

Durability and Change in State Gender Systems: Ireland in the 1950s

Eileen Connolly

**Centre for International Studies
School of Law and Government
DUBLIN CITY UNIVERSITY**

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ABSTRACT

This study of Ireland's gender contract at the end of the 1950s is a country-specific analysis of gender regime change at the level of the state. It is based primarily on Irish parliamentary debates for the years 1957 and 1958, the point at which Ireland embarked on a process of economic modernization. In describing the detail of this gender system, it provides a benchmark against which the reforms of the late 1960s and 1970s can be measured. It also points to two salient features of a state's gender regime that may be applicable in other situations: first, the comparative 'stickiness' of the gender contract once it has been established and second the episodic or crisis-based nature of gender regime negotiation.

After a period of retrenchment and the closing down of political protest, society again appears to be entering a period of widespread social dissent and the beginning of a radical critique of political, economic and social structures on an international scale. This article looks back to a similar period, more than 40 years ago, when the complacency of society was due to be shattered by the rebellions and new social movements of the 1960s. By situating itself at the end of the 1950s, its purpose is to define Ireland's gender system prior to the point of change and use this country-specific analysis to contribute to the growing debate on 'gender regime' change at the level of the state.

Having missed out on the postwar boom, in 1958 the Irish government adopted the Programme for Economic Expansion, beginning a selfconscious modernization of many aspects of economic policy. This opening up of the country to foreign direct investment, and the resulting economic growth, is widely used as a historical cut-off, as it also marked the beginning of a period of social change (Horgan, 1997; Lee, 1989). For women's rights, the turning point does not come until the early 1960s (Connolly, L., 1996), as the state's views on gender at the beginning of the process of 'modernization' remained trenchantly conservative, with no concept that any fundamental improvement in the legal and social status of women was either necessary or desirable. At this time, the attitudes to women and women's rights held by state elites were still influenced by the philosophy and policy demands articulated by first-wave feminism and the resulting policy compromises from that period of strong social movement activity. In the absence of any fresh injection of new political ideas on gender relations, the theoretical

framework and language provided by first-wave feminism continued to frame the context for political debate on the gendered aspects of public policy in the 1950s.

In spite of its conservatism, Ireland in the 1950s was not unusual in the comparative context of Western Europe. The intensity with which pre-war gender norms were re-established negated the potential impact of women's wartime experience as workers, members of liberation movements and as heads of households. The difference in the political experiences of Ireland and the rest of Western Europe, which had in some ways been widened by the war, converged again in the 1950s as Western Europe combined rapid economic growth and industrial development with traditional views on gender and the family dominating policy discourses, that resulted in the majority of women becoming engaged in housewifery rather than paid employment (Oláh, 1998: 52). After the upheavals of war, the family was seen as a bastion against political extremes and the repository of moral and social good (Ostner, 1993: 97). Women as carers in the home were essential to this vision of the family and states encouraged 'the emergence of strong ideological currents exalting women's role as homemakers' (Ergas, 1982: 258). The new social welfare systems that were developed in the postwar years were also imbued with this gender ideology sharing the basic assumption that 'women provided care, generally in the private sphere of the home and were financially dependent on men' (Kofman and Sales, 1996: 36). Across postwar Europe, employers and labour organizations concluded an employment bargain that 'embedded a male breadwinner gender contract' that compromised women's position and standardized 'employment contracts around the needs, interests and authority of men' (Gottfried, 2000: 236). Although the detail of public policy varied, the general experience of women in Western Europe shared common themes: family law regimes invested authority in the husband and women's access to employment was curtailed (Kaplan, 1992).

Hirdman¹ (cited in Duncan, 1994: 1186–8) describes society as being based on a 'gender contract', which is the implicit agreement between the sexes that sets out the rules that determine gender behaviour and assigns men and women their different roles. Similarly Barriteau (1998: 188, 191) describes a 'gender system' as 'a network of power relations' based on 'complex systems of personal and social relations through which women and men are socially created and maintained and through which they gain access to, or are allocated, status, power and material resources'. Through its policy regime, the state participates in the creation and maintenance of the 'gender contract' or 'gender regime' and that 'gender regime' is the result of social struggles and is linked to the wider gender order of society (Connell, 1990: 523). For Connell, the fact that the state embodies gender in this way gives it cause and capacity to 'do' gender, that is to regulate society's gender order and this regulatory activity inevitably involves the transformation of gender categories. As the state and society is constantly changing, pressures for change develop in the gender order and it is these points of crisis that allow new political possibilities to emerge (Connell, 1990: 532).

At the end of the 1950s the Irish state's gender regime was on the eve of such a point of crisis. However, the state was unaware of impending change or any threat to the gender system over which it presided. The gender values embedded in the state's policy regime were substantially those that had resulted from the last significant period of gender renegotiation, prior to the foundation of the state. The longevity of the gender contract that was a result of that period of social change, a facet of which was first-wave feminism, emphasizes the resilience of a gender contract once it is incorporated in a state's public policy regime.

Looking back to the 1950s from the vantage point of 'post second-wave feminist' society, there is a clear break between the social values of that period and those that existed even in the 1970s. This article proposes to explore the nature of the Irish state's gender regime prior to the beginning of its renegotiation in the 1960s. It does this through an analysis of the debates on a cluster of policy initiatives between 1956 and 1958 that focused on women's status and social roles in the two key areas that defined the gender regimes throughout Western Europe: women's status in family law and their access to employment. The state's construction of marriage and women's place in the family is defined in the debate on the Married Women's Status Act (1957). The place allotted to women in employment and the public sphere, and male fears of the consequences of women overstepping this allotted role can be seen in the debates on the 1958 Garda (Police) Act (which introduced women police officers) and in the discussion on the dropping of the marriage bar for primary school teachers in the same year.

THE IMPACT OF 'FIRST-WAVE FEMINISM'

At the time of the foundation of the new Irish state in 1922, Irish society had come through a period of considerable social change, which resulted in long-term gains for women that could be seen in access to education and new employment opportunities, especially for young, single women. For Irish feminists in the early decades of the 20th century, the case for enhancing the status of women was based primarily on a strong idea of gender difference, the unique contribution of women to society (and potentially to public life) and the need to place an equal value on male and female attributes. A minority view, articulated by activists such as Hanna Sheehy-Skeffington, Constance Markievicz and Margaret Skinnider, placed a stronger emphasis on equality: that is, a form of equal citizenship that draws on the similarity between men and women and the fact they can perform the same citizenship duties and public roles (Connolly, E., 1994). Irish feminists sought the reform of family law, to give wives and mothers protection and an equal voice in family decisionmaking. Employment for married women, except those forced through 'necessity' to work, was not an issue because of the importance placed on women's domestic and mothering role. For those who did not choose motherhood, first-wave feminists sought access to employment and the public sphere and equality before the law.

From the 1920s, a strengthened discourse on femininity and motherhood dominated public life swamping the discourse on women's citizenship that had been fostered by first-wave feminism, indicating the limits of the renegotiated gender regime (Valiulis, 1994: 86–8). The retreat from the tenets of first-wave feminism was not confined to the Irish state. Internationally, there was a climate of deepening conservatism, which found expression in a conscious reversion to authoritarian family models and limitations on women's access to employment and other public roles (O'Dowd, 1987). The 1937 Constitution embodied the dominant gender values of the Irish state, in this conservative milieu, defining the role of women exclusively as that of mothers working within the home. The definition of women's citizenship in the Constitution was deliberately narrow, it limited the equality given to women, to political equality – the right to vote and stand for election – the phrase 'without distinction of sex' having been deleted from the draft of Article 40.1 (Scannell, 1988: 124). The clause stating that all citizens were equal before the law was qualified with the words; 'this shall not be held to mean that the State shall not in its enactments have due regard to difference in capacity, physical and moral, and

of social function'. The Constitution, therefore, gave women no entitlement to equality and sanctioned the state's policy regime, which limited women's access to employment and treated married women as the legal inferiors of their husbands.

Women in the new state became less visible in public life, and in the conservative, economically harsh atmosphere of the 1920s and 1930s there appeared to be little energy for campaigning and few avenues open for political dissent. In spite of the contraction in the public space available to women, many of the women's organizations which had been founded in the early years of the century, or whose members were from the generation

of women who had been politically active before 1922, continued to campaign on women's rights issues. The Irish Women's Citizens Association, founded in 1923 in the aftermath of the suffrage campaign, and the Women Graduates' Association, founded in 1902, participated in setting up the Joint Committee of Women's Societies and Social Workers, in response to the provisions of the Criminal Law Amendment Act, which in addition to banning contraception, dealt with the control of prostitution, and the age of sexual consent. The new organization lobbied for policy changes that had formed part of the agenda of first-wave feminism, including: a female police force; women probation officers; jury service for women on the same basis as men; and the raising of the age of sexual consent for women to 18 (Maddock, 1996: 115). These organizations also lobbied against the Conditions of Employment Act 1936, that limited women's access to employment, and the clause in the 1937 Constitution that defined women as 'mothers in the home'.

The Irish Housewives' Association (IHA), founded in 1942, saw itself as an integral part of a network of women's organizations that had their roots in pre-independence Ireland and especially in the suffrage campaign (Tweedy, 1992: 18–20). Lagerkvist (1997) describes the 'resistance' to the gender regime of the 1950s offered by the Irish Housewives' Association. Although she does not make the point explicitly, implicit in her analysis of the IHA is the strong connection between their ideas and language and those of first-wave feminism. Present among the 'melange of subjects' in their magazine, is an 'emphasis on women's work in the public sphere', together 'with a desire to revalue the traits of housewife' (Tweedy, 1992: 121). The women of the IHA, 'while seeking to expand their role did not endeavour to abandon them' and they did not engage in a fundamental critique of the existing gender regime (Tweedy, 1992: 28).

The Irish state, like first-wave feminism, based its public policy on a strong belief in gender difference, but in its case it was a difference based on male superiority not a difference of equals. The state strongly discouraged married women from working and allotted an employment role for single women as it was envisaged that some women would never marry and would continue to pursue their careers. But in line with society's assessment of the comparative status of men and women, career paths even for single women were narrow and poorly paid. For many women, including married and widowed women, and especially those with children, working was an absolute necessity unrecognized in public policy. In spite of this reality, the state refused to recognize in its public policy that alternative models of family life existed, in case doing so would weaken commitment to the family based exclusively on a husband/father 'breadwinner' with a stay-at-home wife/mother. The focus of state policy was primarily on the 'middle-class', 'middle-income' family that conformed to this ideal model. The fact that in some families married women would be forced to work either because of their subordinate class position or comparative poverty was not perceived by the state to pose a significant

challenge to the gendered basis of its policy regime. In the case of middle-class women, this was because the numbers forced by necessity to work was likely to be small. Middle-class women working through economic necessity (usually widows or 'deserted wives') were frequently employed as 'an act of charity' in the civil service and also by other employers usually in office work and other administrative roles.² As they were generally employed in a long-term temporary capacity, with none of the benefits of permanent full-time employment, this solution did not threaten the state's wider employment policies. Similarly, because employment for working-class women was predominantly unskilled and of low status,³ it did not present a challenge either to the power structure of the gender contract or to male trade union interests.

As the state envisaged a narrow role for women's employment and did not accord it any positive policy significance, female employment was not mentioned in the Irish government's 1958 Programme for Economic Expansion and women were not included in training programmes for 'manpower' policy. The state had no conception that it should intervene in the labour market to protect women's employment rights. In fact the reverse was true: the state was primarily concerned with curbing women's employment, both from an ideological perspective and from the practical proposition that by reducing female employment the government might increase male employment. Similarly, in spite of the expression of the centrality to the state of motherhood and women's role in the family, contained in the Constitution, and the enforced domesticity of women implicit in its policy regime, the state had no comprehension that it should accord support to, or protect, women as mothers.

The most visible reform that the state had conceded from the agenda of first-wave feminists was the right to vote and stand in elections. Since the 1920s, women's voice in the public sphere had remained muted, as few women went forward for election reflecting the limitations placed on women in society more generally. Other major concessions were access to education – even at this stage Irish girls had a good standard of education measured against European norms – and employment opportunities especially for single women, although these were limited by the capacity of the Irish economy, as well as gender-based discrimination. Although the state was reluctant to interfere with men's authority in the family, that authority had to be exercised within legal parameters that had not existed at the beginning of the 20th century. For example, by the 1950s widows could use the courts to claim maintenance from their husband's estate even if that estate had been left elsewhere. Women's rights organizations continued to lobby the state, drawing on a well-established agenda: arguing for the recognition of the importance of motherhood by giving women legal equality in the family; seeking the protection of women in vulnerable circumstances through the introduction of women police officers; and campaigning for equal pay as a public expression of the equal status of women and of feminine values.

Although the state was in the process of radically altering its economic policy in the late 1950s, there was no indication among state elites that the assumptions on gender which underpinned public policy were also being questioned. Three key policy debates in the period 1957–9 which touch on the critical areas of family law and women's employment give no indication of impending reform. The debates on the Married Women's Status Act 1957, the Garda Act 1958 and the dropping of the marriage bar for national school teachers demonstrate how hegemonic and unchallenged these views on gender were, as the state initiated a programme of change in other policy areas.

GENDER AND MARRIAGE

The Married Women's Status Bill (1956) was a limited and fundamentally conservative piece of legislation that consolidated into one act the various laws regarding the property rights and the ability to contract, of married women. Its aim was to prevent married women and married couples from engaging in fraud using the legal restraints on married women's ability to enter into legally binding contracts. The Bill ensured that a married woman would be able to acquire, hold and dispose 'of any property and would be subject to the law relating to bankruptcy and to the enforcement of judgements and orders as if she were unmarried' (CSW, 1972: 173). This law gave married women, for the first time, a separate legal identity to that of their husbands and it was this fact that caused heated political debate. As all the major parties in parliament supported the aims of the proposed legislation, the debate was in a sense a contrived one in that the opposition, according to Irish parliamentary culture, was obliged to find fault with government proposals. What is significant about the debate is the grounds on which Fianna Fáil (the largest party in the state – a populist party with cross-class support), the opposition party at this time, chose to criticize the Bill – its potential impact on the stability of the family and the institution of marriage. Conservative members of the coalition government parties, Fine Gael (a centre-right party drawing support from large farmers and the business classes) and Labour (linked to the trade union movement but small and conservative by European standards), also queried the potential, unintended impact of the Bill. The government defended its proposal by explaining why the Bill would not have the effect on the existing form of marriage that deputies feared while asserting their agreement with the meaning ascribed to marriage by the majority of contributors to the debate.

The Bill gave married women an independent legal status and therefore granted married couples the right to sue each other in a court of law, which had not previously been the case. It was the 'social implications' of this provision that caused most concern. Married women would have the right to use the courts to evict their husbands from property owned by them and also to use the courts in cases of slander and assault. It was these new rights that were considered capable of doing 'inestimable damage' and seriously weakening the institution of marriage,⁴ by fundamentally altering the balance of power between husband and wife. As one politician argued

. . . certain legal rights exist already for the protection of the married women's status. Here however we are opening the door entirely so that the husband and wife will now stand as two entirely different people in the eyes of the law . . . for the first time, we are providing the married woman with the temptation to bring her husband into court in a civil action when she might not think of it otherwise.⁵

At the bottom of this fear of civil actions was the belief that couples would be able to use the courts to obtain a de facto separation. Deputy Thomas Finlay of Fine Gael, later to become chief justice, stated

. . . in the attempt to tidy up the law we may create a situation in which husbands and wives will find it easier to part, or easier to follow the temptation to part, than they do at present in this country.⁶

The idea that married couples could sue to have their spouse ejected from their property, even if that property was the family home, appeared to some to be introducing

a form of separation, given that marriage was based at that time on an absolute right to cohabit. This right was extended to wives by virtue of their dependency (maintenance could only be ensured if the women was living 'under her husband's protection') and to husbands because of their right to consortium (a man's right to cohabit and have a sexual relationship with his wife). If a husband was free to eject his wife from the family home that he owned, the right of married women to occupation of the family home was jeopardized. If a wife could have her husband evicted from the family home, it would make the husband's legal right to 'consortium' unenforceable in those cases. Fears of these outcomes were countered by the government's argument that although this Bill gave freedom to sue, existing defences such as the right of the wife to occupation of the family home and the husband's right to consortium were not being removed and would take precedence over this new right, therefore, court action in those cases would be unlikely to prove successful.⁷

It was debated whether the existence or absence of the right of married couples to sue each other would be most likely to preserve marriages, acting as a safety valve to defuse marital conflict that could result in separation.⁸ This view was countered by the opposition with the argument that

If it is easy for a wife to come into court, instead of its being a safety valve at a lower level than the ordinary separation business . . . it will wind up with a separation and it should not be made easier for her to do that.⁹

The key issues on which it was envisaged that wives might use this new legal right against their husbands, and therefore the major threat to the marriage contract, was physical and verbal abuse (which may be equated with mental abuse). Such abuse was accepted as an inevitable, if undesirable, part of marriage. That the courts might, through this Bill, be required to deal with abuse and violence in the family was perceived as a direct attack on men's authority and privileged position in the family. Throughout the parliamentary debate there was an acceptance of 'domestic violence' and a total failure on the part of politicians to equate it with other forms of assault, illustrated by the claim that the Bill was dangerous because it allowed women to bring their husbands into court on issues 'which would not of themselves constitute grounds for a legal separation', for example a single assault.¹⁰

The government pointed out that very few women had made use of the existing law by 'instituting criminal proceedings against husbands for assault' and asked

. . . from where does this apprehension come that there will be resort to the courts for, say, minor assaults . . . merely because we say a wife can sue her husband for torts of the personal violence type or defamation, it does not follow that our courts will be cluttered up with women who are supposed to be living in harmony with their husbands revealing to the public that they have been subject to violence for a long time and been defamed by their husband over many years. That is far removed from reality. The fact that we lay it down that they can go to court will not be regarded by these people [married women subjected to violence by their husbands] as an encouragement to go to court.¹¹

In emphasizing that in spite of the existence of domestic violence it was unlikely to become more evident through the courts, the government indicated its preference was to keep such matters in the private sphere of the individual family. A view that was shared

by deputies from Fianna Fáil, who on the question of whether or not assaults by husbands should be brought to court stated 'if the whole world knows about it, it will be much worse' and that 'it is much better to have them fight at home'.¹²

The acceptance of violence against women in marriage as part of the gender contract was matched by an acceptance of women's extreme economic dependency that reinforced their vulnerability in an abusive marriage. In the course of the debate, the gendered property relations that were at the heart of the marriage contract was vividly described.

One important part of the marriage ceremony is that the husband gives his wife the right to his property or goods. Of course, to a large extent, in practice, that is nonsense nowadays because it does not mean that the wife gets all the husband's investments or anything like that, but it does mean that she gets very great rights in many ways to his property, to live in his house and use his things.¹³

It is not the extreme economic dependency of the wife in this view of marriage that was seen to be a problem, but the fact that if a wife is given a measure of legal individuality the existing law which protects her, albeit totally dependent, position in the family may cease to be even a limited safeguard. Concern for the impact of the proposed legislation on the welfare of married women was motivated by support for the existing arrangements and a disinclination to give married women any additional rights or new forms of protection. Similarly, concern for the maintenance of male authority in marriage and in particular for male property rights was also raised when the impact of the Bill on succession law was discussed. Under succession law in the 1950s, the estate of a married woman automatically devolved onto her husband, while a woman could be disinherited by her husband. In the course of this debate, the political parties raised the fear that men might now be disinherited by their wives and not the real hardship already suffered by many women. The government was quick to assure deputies that the new provisions would in no way affect the existing legislation on inheritance.¹⁴

The view of marriage that emerges in this debate is not primarily based on affection or on mutual respect; instead its core values are centred on male property ownership, male authority and the permanency of the marriage contract. The male politicians participating in this debate were aware that the gender contract that underpinned the state and its public policy regime was one of male privilege, and that to unpick that privileged position would also necessitate the unpicking of the existing social order including access to property and resources. Throughout the debate, it is clear that deputies are concerned with the maintenance of male rights against insidious female encroachment. It is constantly women and not men who are described as likely to frustrate the real purpose of the legislation by using the courts against their husbands, thereby weakening the marriage contract.

GENDER AND EMPLOYMENT

State policy on women in the labour market was defined by the same attitudes to gender that shaped the views of the state elite on marriage. Restrictions on women's employment included marriage bars (the compulsory retirement of women on marriage), restrictive trade union practices and gender-differentiated pay. At the end of the 1950s,

the idea that a government could or should intervene in the labour market to prevent direct discrimination against women did not exist, this non-interventionist approach was justified in terms of the absolute necessity of the state to support the 'freedom to contract and the freedom to employ'.¹⁵

There was also a high level of antagonism to married women working based on the belief that such women should not work, partly because their primary role was domestic, and partly because in a 'job scarce' economy a working married woman would be 'depriving other people' [that is men or single women] of employment'.¹⁶ Women's organizations had maintained a low-key campaign in support of equal pay from the foundation of the state but their arguments found little resonance in the economic and social climate that prevailed in the 1950s.¹⁷ In its attitude to women and employment, the state had the support of the Catholic Church, whose social teaching at this time fully supported the idea of paying men, as the natural head of the family, more than women. Equal pay was considered justifiable only in limited circumstances where men and women were doing exactly the same job and giving an 'equal return' to the employer, essentially to prevent cheap female labour from undercutting male employment.¹⁸

Internationally, marriage bars had been widespread in the inter-war years and had been abandoned in the postwar period for economic, not ideological reasons. Some form of marriage bar that limited or prevented the employment of married women became common across Europe and in the United States during the economic depression that followed the First World War. In the United States 'marriage bars' were initiated between 1900 and the 1930s, when they became a method of rationing scarce jobs (Goldin, 1990: 6). In England, the civil service operated a marriage bar until the Second World War (Sanderson, 1986: 151) and in Germany a similar ban survived into the 1950s (Kolinsky, 1989: 49). In the postwar industrial world, marriage bars evaporated in the face of labour shortages. As a result, in the USA and across Europe there was a substantial increase in the number of married women working, with the vast majority of them involved in part-time employment, reflecting the primacy of women's domestic role in the international gender regime.

Ireland's very high rates of unemployment and emigration meant that there was no economic pressure to create the space for married women to move into the workforce, even on a part-time basis, with the result that in the 1950s the marriage bar still affected many women working in industry¹⁹ and in the financial services as well as the semi-state sector and civil service. In fact the Civil Service Regulation Act of 1956 strengthened the marriage bar, by placing a legal requirement on the civil service to retire women from pensionable positions on marriage, replacing a more informal system. The retention of the marriage bar had the full support of the trade union movement, which resisted what it saw as the state undermining its own policy in order to save money by employing cheap labour in the form of married women in temporary or part-time positions.²⁰

In 1958, the government put forward a minimalist proposal to introduce women police officers, initially employing 12 such women on an experimental basis in Dublin. In spite of the modest aims of the legislation, the debate it produced clearly demonstrated the values that shaped the state's gender regime and policies on women and employment. The introduction of policewomen had been a long-standing demand of Irish feminists and since the campaign on the Criminal Law Amendment Act 1935, had formed part of the feminist agenda in the new state. The Coalition Government (1954–7) had considered introducing women police officers but had decided against it on the basis of

cost. The idea was, however, revived by the incoming Fianna Fáil government in 1958. At the time of the introduction of the Garda Síochána (Police) Bill (1958) there were a small number of women already employed as police assistants, and there were also a number of local voluntary organizations whose aim was to assist the police with regard to female offenders and cases involving children. The recruitment of policewomen was seen as a formalization of this system.

The government's stated reason for recruiting policewomen was based on the need for women police officers 'where sex offences are involved'²¹ and to take on

. . . police duties, mainly in connection with matters affecting children and young women . . . in accordance with humanitarian principles . . . it is the intention that women police will be concerned primarily with these matters but that they will be given general police training and may be required to do any *police duties which women would be capable of performing*. (emphasis added)²²

Although the limitations placed on policewomen were more restrictive than women's rights campaigners would endorse, the primary reasons put forward by the government for introducing women police officers were clearly in line with the arguments made by the women's organizations that had campaigned on this issue. The continuity of these arguments with first-wave feminist thinking is shown particularly by the contribution of the two Fianna Fáil women deputies (TDs). The suffragist movement in Ireland, from at least 1912, had lobbied for a women's police force, even going as far as to organize women's patrols in Dublin.²³

Feminism at the time had among its major concerns the prevalence of prostitution and the physical and sexual abuse of women and children. They believed that women would be better able to assist women, girls and children than a male police force. Both of the women TDs who spoke welcomed the Bill, as members of the government party, but also pointed out that it was not particularly revolutionary; as Celia Lynch observed, not only did many countries have women police officers, but

Women's organizations have been fighting hard for the introduction of a women's police force for many a long year, particularly the Joint Committee of Women's Societies and Social Workers who have done Trojan work in getting the government to come to an agreement about the establishment of the force.²⁴

The role of women police officers was linked to the idea of women having a vocation for social work and moral guidance, an idea which was also a strong tenet of first-wave feminism (Connolly, E., 1994) and the philanthropic movement of the 19th and early 20th centuries (Luddy, 1995). The women TDs believed that policewomen should not only deal with women and child offenders, but they should also 'help advise girls in moral danger'.²⁵ They emphasized the importance of the special skills of women that female police officers would have to bring to their role, arguing that because of the youth of the potential recruits they 'should also be trained by *women* experts in dealing with women and children' (emphasis added).²⁶ It is evident from the debate that women were assumed to be suitable to act as policewomen because of inherent qualities they possessed as women, not because of their ability to acquire skills through training. It is on this basis that a number of deputies raised the issue of the proposed age of the recruits, seeking to have it raised from 20 to 25, believing that otherwise the recruits

would not be sufficiently mature and would not yet have developed those innate skills that went with femininity.²⁷

The two main negative potential aspects of the legislation, highlighted in the debate, were the possibility that female values could be allowed to shape policing attitudes, altering the public sphere, and that the rules applied to this new form of employment could be used as a means of weakening the existing employment relationship between men and women. Illustrating men's fear of an altered public sphere, combined a strong theme of first-wave feminism, which had campaigned for the banning of alcohol, with a stereotyped view of women as being dogmatic and extreme, lacking men's judgement and experience, a member of the government party warned that

. . . women being what they are, you might get one of them who has a complete aversion to alcohol. She might be a certain type of social worker and very genuine, but she might spend most of her night duty raiding certain premises when the ordinary male member of the force would exercise his discretion.²⁸

This view clearly expresses a disinclination to see women use their position as police officers to exercise authority over men. Fears were also expressed that the natural order of things would be upset by encouraging women to behave in a man-like manner and that the welfare of policewomen would be compromised by placing them in moral danger and

subjecting them to the power of gossip which could lead to the loss of their character. This aspect of the opposition to the employment of policewomen became a minor controversy during the early 1960s, when strong opposition was expressed to policewomen posing as prostitutes during criminal investigations (Tobin, 1984: 98).

The desire to strictly limit the role played by the policewomen to that of dealing with women and children was a major issue in the debate. This was not only a result of deputies' resentment of the idea of women's intrusion into the public sphere, but also concern that women's cheap labour would be used to replace male officers. Deputies looked for assurance that policewomen would only be appointed to fulfil those duties that were unsuitable for male officers, and in particular that no clerical work that could be carried out by men should be performed by women.²⁹ The question of whether there would be night duty for women, banned at that time under industrial legislation, was also raised.³⁰

The government's response to these concerns was to assure deputies that current employment practices would apply to policewomen in spite of what was perceived by many to be the atypical nature of their employment. However, the government countered this by pointing out that 'the position is that we have not reached that happy state where equal pay for men and women has been accepted generally in the state'.³¹ In a similar vein, there were expressions of concern that the effect of the marriage bar would lead to money being wasted, training recruits who would only give a short service. As this issue was not raised as an attack on the marriage bar, it resulted in a discussion of possible vetting procedures at the interview stage that could weed out those women most likely to marry, one deputy even suggesting that 'while recruits should not actually be horsefaced, they should not be too good-looking; they should be just plain women and not targets for marriage'.³² The government indicated its full support for the continuation of the marriage bar, viewing it as an inevitable fact of life the 'marriage hazard is one of the things we have to accept'.³³

In spite of the government's firm defence of the marriage bar in the debates on the Garda Bill, they were, at the same time, in the midst of taking a decision to rescind it for primary school teachers. It was easier for the government to fit the idea of married women working as primary schoolteachers into its existing gender regime, without the fear that the concession would spill over into other areas of employment. As the marriage bar, for teachers, was a departmental regulation, and not a legal requirement, the decision to rescind it was taken by the Cabinet on the advice of the Minister for Education.³⁴ The ban had been initially introduced in 1934 at the instigation of the government, against the wishes of the Irish National Teacher's Organisation (INTO) and without the backing of the Catholic hierarchy, who had taken a neutral stand on the issue.³⁵

The government had established a departmental committee to make policy recommendations on the pressing problem of teacher shortages in primary schools, especially those in rural areas. The committee recommended the dropping of the bar for primary school teachers, based on the fact that the costs of retaining married women as teachers was much smaller than the costs that would be involved in increasing the numbers of teacher training places to the point where the supply of teachers would match the demand including the wastage through retirement on marriage. Faced with this economic reality, the Department of Education conveniently came to the conclusion that teaching, more so than other professions, did not hinder a married women teacher from the 'fulfilment of her duties and obligations in regard to the creation and maintenance of a home'.³⁶ Primary teaching was promoted by the departmental committee as a female vocation that could be combined with housework. Women were considered particularly suitable to care for and educate young children and the relatively short working week and long holidays allowed women plenty of time for domestic activities.

The strength with which the marriage bar was reaffirmed in the debate on the Garda Act (1958) indicated that, in general, the state remained wedded to the idea that married women should not work. The government's removal of the marriage bar for national school teachers was opposed by the Labour Party as weakening this rule of general application, as a 'dangerous precedent, that might spread to other women working in the State service'.³⁷ Opposition to married women working was not just based on the belief that their primary role was the creation of a home, it was part of an attitude which gave precedence to men in all employment matters – because they were men. In the year the marriage bar for primary school teachers was dropped, the INTO objected to the appointment of a woman as principal of a Protestant primary school. The INTO argued that because of the small number of such vacancies (because the majority of the population attended Catholic schools), the headship should have gone to a man, who may have family responsibilities, rather than to a single woman.³⁸ In a trade union with a large number of female members, men were considered to have a greater entitlement to jobs and to promotion than even single women. This argument was not based on qualifications or suitability, but on men's absolute entitlement to take priority.

THE GENDERED STATE

The Irish state's gender regime that emerges from the foregoing analysis contains four key elements; a strong emphasis on gender difference; the hierarchical ranking of male and female; a clear division between the public sphere and the private/domestic sphere;

and subjugation of individual rights within the family. The separate elements that made up the state's gender regime were closely integrated, it was rightly feared that any attempt to unpick one of them would lead to the unravelling of the structure. It was for this reason that even minor reforms, such as the Married Women's Status Act and the introduction of policewomen, were treated with suspicion and caution. These elements are familiar to sociological studies of gender and to feminist theory, and they have formed the basis of the analysis of women's historic subordination. They also represent the 'classic' features of the male state of feminist literature (Bryson, 1992). This is not surprising given that academic feminism has its roots in the women's movement that emerged in the late 1960s, primarily in opposition to the gender regime that had typified the state in the 1950s.

As feminist theory developed from its social movement roots, a strong element of its discourse defined the state as male (or patriarchal), described the structures and power relationships by which men as a group dominated women as a group and provided a powerful tool to analyse the continuity and universal aspects of women's oppression (Kaplan, 1992; Walby, 1990). Theoretical models that describe the state as patriarchal or structured by male dominance in this way are designed to analyse the negative, dominant/subordinate, relationship that exists between the sexes (Frazer and Lacy, 1993: 33). However, they cannot successfully be used to describe other forms of relationship; in particular, they cannot be used to describe the diversity in the gender regime of states, or changes in an individual state's gender regime. Such models tend to be static in their definition of the state, because they focus on the continuity of those aspects of the policy regime that maintain gender inequality even in circumstances where there have been significant changes in the form and actions of the state. This concern with continuity makes it difficult to deal with the state as a site of change, or to examine how the gendered nature of the state changes over time. When the state is defined as male, women are cast in the role of victim or external challenger to the state, and not primarily as participants, leading to an overemphasis on the degree of separation between feminist movements and the society, including its political milieu, in which feminism develops. Seeing the state as constructed by gender and as participating in the development of the 'gender contract', rather than as simply male, allows the focus to be placed on the dynamic change in the state's gender regime and the renegotiation of societies' gender contracts.

During the 1990s, feminist theory grappled with the problem of defining the gendered state and overcoming the limitations of the conceptualization of the state as male. Writing from a postmodernist perspective has rightly debunked the idea of a natural self and focused attention on the fundamentality of social or cultural constructs to the definition of human nature (Cooper, 1995; Sawer, 1996). This has been useful in directing attention away from political structures themselves and focusing on the ideology that animated them and that created them. Others have focused on the state as an entity, which is constituted within gender relations, and is the central institutionalization of gender power

(Connell, 1990), or view the state's policy output as both reflecting and simultaneously reinforcing an embedded gender contract (Gottfried, 2000). Duncan argues (1994: 1192) that by defining the state as gendered and instrumental in the construction of the gender contract, it allows for 'actions by women and men' that can alter the gender contract. The concept of patriarchy in this model is dynamic; a 'varied structure, with different outcomes at different places and times'. Walby (2000: 537) extends this by defining the institutions of the state as one of a number of 'gendered polities' that together determine

the dynamic of the gender regime. The concept of gender for the purposes of this analysis, is also useful, in that it can define male and female in binary opposition to each other; a change in either side of this equation prompts a response from the opposite side. Hence, viewing the state (or the institutions of the state) as gendered allows an analysis of dynamic change in the state's concept of male and female, and also in the gendered relationship that underpins all social interaction and social structures (Marshall, 1994: 114).

The renegotiation of gender values at the level of the state from the early 1960s onwards was not a smooth or gradual process of reform, but rather it was a transition that involved intense conflict over alternative gender regimes, as the state dealt with internal debate, pressure from interest groups and international developments. An understanding of the change that began in the 1960s needs a clear benchmark against which reform can be measured. An examination of the detail of the state's gender regime at the end of the 1950s provides such a starting point. A key feature of the state's policy regime in the 1950s was the high degree of consensus that existed between the three main political parties. The Coalition government and the Fianna Fáil government that followed it in 1957 were united in their policy position on family law and women's employment. The disagreements that existed between the parties were superficial, arising primarily from the formal nature of parliamentary debates that allocated a specific length of time to opposition parties to speak on a Bill, and the adversarial character of those debates which required opposition parties find some reason to oppose even when they were in broad agreement with the government's proposals. There is no evidence of any ideological or strategic differences between Fianna Fáil, Fine Gael and Labour on gender issues. In the debate on the Married Women's Status Bill, in spite of a 'phoney war', both government and opposition expressed their total commitment to a 'traditional' form of marriage based on the authority of the husband, underpinned by men's control of resources and the permanency of the marriage contract. The concerns expressed by the opposition parties, Fine Gael and Labour, that the introduction of policewomen would upset the male public sphere and lead other women to demand better conditions in the labour market were shared by the government. This was demonstrated by the limited nature of the government's proposals, in particular the very limited role for which policewomen were being recruited, the imposition of sex-based pay differentials and the marriage bar. Even the Labour Party's objections to the dropping of the marriage bar for primary school teachers did not represent a fundamental disagreement with the government, who made the policy decision as an act of expediency, which could be justified within the framework of the existing gender paradigm. This does not mean that there were no alternative voices in Irish society – even Fianna Fáil's women TDs argued for a more positive assessment of women's social roles – but that there was no political space in which demands such as equal pay could be voiced. At the end of the 1950s, the political parties in parliament presented a united front on gender relations, wholeheartedly supporting the legal underpinning of male dominance and authority in the family and in economic life. Women's rights organizations did not question that there was a strong gender difference and shared similar views on the importance of motherhood. They opposed what they saw as the unfair treatment of women, resulting from the failure of the state to value female attributes and its unnecessary restrictions on women's roles and potential contribution.

To the extent that the Irish state's policy regime was still, in the 1950s, so strongly influenced by first-wave feminist thought indicates the episodic nature of gender regime change and the durability of a gender contract once it has been embedded in public

policy. From the early 1960s, cracks began to appear in the hegemonic position of the state on gender, and differences between the political parties began to emerge (Connolly, 1998: 90). The pace of change increased rapidly from the late 1960s with the advent of second-wave feminism. The 1970s saw major reforms that fundamentally altered the gendered basis of the Irish state's public policy paradigm. This represented a major shift of position in a relatively short space of time rather than a drawn out process of incremental change. The 1980s witnessed both a retreat from the radical atmosphere of the 1970s and also the continuation of reform within the new gender paradigm substantially created during the 1970s (Connolly, 1999: 87). The state at the end of the 1950s was imbued with gender values that would have been understood and supported since the foundation of the state and represented the result of the preceding period of renegotiation in society's gender contract. The policy reforms of the 1970s that replaced this gender regime – the introduction of the concept of gender-based legal equality and state support for women as mothers – was not a result of a slow build up of pressure. The new reforms did not form a continuum with the policies of the late 1950s, rather they represented a paradigmatic shift in the state's policy response. This shift was primarily a product of the ideologies of the new social movements of the 1960s, including feminism, and of the underlying social change they represented.

In Ireland, the debates that took place at the end of the 1950s, for all the certainty of the opinions expressed, mark the end of an era. Within five years these gender values would begin to be challenged even in the state's parliament – initially not in a radical way – but in a way that marked the beginning of a fundamental reappraisal of Irish society's implicit gender contract.

ENDNOTES

1. Duncan cites and translates Hirdman's work published in Swedish. For English language articles see Hirdman (1994, 1999).

2. National Archives, DT S9278. There was no legal provision for divorce in Ireland but married couples could obtain legal separations. However, to be eligible for a very limited form of welfare provision married women who were not being supported by their husband had to prove they had been 'deserted' by him and that they had no knowledge of their husband's current whereabouts.

3. The attitude of the government to women's low status employment is illustrated by a government memorandum from 1936, which states that while the marriage bar in the civil service applies to established posts it was also used in unestablished posts but not in every case. However, 'the rule does not apply to subordinate positions such as office cleaners' (National Archives, DT S9278).

4. Dáil Debates, Vol. 160, c.1577, 28 November 1956.

5. Seanad Debates, Vol. 47, cc.79–80, 16 January 1957.

6. Dáil Debates, Vol. 160, c.1561, 28 November 1956.

7. Dáil Debates, Vol. 160, c.2289, 12 December 1956.

8. Seanad Debates, Vol. 47, c.74, 16 January 1957.

9. Dáil Debates, Vol. 160, c.2284, 12 December 1956.

10. Dáil Debates, Vol. 160, c.1556, 28 November 1956.

11. Dáil Debates, Vol. 160, c.2289, 12 December 1956.

12. Dáil Debates, Vol. 160, c.2287, 28 November 1956 and c. 1580, 12 December 1956.
13. Seanad Debates, Vol. 47, c.85, 16 January 1957.
14. Dáil Debates, Vol. 160, c.1558, 28 November 1956.
15. James Everett, Labour Party minister and trade unionist, Seanad Debates, Vol. 47, cc.277–8, 27 February 1957.
16. James Everett, Seanad Debates, Vol. 47, cc.277–8, 27 February 1957.
17. National Archives, Department of Labour, W129, The Women's Social and Progressive League and the Irish Housewives' Association separately lobbied on the question of equal pay; notes of meetings on 27 November 1950 and 5 December 1950.
18. National Archives, Department of Labour, W129.
19. Conversation with women who were employed by Jacobs and Guinness in the 1960s. Women received a gratuity from the company, which was presented to them by a member of the senior management in a spirit of congratulations.
20. Browne to de Valera, 11 December 1958, National Archives, DT S16319 A.
21. Seanad Debates, Vol. 49, c.590, 4 June 1958.
22. Dáil Debates, Vol. 168, c.599, 22 May 1958.
23. The activities of this campaign are detailed in the pages of the suffrage newspaper the *Irish Citizen*.
24. Dáil Debates, Vol. 168, c.619, 22 May 1958.
25. Dáil Debates, Vol. 168, c.620, 22 May 1958.
26. Dáil Debates, Vol. 168, c.606, 22 May 1958.
27. Foreexample, O'Malley, Dáil Debates, Vol. 168, c.616, 22 May 1958; J. Brennan, Dáil Debates, Vol. 168, c.621, 22 May 1958.
28. Dáil Debates, Vol. 168, c.618, 22 May 1958.
29. Dáil Debates, Vol. 168–9, c.619, 22 May 1958.
30. Dáil Debates, Vol. 168, c.608, 22 May 1958.
31. Dáil Debates, Vol. 168, c.609, 22 May 1958.
32. Dáil Debates, Vol. 168, c.625, 22 May 1958.
33. Dáil Debates, Vol. 168, c.629, 22 May 1958.
34. National Archives, DT, S6231 C. Memorandum from the Department of Education to the Government, 28 April 1958.
35. National Archives, DT, S6231 C. Memorandum from the Department of Education to the Government, 28 April 1958. The memorandum contained the recommendations of a departmental committee set up by the minister to make recommendations on how the problem of untrained teachers in national schools might be solved. With one dissenter, they supported the ending of the marriage bar.
36. National Archives, DT, S6231 C. Memorandum from the Department of Education to the Government, 28 April 1958.
37. *The Sunday Review*, 20 September 1959.
38. National Archives, DT S 6231C, letter dated 27 February 1958.

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