the father if the mother is looking after the child and living separate from the father, is tax deductible. The payment is not subject to tax as part of the recipient's income.

Support for the mother by the father in Denmark only arises where there has been a legal marriage which has broken down. On the other side, where there is no legal marriage the father does not have enforceable rights of access to any child or children. Nor does he have rights to gain custody. Where there is no legal marriage, access and custody must be based on voluntary arrangements. While the extremely high ratio of extra-marital births in Denmark reflects the increase in cohabitation, the "illegitimate" parents have greater legal responsibilities than in some other European countries, including Ireland. In the quest for solutions for our own problems it may be sometimes worthwhile to look beyond the specifically British Welfare State approach which so often has been the model followed in Ireland.

Are policies required to support the family or is the objective of policy to provide the ultimate individual freedom? Perhaps the most important question to emanate from this study concerns the balance between the role of the State and the role of the family. To what extent should the State support the family in its responsibilities, or to what extent should the State supplant the family? With this question a return is made to the point of departure of this study where it was stated that both the family and the Welfare State are experiencing crises. It is worth looking at some of the pressures on the State finances which are arising due to family change. But first a look at predicted future trends in the dependent population — the key groups from the point of view of family policy. Table 7.1 shows projections regarding the dependent population in the years 1986-2021 based on a medium migration assumption (CSO, 1988). The under-15 population is projected to decline by 334,000, or by 33 per cent, while the population aged 65 and over is projected to increase by 169,000 or by 44 per cent. Over the

next 25 years the 65 and over group is expected to increase by 53,000, implying an increase of over 100,000 in the decade 2011-2021. The picture of more elderly and less children accords with general European experience.

*Pressures on Public Purse due to Family Change*

The OECD Report, *Social Expenditure 1960-1990*, published in 1985 highlights the serious problems faced by Ireland and other European OECD countries where increasing demands for social expenditure are in conflict with limited public funds. The *Report* identified unemployment as the biggest source of social needs arising throughout Europe. Commenting on needs arising from factors other than unemployment the *Report* says:

Extrapolating from recent experience, other sources of future pressure on social expenditure might reflect (in no particular order and not applying with equal force in all countries) the call for more widespread availability of pre-primary education and childcare facilities as the labour force participation of women continues to increase; further advances in medical technology; the desire of welfare consumers for a wider variety of welfare delivery systems; the growing incidence of marital breakdown and the resulting increase in the number of single parent families; the continuing political thrust for equality of treatment as between men and women under social security provisions; and the need to make preparatory steps in the directions necessary to accommodate ageing populations. On top of this will come any surprises — new demands — the nature, timing and strength of which few can predict (OECD, 1985, p.55).

It is striking that of the six possible sources of future pressure on social expenditure, next to unemployment which has, of course, very great ramifications for the family, four may be related to changes in family structures. Of the

Table 7.1: *Changes in Dependent Population 1986-2021*

	1986	1991	1996	2001	2006	2011	2021
	<i>Actual</i>			<i>Projections</i>			
Under 15 ('000s)	1,024.8	955.6	861.3	793.9	753.8	734.9	690.9
65 and over ('000s)	384.4	393.6	394.7	395.1	405.1	437.4	553.1
Total ('000s)	1,409.2	1,349.2	1,256.0	1,189.0	1,163.9	1,172.1	1,244.0
% of Population	39.8	38.5	35.8	34.1	33.7	33.8	35.9

Source: Central Statistics Office, *Population and Labour Force Projections, 1991-2021*



remaining two, one relates to possible technological advances in medicine, while the sixth is a rather vague "catch all" category related to changes in desires and tastes for welfare services.

Turning to each of the four "family related" categories, more widespread availability of pre-primary education and child-care facilities is directly linked by the OECD to the continued increase in labour-force participation by women. Whether mothers are married or single, if they wish to work while their children are of pre-school age, then there will be increased demand for the public provision of pre-school facilities. Smaller families have led to a fall in the amount of time a woman spends rearing her family and this, in turn, has been accompanied by a marked rise in married women's employment. In the UK, the main increase in economic activity for all females with dependent children has been in part-time work (Family Policy Studies Centre, UK., 1984).

In Chapter 3 the labour-force participation of women related to age and the number of children was shown for four countries, including Ireland. The birth of the first child, as well as the total number of children under 15 years, had an important influence on participation rates. This was borne out by a survey undertaken by Fahey in Ireland in 1982. According to Fahey's study:

The arrival of the first or second child (rather than marriage) marks the moment of departure for the majority of women from the mainstream labour force (in the form of full-time jobs) and marks the beginning of the upward curve in family work, part-time work and the search for part-time work (Fahey, 1984, p.192).

But there is a definite trend for women to return to work after the birth of their first child, compared with former years. The long-term labour force commitment of younger married women is undoubtedly greater than that among older married women. Fahey found that among married women under 35 years, the proportion who dropped out of jobs completely since marriage was half that in the 45-54 age group (Fahey, *op.cit.*, p.114). Blackwell also finds increasing labour force commitment among younger married women (Blackwell, 1986b).

The growing incidence of marital breakdown and the resulting increase in the number of single parent families is a clearly defined "family related" factor causing pressure for more social expenditure. The growth in expenditure on deserted wives' benefit and allowance was discussed in Chapter 5. The introduction of pilot advisory and counselling services for marital problems in 1985 represents another area of expenditure likely to increase in the future if the public finances permit. The increasing number of unmarried mothers is also placing pressure on the social services and expenditure on unmarried mothers' allowances has been rising rapidly. The drive for equality for men and women under social security legislation is related in part to changes in family patterns.

As more mothers maintain a commitment to the labour force there will be increased social insurance coverage for maternity leave, for example. There may also be increased demand for parity for men in such areas as deserted husbands' allowances.

The plight of the elderly who live alone has been highlighted in a stark way in recent years by the work of the A.L.O.N.E. organisation founded by Dublin fireman, Willie Bermingham. One of the saddest, and in a sense symbolic, cases was that of 1916 Veteran, Dolly MacDowell, who, 60 years after the Rising in 1916, was found dead in the most miserable conditions in Pearse Street, the very street named after the 1916 leader. With regard to the needs of the ageing population, smaller family size and more married women in the work-force means that there is less likelihood that elderly parents will be cared for by their sons and daughters. The implications for the elderly of the weakening of family and community bonds and the intensifying economic conflict between the elderly and the young have been highlighted by Albert Wojnilower in the context of the US Federal Budget:

In light of the fraying of bonds of family and community of course the elderly want their economic claims established on the basis of irrevocable entitlement. The young support the aged in this view because the young desire the same privilege as they age and because they rightly fear the extraordinary material risks — at present uninsurable except through government — of supporting their parents under modern conditions of longevity and medical care. (Wojnilower, 1984, p.81).

The OECD study suggests that the greatest pressures for social expenditure in the future will come from the high level of unemployment. Unemployment, more than any other single factor, tends to undermine the financial autonomy of the family and to render families dependent on State aid for their survival. At a time when the Welfare State is in crisis and public services are under pressure, the family is also under pressure and yet it is being thrown back on its own, often meagre, resources.

A comprehensive family policy would go beyond support of children and the aged and seek to support each individual in the context of his or her family role forging unity, rather than competition, between individuals and the family. An endless variety of services ranging from counselling to economic support might be envisaged. The cost of family support is clearly very important, especially at a time of public expenditure cutbacks. The extent to which the State should or should not be involved in family programmes is open to debate, but if it is assumed that the State should support a certain group, for example, dependent children, then costs become crucial.

The difficulties of formulating family policy are at least equalled by the difficulties of finding methods of administrative application. A key problem with

putting into effect a family policy arises at the level of administration. In this context the *Haldane Report* (Report of the Machinery of Government Committee, 1918) despite its 70-year vintage is of interest as its findings still underpin the way our administration is organised. In addressing the question as to how the functions of Government Departments are to be determined and allocated, the *Haldane Report* suggested that there are two alternatives. The first is distribution according to the persons or classes to be dealt with, and the second is distribution according to the services to be performed. Regarding the first, Haldane stated that the inevitable outcome of this method of organisation is "a tendency to Lilliputian administration", as it is impossible that the specialised service which each Department has to render to the Community can be of as high a standard when its work is at the same time limited to a particular class of persons and extended to every variety of provision for them, as when the Department concentrates itself on the provision of one particular service only. The system of administration in Ireland has generally followed the second alternative with certain limited exceptions such as Minister of State for Poverty and the Family and Minister of State for Women's Affairs and Family Law Reform. Neither of these two offices succeeded in fitting in very easily with the existing administrative system and encountered difficulties meeting their objectives due to their very wide remit. It is likely that a Minister for the Family would encounter similar problems. A different approach to family policy which seem to offer positive possibilities is Kamerman's technique of *Family Impact Analysis* which attempts to quantify the consequences of a given policy on the family (Kamerman, 1976).

The view taken here is that the most realistic approach to family policy is one which seeks to improve the general economic climate in which families are formed and develop, and the social and environmental services which support families. State support would tend, where possible, to be indirect rather than direct, thus leaving as much autonomy as possible to the individuals who comprise families.

#### *State Support — Direct or Indirect?*

Myrdal's definition of the essence of family policy as the assumption by the State of responsibility for the dependent age groups appears uncontroversial at first sight (Alva Myrdal, 1968, edition). In fact it blurs a fundamental issue. Does family policy imply the *direct* provision by the State for income support and caring services for the dependent age groups, or should that support be given to parents and relatives, so that active family members themselves can care as far as possible for the dependent members of the family? Furthermore dependants are not restricted to the young and the aged, they will include family members who suffer a whole range of disabilities including impaired sight and

speech and health defects which may lead to permanent or temporary dependency. If it is decided that support should be *indirect* then it will be channelled through family structures rather than circumventing them. The choice between direct and indirect supports involves value judgements about responsibilities for dependants and about who should assume direct responsibility. The choice is highlighted clearly in regard to the aged in a Report of the Study Commission on the Family:

... all too often ... it is either the family or individual who provides care for the elderly persons (more or less unaided by the State), *or* the State provides all the care through an old person's home or a geriatric ward. To move away from this, it would be necessary to build a genuine partnership between the family and State, whereby health and other social services provide help, support, advice, and regular relief for the carer (Wicks, 1983, p.32).

Or in the words of the 1968 Report on *The Care of the Aged in Ireland*, "it is beyond the power of the family, in most cases, to provide for all the needs of the aged — these needs can be met only in a partnership between the family and public and voluntary organisations".

A rigid distinction between the two approaches — direct State support which replaces the family or indirect State support which enables the family to cater for its own members — will not always be possible or desirable in practice. Where there is family breakdown, or where no relative is able or prepared to take responsibility for a dependant then the State will be obliged to step in and assume direct responsibility. For example, it is clear that some parents are unfit to be guardians of their own children as increasing evidence of parental child abuse shows. Rights must be contingent on the fulfillment of obligations as recognised in Article 42.5 of the Constitution. The evolution of social policy in Ireland has coincided with a gradual move towards direct provision of services by the State. Is the tide now turning? That it has not yet turned sufficiently to help some families was illustrated by the case taken by Bernadette Murphy and heard before the High Court in August 1988. Some years earlier Ms. Murphy had given up her job to care for her parents who were both in need of full-time care. Ms. Murphy's welfare allowance was less than it would have been if she had been available for full-time work. Ms. Murphy sought arrears from the Health Board, but lost her case. In this instance Ms. Murphy had given up employment to care for her parents and needed income support to make it possible for her to do so.

If there is to be fresh emphasis on helping the family to help itself then the prime plank in such a policy must be the provision of jobs. Without jobs marriages cannot take place and families cannot be formed with any degree of independence.

A recommended starting point would be to target a few seriously deprived areas where unemployment rates run at over 50 per cent and where an unemployment culture is a stark reality. Independent families require a foundation in work, not welfare. A system which imposes economic penalties on a working head of household who is in a low paid job and has a big family, neatly illustrates another aspect of the problem. The second plank in such a policy would be a taxation system which makes due provision for dependants and will necessarily include transfers from rich to poor families. The third plank would be the provision of services, but with as much choice as possible left to parents and other family members who are "carers". In some cases a carer's allowance might be paid where a family member leaves employment to take care of dependent relatives. The fourth and final plank would be the direct caring for dependants where families are unable or unwilling to assume responsibility.

*Family Affairs Unit in Department of Finance*

The monitoring of such an overall strategy could probably best be undertaken by a unit within the Department of Finance within the context of National Economic and Social Planning. As pointed out in Chapter 5 certain anomalies arise in the tax-transfer treatment of families due to a lack of co-ordination between taxation and social welfare policies. The Department of Finance would seem the most appropriate place to iron out such inconsistencies which, if tackled with the resolution for which the Department is renowned, would probably yield fairly rapidly to reform. A further reason for centering the co-ordination of these policies in the Department of Finance is the undesirability, in the present very tight budgetary situation, of sprouting a new bureaucratic arm. A Family Affairs Unit in the Department of Finance which would co-ordinate taxation with social welfare policies and assess housing, health, education and other policies from the viewpoint of families, together with some input on the employment side regarding the compatibility of labour market work with family life, could provide the agenda for major improvements in social and economic policies. Ideally, a representative of the Departments of Justice, Social Welfare, Education, the Environment, Health and Labour would be seconded for a period to the Family Affairs Unit in the Department of Finance. The Unit would be more than an Interdepartmental Committee and more of the nature of a strategic planning unit. Nor would it be in the nature of a Commission of Enquiry. It would seek not policy blueprints but would rather seek to build on what already exists, undertaking reconstruction, where necessary. It would examine the consequences of existing and prospective policies on the family (Kameran, 1976).

In a country which has continually failed to provide enough jobs for its people and when, with the exception of wartime and the 1960s and 1970s, emigration

has been relied on to deal with the labour surplus, it may be queried whether adequate job provisions is a realistic foundation for family policy. Some would argue as an alternative the conscious development of a family planning policy which would have the aim of reducing the supply of labour. The choice between alternative policies always involves value judgements, whether they are made explicit or not. However, the choice between alternatives is not always rigid or clear. In this instance even if a family planning policy were pursued — and given the sharp drop in marital fertility — the scope for such a policy might be quite limited — the existing level of unemployment at 20 per cent of the labour force involving a quarter of a million recipients of payments with over a quarter of a million dependants — demands urgent action. Otherwise a huge number of families will remain directly dependent on the State. The level of the natural increase (excess of births over deaths) is now falling for the first time in the history of the State. It reached 40,000 per annum in 1979-81 but has fallen below 30,000 in the last few years. The drop in the natural increase has been due entirely to a fall in the birth rate.

In some countries family policy has been interpreted strictly along the lines of the Myrdal-Welfare State definition. This has led to a growing unease in Myrdal's own country, Sweden, that children are coming to be regarded as State property, a possibility prevented by our Constitution, according to Mr Justice Walsh. Professor John Kelly remarks that Mr Justice Walsh's:

... lapidary observation in the context of family rights that "the children of the family are not the property of the State, and cannot be treated and disposed of as if they were", will, I hope, find some occasion to be cemented into the authority of binding precedent (Kelly, 1987, p.215).

Before we in Ireland leap headlong into devising policies and programmes for the family, it is worth reflecting that where intervention by the State in family affairs has been widespread, some social observers are having second thoughts. Thus, at the start of the 1980s, social historian Christopher Lasch, argued that:

... those who care about the future of the family, would do well to ... have nothing to do with the official search for a national policy on families. What the family needs is a policy on officials designed to keep them in their place (Lasch, 1982, p.68).

Lasch may well have in mind the sort of developments which have taken place in Sweden, the ultimate Welfare State country. Legislation passed in Sweden in 1982 gave welfare authorities and the courts extended powers to declare parents unfit as guardians. The law made it possible to take a child from its home if social workers felt that the child was being raised in an "anti-social" way. Every year about 1,400 Swedish children are taken from their biological parents and

put into foster homes. In about 10 per cent of cases this is done against the parents' will (Rudbeck, 1984). During the acrimonious debate that followed the passage of the 1982 legislation, Brita Sundberg-Weitman, an appeals judge, said that one consequence of the new law was that "children must be considered the property of the State".

Assar Lindbeck has made the striking diagnosis that in an advanced Welfare State of the Swedish type, "it is not firms that are nationalized but the family" (Lindbeck, 1988). Lindbeck suggests that a "revolt" against the "nationalization of the family" might emerge in Sweden in the future. Lindbeck maintains that advanced Welfare State policies in Sweden have led to a situation where women or men who would like to take care of their children in their own homes are nearly forced to take work in the open market and hand the children over to public institutions (Lindbeck, 1988).

There is a certain irony in the fact that contemporary critics of the Welfare State, including some representatives of the "New Right" in economics, are now expressing fears about the Welfare State which sound an echo of the forebodings enunciated by the Irish Roman Catholic hierarchy in 1951, while a number of members of the Catholic hierarchy today are advocates of the Welfare State, even of an expanded Welfare State.

To summarise, if the approach to family policy favoured here is adopted, emphasis will be placed on creating and maintaining an economic environment favourable to the establishment and growth of families. The provision of jobs would be the cornerstone of such a strategy. Without jobs people become directly dependent on the State. Parents with jobs are better equipped to provide for their children. This approach is at variance with Myrdal's approach which places the child in a position of dependence of the State rather than on the parent. It is argued here that the thrust of family policy should be to facilitate parents to care for their children, and in general for family members to care for family members, rather than for the State to presume to accept direct responsibility. Given limited resources this will involve some redistribution *between* families, with more support directed towards those most in need.

The vicious circle is not peculiarly Irish. In the Godkin lectures delivered at Harvard in 1985, Daniel P. Moynihan referred to his hypothesis of a decade earlier, "that a group in which a very large proportion of children are raised in the generalized disorder of welfare dependency will have a disproportionate number of persons not equal to their chances". Moynihan's solution to break the circle is to combine liberal and conservative impulses. Federal action is required to create jobs. At the same time "A credible family policy will insist that responsibility begins with the individual, then the family and only then the community".

*Conclusion: Family — State Partnership*

In this study it has been shown how economic factors and government policies have interacted with the family in Ireland during the past 50 years. A more egalitarian system as between the sexes is gradually replacing the breadwinner system. This has succeeded in bringing many wives back into economic production but it has done so:

outside the home and thus in a way incompatible with childraising. This incompatibility characterizes the husband's situation as well as the wife's, but because the wife... was the one especially charged with domestic duties, it is ordinarily seen as her problem (Davis, 1984, p.413).

The big question of reconciling child-rearing by both mothers and fathers with the involvement in economic production of both fathers and mothers awaits resolution. The answer given by the breadwinner system which handed the task of child-rearing almost exclusively to mothers and where fathers were the great absentees is yielding to a more egalitarian system with greater sharing of both domestic responsibilities as well as work outside the home. The practice of job-sharing which permits two people to share a job on a fifty-fifty basis is an important innovation which helps parents to combine work outside and inside the home. This practice of job-sharing is now firmly in place in the public sector and has been availed of especially by mothers of young children. None the less the basic difference between the sexes remains relevant. No amount of equality legislation or paternity leave will alter the fact that the bearing and breast-feeding of children devolves on the mother. Nor can the historic fact be altered that the world of work outside the home has hitherto been structured mainly to accommodate persons who do not bear and nurture children. If in the future the labour force participation of mothers continues to rise — and the Joint Committee on Women's Rights predicts that it will rise from 20 to 50 per cent (Fine-Davis, 1988b) — and if fathers are to pursue more active fatherhood than under the breadwinner system, then many more far-reaching changes may be required in the organisation of the work-place as well as in role-sharing in the home. In the future more men may opt to spend more time with their children and reduce their commitment to the labour force. While less obvious, a trade-off also exists for men between family life and labour market life.

The big increase in the number of solo mothers rearing children raises the whole issue of the role of fathers in these cases. It is an area which deserves attention of policy-makers and all concerned with the welfare of children. The extent to which families are supported in their care of dependent members is of particular importance at a time when the pressure to cut public expenditure is so strong. In some countries there are "carers' allowances" for those who care for dependants.



The low birth rate throughout Europe has contributed to a renewed focus on the family unit. In 1985 Ireland, Cyprus and Turkey were the only member countries of the Council of Europe with fertility higher than replacement level. However, between 1980-85 the fertility rate in Ireland fell by over 5 per cent per annum on average, the third most rapid rate of fall among the 21 countries of the Council of Europe. The outlook for Ireland is for a continued decline. For reasons connected with fertility rates and also with nuptiality and cohabitation patterns, as well as the increase in the aged/dependency ratio there have been calls for a family policy in many countries. In all of these calls there may be a whiff of expediency. The family is to be helped because the State needs the family.

It would be nonsense to suggest that the behavioural changes regarding marriages, cohabitation, extra-marital births, abortion, and so on which have been documented in earlier chapters are the consequence of inadequate support for the marriage-based family. What can be said is that economic realities, among which State expenditure programmes affecting the family comprise an important element, have had some influence on behavioural patterns associated with family change during the past 50 years. At this time of economic difficulty when families are experiencing many problems, much might be gained by placing the question of the partnership of family and State high on the political agenda. Even in a situation where budgetary constraints were not so severe there would be a case on equity grounds for improved targeting of public expenditure. While there is always scope to gather more information, particularly in regard to the distributional impact of public expenditure, sufficient data already exist to provide an argument for such a course of action, especially in an area like higher education where better-off families take, not just the cream, but much of the milk as well. Notwithstanding all the strengths of the family as the basic unit group of our society, it must not be forgotten that families can become selfish and inward-looking and seek to perpetuate their own advantage at the expense of other less fortunate families.

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