


# GENDER, SEXUALITY AND THE IDEOLOGY OF

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*José Carregal Romero*  
*University of Vigo*

## *Abstract*

In Ireland, the establishment of the Irish Free State in 1922 was followed by the institutionalisation of a deeply conservative notion of national identity, firmly sustained by Catholic and patriarchal values which were at odds with the personal rights of women and homosexuals. Described in the 1937 Constitution as “the natural, primary and fundamental unit group of society” (article 41.1), the traditional definition of family seems to have played an instrumental role in the promotion of a national ethos in the newly independent Republic (Brown 2004:152; Conrad 2004:10; Mullally 2005:85). Making use of a cultural and historical perspective, this article will discuss how defining family entails conflicts of interpretation as well as questions of legitimacy that relate to constitutional law and the accepted mores of society (Hodgson 1994:222; Martin 2005:18). This study is also informed by Judith Butler’s theorisation of the “performative”, which views gender as socially constructed.

## *Resumen*

En Irlanda, la creación del Estado Libre Irlandés en 1922 dio lugar a la institucionalización de una noción conservadora de identidad nacional, caracterizada por su enaltecimiento de valores patriarcales y católicos que menoscababan los derechos individuales de mujeres y homosexuales. La definición tradicional de familia, descrita en la Constitución Irlandesa de 1937 como unidad básica y pilar fundamental de la sociedad, parece haber desempeñado un papel esencial en el ensalzamiento de ciertos valores morales en la recién proclamada República (Brown 2004:152; Conrad 2004:10; Mullally 2005:85). Haciendo uso de una perspectiva histórica y cultural, el presente trabajo intentará explicar cómo el hecho de definir la familia necesariamente acarrea ciertos conflictos de interpretación relacionados con la legalidad y la aceptación pública de manifestaciones alternativas de familia (Hodgson 1994:222; Martin 2005:18). Este estudio remite también a la noción de “performatividad” de Judith Butler, que contempla la idea de género

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Likewise, the structural forms of legitimacy involving the family are fluid, thus keeping a correlation with current social values.

*Keywords:* Catholicism, the family, homosexuality, Ireland, the Irish Constitution, gender, patriarchy, performance.

como un constructo social. Asimismo, la percepción general sobre qué es una familia varía según circunstancias sociales y discursos morales.

*Palabras clave:* Catolicismo, la Constitución Irlandesa, la familia, género, homosexualidad, Irlanda, patriarcado, performatividad.

## 1. INTRODUCTION

The present study is intended to explore the ideology<sup>2</sup> inherent in traditional definitions of the family in Ireland. Described in the 1937 Irish Constitution as “the natural, primary and fundamental unit group of society” (Article 41.1), the family has habitually been a matter of concern to political and moral authorities in the Republic (Conrad 2004:78). As an ideologically charged concept, the notion of family often entails conflicts of interpretation as well as questions of legitimacy that relate to constitutional law and the accepted mores of society.

In Ireland, the establishment of the Irish Free State in 1922 was followed by the development of a deeply conservative notion of national identity, firmly sustained by Catholic and patriarchal values.<sup>3</sup> The new nation, the Irish Free State, eventually became the Republic of Ireland in 1937 with the enactment of the Constitution, the *Bunreacht na hÉirean*. Opposing the more liberal and anti-Catholic type of society that the United Kingdom was supposed to represent, the Irish Constitution encapsulated the Roman Catholic ethos that had dominated the cultural life of the Irish Free State.<sup>4</sup> In this respect, Siobhan Mullally contends that

<sup>2</sup> The concept of ideology has a wide range of historical meanings. Here, the term will be approached as “an organizing force which actively constitutes human subjects at the roots of their lived experience and seeks to equip them with forms of value and belief” (Eagleton 1991:222-3).

<sup>3</sup> I have written elsewhere of the Catholic character of the Irish Constitution and its relation to conservative definitions of motherhood that have been culturally perpetuated throughout the twentieth century in Ireland (Carregal Romero 2012b)

<sup>4</sup> As pointed out by Cairtriona Beaumont, “the Irish Free State was a country where the majority of the population were devout Catholics. State legislation endorsed Catholic social teaching and the education system was controlled by the Catholic hierarchy” (1999:101).

the influence of the Catholic Church on the constitutional text is particularly conspicuous regarding public morality: “[...] adherence to Roman Catholic teachings on issues involving family, sexuality and reproductive health served to distinguish ‘Irish laws and Irish ways’ from the ‘polluting’ forces of English law” (2005:85). In this context, the traditional definition of family seems to have played an instrumental role in the promotion of a national ethos in the newly independent Republic. As explained by Kathryn Conrad, the family “was enshrined as the cornerstone of the new Irish nation-state” (2004:10). This fact certainly led to a pervasive cultural transmission of traditional family roles through all levels of society, including the religious discourse and the political system. But, most importantly, as pointed out by William J. Goode:

It is within the family that the child is first socialized to serve the needs of the society, and not only its own needs. [...] Only if individuals are motivated to serve these needs will the society continue to operate, and the foundation for this motivation is laid by the family. Family members also participate in informal social control processes. Socialization at early stages makes most of us wish to conform, but throughout each day, both as children and as adults, we are often tempted to deviate. [...] What is needed is a set of social pressures that provide feedback to the individual whenever he or she does well or poorly and thus support internal controls as well as the controls of the formal agencies. Effectively or not, the family usually takes on this task. (1982:3)

Since it describes relations that are established between sets of people, it could be argued that the concept of family has a prominently personal and emotional meaning. Nevertheless, as Goode reminds us in the above mentioned passage, the structure of families and the function that each member should perform can be indicative of the cultural practices that are favoured by a given society. Seen in this light, one’s own family might be the prime sector where social control finds its legitimacy. Seemingly, Goode envisions the family as a social institution which is continuously regulated by moral and political discourses. As a result of these social pressures, individuals learn to discern their place within the family, as well as the expectations to be fulfilled when they constitute their own family unit.

Most problems arise when individuals, because of choice or personal circumstance, do not conform to the canonical definition of the institution. Thus, as Conrad convincingly argues, “the centrality of the family cell to social, economic, and political organization defines and limits not only acceptable sexuality, but also the contours of the private sphere, the public sphere, and the nation itself” (2004:4). In subsequent sections, this paper will examine how, if a specific concept of family is to be considered the basic unit of society, as the 1937 Constitution contends, those who are placed “outside” the preferred version of this social unit are consequently relegated to the margins of society.

## 2. GENDER AS PERFORMANCE

As reflected in the 1937 Irish Constitution and the teachings of the Catholic Church in Ireland, the conservative concept of family –consecrated through heterosexual marriage and structured on gender imbalances– implies that there can only be one acceptable manifestation of this social unit. Therefore, the preservation of such family model depends on the cultural transmission of traditional gender roles. This type of family, as will be argued, is firmly rooted in a system of belief that controls women’s sexuality and marginalises homosexuals. Furthermore, since the family is one of the agents regulating social behaviour (Millett 1972:54; Goode 1982:3; Conrad 2004:4), discussions about family models are very often linked to other discussions about gender and sexuality.

This study on the family is also informed by Judith Butler’s theorisation of gender as “performance.” As Butler puts it in *Gender Trouble*:

Acts, gestures, and desire produce the effect of an internal core or substance, but produces it on the surface of the body. [...] Such acts, gestures, enactments, generally construed, are performative in the sense that the essence or identity that they otherwise purport to express are fabrications manufactured and sustained through corporeal signs and other discursive means. That the gendered body is performative suggests that it has no ontological status apart from the various acts which constitute its reality. (1999:177)

Contrary to notions of nature and essence, the idea of the “performative” insists on the notion that gender is socially constructed<sup>5</sup> and mediated by “corporeal signs and other discursive means” (Butler 1999:177). If gender is to be viewed as performative, the traditional concept of family, whose meaning rests on fixed gender roles, should be reconsidered. Moreover, if the notion of family is to be understood as fluid and culturally imbued, any sense of this social unit as a monolithic institution is deracinated. Seemingly, the social acceptability of alternative models of family is subject to change in correlation with current social values. This view is consonant to what Richard Schechner expresses in the introduction to his work, *Performance Studies*:

As individuals and as part of communities and nations, people participate and interact with other people. But the values that guide people are not ‘natural’,

<sup>5</sup> In his heavily influential work, *The History of Sexuality*, Michel Foucault also observes that sexuality is not natural or innate. Sexuality is, instead, “put into discourse” (1978:11), it is turned into normalised behaviour. For Butler, gender identification is as socially regulated as sexuality is for Foucault.

transcendent, God-given or inalienable. Values belong to ideology, science, the arts, religion and other areas of human endeavor. Values are hard-won and contingent, changing over time according to social and historical circumstances. Values are a function of cultures, groups and individuals. (2013:1)

### 3. PATRIARCHY AND THE FAMILY

This section of the article describes how the traditional family has often perpetuated the cultural transmission of gender difference and inequalities, which find social legitimacy and become “natural” and “self-evident” facts of life. According to Kate Millett in *Sexual Politics*, the traditional family promotes roles and power imbalances that many individuals have come to take for granted: “[...] status, temperament, and role are all value systems with endless psychological ramifications for each sex. Patriarchal marriage and the family with its ranks and divisions of labor play a large part in enforcing them” (1972: 54). These “ranks and divisions” that Millett refers to are enacted within the domestic space of many traditional families, including the type of family promoted in the 1937 Irish Constitution. As is common knowledge in patriarchal societies,<sup>6</sup> men are entitled to be the head of the family unit, becoming the authority figure. Women, for their part, as wives and mothers have been induced to unconditional love and respect for their spouses, showing humility and obedience. In the traditional sense, there are numerous “qualities” attached to motherhood and femininity, which presuppose that women must be willing to suffer for their children and sacrifice their own self-interests for the benefit of the whole family. Other “feminine” traits such as caring and compassion are at stake in the construction of the roles of mothers. Therefore, when considering the old definition of motherhood, a failure to accomplish such “sacred” virtues would be considered perverse, selfish or even unnatural. In this respect, Gerry Smyth explains how Irish institutions such as the State and the Church used to promote and reinforce specific images of men and women, “the Irish male was constructed as active, a fighter and earner, occupying the public and

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<sup>6</sup> The meaning of “patriarchy” that I adopt here draws from Adrienne Rich’s critique of male power. In *Of Woman Born*, she defines patriarchy as “a familial-social, ideological, political system in which men – by force, direct pressure, or through ritual, tradition, law, and language, customs, etiquette, education, and the division of labor, determine what part women shall or shall not play, and in which the female is everywhere subsumed under the male” (1995:57).

political realm outside the home; the Irish woman was passive, a nurturer, mainstay of the family, bastion of the domestic realm of home and hearth” (1997: 55-6).

As already suggested in the introduction to this paper, the 1937 Irish Constitution promotes a very conservative and rigid conceptualisation of family in 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 rights, antecedent and superior to all positive law. (1.2) The State, therefore, guarantees to protect 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 recognizes 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, endeavor to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties within 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.

This “grand narrative” of Irish nationhood not only places the welfare of the nation in its own definition of family, but also specifies the roles that women must play within such institution.<sup>7</sup> Furthermore, although the 1937 Constitution reasserts the centrality of the mother figure within the family, it is paradoxically through a conceptualisation of motherhood which blatantly calls for the confinement and subjugation of women. Thus, the same institutional discourse which regarded motherhood as venerable disempowered women on legal terms. As Pat O’Connor argues, “in Ireland, the social subordination of women was, until very recently, seen as ‘natural’, ‘inevitable’, ‘what women want’. It was reflected in women’s allocation to the family arena, where their position was given rhetorical recognition and validation” (2000:83).

In Ireland, the traditional family has too often been idealised as a site of peace and unconditional love, its members being united by unbreakable bonds of mutual affection. Showing his enthusiasm and hopes for a rural Ireland of “sturdy children” and “comely maidens”, Éamon de Valera,<sup>8</sup> Prime Minister from 1937 until 1948,

<sup>7</sup> According to the Constitution Review Group, “the model of family life incorporated into the Constitution is one in which the woman cares for home and children. This reflected the social reality of the time when few married women were in the workforce and priority was given to jobs for male breadwinners. A bar against married women national teachers was introduced in 1933. The Conditions of Employment Act 1936 set down quite stringent restrictions on the employment of women aged eighteen years and over” (2006:32).

<sup>8</sup> In his seminal work, *Ireland: A Social and Cultural History*, Terence Brown highlights how “the Constitution of 1937 shows that de Valera had a precise appreciation of the need for the state to take account of the fact that Southern Ireland, the area of the Free State’s jurisdiction, was in the  
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gave a famous speech on the occasion of St. Patrick's Day in 1943, in which he talked of an Ireland "bright with cosy homesteads" (Brown 2004:134). However, this idyllic image concealed crude realities of poverty, oppression and disaffection which were hidden from public opinion. In rural Ireland, since most farming was at a level of subsistence, the domestic bliss that de Valera referred to was more an invention than an actual fact. Low standards of living called a halt to farm division, so, as Jenny Beale indicates: "[...] a farmer could rarely provide a dowry for more than one daughter, and only one son could inherit the farm. As marriage became economically based, large numbers of men and women failed to marry at all" (1986:24). Paradoxically, at a time when politicians praised family life in rural Ireland, there were increasing flows of migration and a very low marriage rate (Brown 2004:10).

Following the 1937 Constitution, in order to "protect" the family, different laws were approved, such as those which prevented married women from economic emancipation or those which refused to indict abusive husbands. According to Mary Ryan, "until the early 1970s, the family law statutes in Ireland were the same since the Victorian period [...] and crimes such as domestic violence and rape were silenced and hidden from the public" (2011:115). Family law statutes in Ireland were, in fact, extremely repressive for women, who received very little legal protection. In this sense, it seems apparent that the entanglement of religious and patriarchal discourses in Ireland damaged severely the autonomy of women. In recent times, as Mullaly suggests in the next quotation, the challenges to the conservative self-image of Ireland were regarded both by the Church and traditionalists as an attack to the country's inherited cultural tradition:

The Catholic Right in Ireland, concerned with preserving the conservative ethos that permeates the Irish Constitution, has portrayed feminism and human rights discourse not only as a threat to Ireland's 'pro-life' and 'pro-family' traditions, but also as a threat to Ireland's sovereignty. Thus, debates centered on the family and reproductive rights form the bedrock of the Catholic Right's backlash. (2005:83)

Significantly, Mullaly also indicates how "the continuing influence of the Catholic Church on Ireland's constitutional text has attracted the criticism of UN human rights treaty bodies" (*ibid.*:86). As international law apparatuses have considered, the conservative character of the Irish Constitution on issues such as the family and sexuality was at odds with the personal rights of the individual. In the domain of sexuality and reproductive health, the fact that contraception was scarcely available as late as the 1980s resulted in a large number of unwanted

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main a Catholic society, where the population would expect Catholic social teaching, especially when it touched on marriage and family law to be expressed judicially (2004:153).

pregnancies in a country where being an unmarried pregnant woman was frequently judged as an “immoral” act and an irreparable source of shame to the family (Conroy 1997:80). Most times, the pregnancy of these women was surrounded by an aura of secrecy and personal disgrace. The stigma would fall upon both the unmarried mother and her child, both conforming to an “anomalous” or “improper” type of family which received little legal protection. In other cases, young pregnant women who were disowned by their families had to find refuge in convent homes (*ibid.*:81). On this issue, Beale relates that “most mother-and-baby homes were run by religious orders. The regimes were frequently harsh and disciplinarian. The prospective mothers scrubbed floors and worked in laundries and were kept in no doubt as to the shameful nature of their condition” (*ibid.*:59).

Ostracised by a self-righteous society, unmarried pregnant women used to face shame and social exclusion. This sexist mentality, which is still prevalent in many other patriarchal societies, illustrates the traditional virgin/whore dichotomy. Derived from a deeply rooted religious myth, the Virgin Mary –a sexless adolescent mother touched by the grace of God– became such a powerful icon in Catholic Ireland that it encapsulated a whole world of “sacred” gender imperatives for women, which included the view of female sexuality as impure and dangerous. As Marina Warner explains, “the concept of Christian virtue as sexual abstinence permeated the entire community, together with the misogynist premises on which the ethic was founded” (1978:77-8). Furthermore, the Mother of God, an impossible role model for women, served both as a figure of worship and oppressive cultural artifact. In her study of lone mothers in Ireland, Pauline Conroy revises the long history of hostility that unmarried mothers suffered. Moreover, she also accounts for new and increasingly open-minded social attitudes:

For close to 150 years, lone mothers in Ireland have been marginalized in social policy, treated punitively in legislation and socially isolated or exiled by public opinion. Only in the late 1980s and 1990s have lone mothers begun to experience a normalisation of their status in social policy. (*ibid.*:76)

This reflection illustrates how society and its institutional apparatuses have traditionally exerted a rigid and harsh control on female sexuality for Irish women to conform to the canonical construction of femininity, which is essential to women’s allocation within the patriarchal family system. The ideals of family life established by both the Church and State reflected the moral ethos of the newly independent Republic of Ireland, which dwelled on an idealisation of the Irish countryside, the image of the “cosy homestead”, together with the image of the self-satisfied mother. Examining the intersections between gender imperatives and national politics, Clair Wills observes that “the mother became the guarantor of a particular conservative view of the polity. The ideological construction of the



familial sphere was intimately bound up with the public image of Ireland as a traditional rural society” (2001:37).

From the 1960s onwards, journalism and, in general, the mass media have played a relevant role in the gradual popularisation of modern ideas concerning gender relations and sexuality in Ireland.<sup>9</sup> On this cultural phenomenon, James Donnelly comments how:

The country, for good and ill, was opening up to the outside world to an unprecedented degree, not only economically but culturally as well – in popular music, in reading matter, through the cinema and now especially television, and soon enough to foreign notions or standards of appropriate sexual conduct. (2005:183)

Furthermore, this movement toward a more liberal society would eventually bring to light tragic events that, most definitely, would have remained away from the public domain in earlier years. Most tellingly, stories such as Ann Lovett’s – a teenager who, in 1984, gave birth on her own at a grotto and died with her baby– helped create a growing awareness and sensitivity which would later originate changes in the law. Nevertheless, the institution of the family was, as generally perceived by Church-dominated Ireland,<sup>10</sup> threatened by those who promoted social change. Divorce, abortion<sup>11</sup> and homosexuality, for example, were regarded as sources of evil that would certainly destroy the Catholic family, whose failure was often attributed to individualism and the “pernicious” effects of modern life. The popularisation of American sitcoms in Ireland was observed with suspicion by several sectors of the clergy. In this regard, Donnelly explains how, in 1971, Fr.

<sup>9</sup> From the 1960s onwards, as Joseph Ruane points out, “the greater the access to foreign media the more demand there was for it. The more aware Irish people became of the outside world, the more it became their point of reference and the more critical they became of their own society” (2010:154).

<sup>10</sup> It should also be considered that, as Brian Girvin rightly notes, “one of the strengths of the Catholic church during the twentieth century had been its close identification with the majority of Irish people” (2008:92).

<sup>11</sup> Most recently, “the November twentieth century 2012 death from septicaemia of an Indian woman, Ms Savita Halappanavar, at an Irish hospital and the subsequent claim from her husband that she had repeatedly asked for a termination of her pregnancy over a three-day period but was refused on the grounds that Ireland was a ‘Catholic country’, has once again brought to the fore the issue of the separation of Church and State in Ireland” (Markey 2013:53). In fact, abortion remains, to this date, a highly controversial issue in this country. As Jacky Jones contends in *The Irish Times*, “all EU countries, with the exception of Ireland and Malta, allow abortion to preserve a woman’s physical and mental health, and in cases of rape, incest, and foetal impairment. Irish women are forced to continue with a pregnancy when their physical and mental health is at risk or they are carrying a non-viable foetus” (2013).

Patrick Peyton, a well-known Irish priest devoted to the cult of the Virgin, “announced the beginning of a new ten-year national rosary to save what he called ‘America’s disintegrating families’” (*ibid.*:198).

In 1979, Pope John Paul II, in his attempt to counteract the currents of cultural modernisation, sanctified the Christian family on his first visit to Ireland. He praised Ireland’s institutional commitment to defend the values of the Catholic Church:

The Christian family has been in the past Ireland’s greatest spiritual resource. Modern conditions and social changes have created new patterns and new difficulties for family life and for Christian marriage. I want to say to you: do not be discouraged, do not follow the trends where a close-knit family is seen as outdated; the Christian family is more important for the Church than ever before. (“The Pope’s Visit to Ireland”, *CatholicIreland.net*).

In the face of an increasing secularism and social protest, John Paul II imagines Ireland as a safeguard against contaminating modern values. Significantly, the family was invoked as Ireland’s greatest spiritual strength. In order to avoid foreign influences and keep the “Irish family” intact, the Pope of Rome’s advice is not to follow the “trends.” All in all, John Paul II’s sermon revived religious feelings in Ireland by giving the Church’s followers a role to fulfill as the true preservers of the Catholic faith. As argued by Girvin, “the visit of Pope John Paul II to Ireland in 1979 provided a potent stimulus to antiliberal sentiment” (2008:85).

The decade of the 1980s saw the reawakening of conservative ideologies in a period of economic recession. During those years, the electorate was asked to vote in two different referendums in which the Church was deeply involved. Catholic groups such as the Family League, the Knights of St Columbanus and Family Solidarity<sup>12</sup> showed their full support to serve the “sacred” cause of preserving the traditional family. In 1983, an absolute ban on abortion was reasserted with the purpose of specifying no cases of ambiguity for the application of such operation. Later, in 1986, another referendum proposed an amendment of the Constitution whereby Irish people would decide whether to remove the ban on divorce. The majority voted against it. During the 1980s, the controversies and strong divisions in opinion in Ireland epitomised the heterogeneity of its society, as well as the resentment of those who hoped for further reformations. The fact that Ireland was the last country in Europe to legislate divorce reflected the still notable cultural authority of the clergy. In the words of Michele Dillon: “Because of the sociocultural influence of the Catholic church [...] and the pervasiveness of the

<sup>12</sup> Family Solidarity, for example, was “fiercely opposed to contraception, abortion, and divorce, but more broadly, it declared its interest in all prospective legislation that significantly affected the status of the family and ‘family values’” (Donnelly 2005:243).

association of Catholic and public morality, the proposal to introduce divorce challenged the basic cultural identity and worldview of the Irish” (1993:38).

Despite the cultural backlash of the 1980s, the decade of the 1990s saw the awakening of a new Ireland which was experiencing an unprecedented impulse of modernisation. It is a period in which the Republic underwent drastic changes as regards its economic and socio-cultural profile. The Ireland of the 1990s is that of the Church’s sex scandals,<sup>13</sup> as well as that of the Celtic Tiger or the Ireland of profound legal changes, when homosexuality was decriminalised and the ban on divorce was finally removed.<sup>14</sup> This scenario posed new questions that had to be addressed, such as the necessity to extend legal recognition to other types of family units. In this context, the Constitution Review Group was established by the government in 1995 with the intention to respond to social change and readapt the Constitution to the present time. Curiously enough, the family was one of the areas to which the Group referred:

The family in Irish society has been profoundly affected by social trends since 1937. The mores of Irish society have changed significantly over the past six decades. The traditional Roman Catholic ethos has been weakened by various influences including secularization, urbanisation, changing attitudes to sexual behaviour, the use of contraceptives, social acceptance of premarital relations, cohabitation and single parenthood, a lower norm for family size, increased readiness to accept separation and divorce, greater economic independence of women. (2006:64)

An interesting aspect is the implicit recognition that the family is not an evident and naturally given institution, but its form and structure is, to a certain extent, governed or influenced by an “ethos”. Social factors –such as the progressive abandonment of Catholic doctrines and greater personal and economic independence of women– have an effect on how a given society understands the notion of family.

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<sup>13</sup> These sex scandals undermined the moral authority of the Catholic Church in Ireland. As argued by Girvin, “while confidence in all institutions was in decline by this time, it was of more significance for the bishops, as it was prompted in large part by various lapses in moral standards on the part of the religious and the uncovering of child sex abuse cases that involved clerics” (2008:92).

<sup>14</sup> Despite the decreasing influence of the Church in Irish politics, many Catholic traditionalists raised their voices against the legalisation of divorce in 1995: “The introduction of the first divorce law in Ireland had seen wild claims as to the demise of The family” (Conroy 1997:76).

#### 4. HOMOSEXUALITY AND THE FAMILY

This paper's previous section focused on how the ideology of the family in Ireland has traditionally served as a form of social control for women. In our contemporary world, however, the impetus for personal freedom, social justice and human rights call for a readjustment of the social parameters of legitimacy. Homosexuality remains a complicated issue which provokes confronted opinions in societies where heterosexuality is the norm. Heterosexism, therefore, hampers the social normalisation of homosexuals as well as this collective's achievement of civil rights. According to Gregory Herek (2004:16), heterosexism entails "the cultural ideology that perpetuates sexual stigma by denying and denigrating any nonheterosexual form of behavior, identity, relationship, or community. Heterosexism is inherent in cultural institutions, such as language and law."

In the same study, Herek quotes an interview he did in 1998 to American psychiatrist George Weinberg, who published in 1972 *Society and the Healthy Homosexual*, one of the first books to theorise about the causes and nature of "homophobia." In this interview, Weinberg describes homophobia as "a fear of homosexuals which seemed to be associated with a fear of contagion, a fear of reducing the things one fought for –home and family. It was a religious fear and it had led to great brutality as fear always does" (Herek 2004:7). Curiously enough, Weinberg invokes here the family used as a rhetorical weapon against the normalisation of homosexuality –the family is understood as a moral principle of order and justice that must be protected from the sexual other. Significantly, the term "homophobia" presupposes that homophobes are those who are infected with prejudice, hatred and irrational fear. The "pathology" is thus reversed and thereby applied to those who profess antipathy for individuals on the basis of their sexual orientation. As Herek aptly explains it, "the term stood a central assumption of heterosexual society on its head by locating the 'problem' of homosexuality not in homosexual people, but in heterosexuals who were intolerant of gay men and lesbians" (*ibid.*:8).

The notion of family in Ireland has been traditionally heterosexist and homophobic, as evinced by the social and legal illegitimacy of homosexuality. In recent times, nevertheless, same-sex couples have started to claim the same civil rights that heterosexuals enjoy. Homosexual marriage has in fact received international attention since its legalisation in countries such as the Netherlands (2001) and Canada (2005), as well as in other nations with a Catholic tradition, including Spain (2005), Portugal (2010), Argentina (2010) and Uruguay (2012). In

the following quotation, Elizabeth Kukura enumerates a list of several legal reformations that have been adopted in this area:

Despite a lack of legal recognition in many jurisdictions, gays and lesbians are forming families according to their own needs and desires. Some states have responded with diverse legal reforms, ranging from the extension of full marriage rights, to the creation of quasi-marital statuses, to the inclusion of same-sex couples in laws on unregistered cohabitation. (2006:17)

Additionally, Kukura reminds her readers of how all major human rights instruments enshrine family as a social principle not to be transgressed by the demands of the State. Since many jurisdictions do not recognise homosexual families, she argues that there exists a worldwide discrimination which international law institutions should address. Ultimately, in her defence of same-sex marriage, Kukura's thesis is that "international law must shed its hetero-normative view of family in favor of one that reflects societal conditions. If it fails to recognize the importance of protecting all families, it risks losing its normative power as a force for promoting equality" (2006:19). On a global scale, international law institutions could expressly support a broader conceptualisation of family. However, this might prove highly problematic on a practical level, since an attempt to have an influence on the legislation of individual States would be possibly judged as antidemocratic and a transgression to their cultural values.

In our contemporary world, one of the leading concerns on family law relate to same-sex couples and their claims to marriage, which gives legal recognition to their union. Considering the Church's cultural and political authority in Ireland until as late as the 1980s, the Catholic conceptualisation of family as necessarily heterosexual could only hinder any efforts to visibilise and normalise homosexuality. Sufficiently clear in this respect, the 2003 Pastoral Letter of the Irish bishops, entitled "Human Sexuality", contends that:

The witness of the Scriptures is consonant with a view that rejects homosexual practice of any kind, and that marriage between a man and a woman in life-long union remains the only appropriate place for sexual relations. This must remain the standard for Christian behaviour. (*Pastoral Letter* 2003:125)

According to the Catholic Church's teachings, the only morally acceptable expression of sexuality is located within marriage, a life-lasting bond between a man and a woman whose main purpose is to have their own children. Following this logic, any alteration to this path –such as masturbation, contraception, premarital sex or divorce– can be considered a deviance and a result of perverse selfishness. Homosexuality, in essence, cannot fit within the Catholic view of romantic love. According to the Church, love, sex and procreation must be part of the same process. Published in the context of the campaigns against the legalisation of divorce, the

1985 Pastoral Letter of the Irish bishops, entitled “Love is for Life”, asserts that “it [sexual union] speaks of a man and a woman's readiness to openness to share their being in a child which will be ‘their child’, the expression of their love, the bond of their shared life.”

The religious discourse, therefore, takes pains to validate love and sex only within the confines of hetero-normative marriage and procreation. Moreover, if God is Love and love is the greatest principle of Catholicism, it follows that homosexuals who engage in homo-sexual relationships situate themselves far from God, thereby their actions are deemed perverse, deviant, morally wrong and dangerous. Furthermore, by ignoring or negating the possibility of love between homosexuals, it is consequently implied that gays and lesbians are solely interested in sex and not in sentimental relationships. In fact, stereotypes of homosexuals as sexually unstable and insatiable are recurrently endorsed by conservative Catholic groups, not only in Ireland but worldwide. Fortunately, in the wake of the new millennium, the Irish Church's official discourse about homosexuality has tended to soften, encouraging a more respectful attitude for same-sex couples: “In the light of a developing understanding of the nature of humanity and sexuality, the time has arrived for a change in the Church's traditional position on affirming same-gender relationships” (*Pastoral Letter* 2003:125).

Yet, social hostility towards gays and lesbians does not happen exclusively within the domain of religion. In many countries, human rights do not apply to homosexuals, who too often become the victims of social exclusion, hate crimes and dehumanising antigay rhetoric. Many of them are induced to internalise homophobia and feel self-loathing, adopting the role of the abject other that society has devised for them. They might perhaps become homophobes themselves and exert violence on other gays and lesbians who accept their sexual orientation and try to establish sentimental bonds with other homosexuals (Herek 2005:19). Discrimination against homosexuals also reaches the discourse of science. The World Health Organisation, for example, did not remove homosexuality from their list of mental disorders until the early 1990s. Prior to that date, Jennifer Terry relates how the medical control of homosexuals used to be characterised by “psychiatrists' inhumane use of psychopharmaceuticals, lobotomy, psychoanalysis and aversion therapy psychiatrists” (1999:368).

In Ireland, the criminalisation of homosexuality in psychiatrists' Irish Law until 1993 has served as a powerful deterrent to the social acceptance of gays and lesbians. The struggle for decriminalisation was, in great part, headed by the Irish Gay Rights Movement after a 20 year campaign for the civil rights of homosexuals. In his study of social change in Ireland, Kieran Rose notes how:

The lesbian and gay community had made considerable progress from a position of almost total marginalization and powerlessness. During that time it became possible to construct a new identity, which meant that it is possible to be Irish *and* lesbian *and* gay. (1994:2)

The decade of the 1980s, however, was a period of great tumult in the Irish judiciary system. Public figures, such as the politician David Norris, a homosexual man himself, pursued legal action against the criminalisation of homosexuality. Having lost the case in the Irish Supreme Court, Norris appealed against this sentence. In 1988, the European Court of Human Rights ruled that the Irish Law transgressed the European Convention on Human Rights, a fact which marked a clear victory against the Irish judiciary system and the Catholic Church (Rose, 3). In his essay entitled “A Brush with the Law” (2007), Irish writer Colm Tóibín<sup>15</sup> describes the political atmosphere of the Irish courtrooms surrounding the period of Norris’s case. In his paper, Tóibín offers a summary written by Chief Justice O’Higgins when he ruled against the legalisation of homosexuality,

- (1) Homosexuality has always been condemned in Christian teaching as being morally wrong. It has equally been regarded by society for many centuries as an offence against nature and a very serious crime.
- (2) Exclusive homosexuality, whether the condition be congenital or acquired, can result in great distress and unhappiness for the individual and can lead to depression, despair or suicide.
- (3) The homosexually orientated can be importuned into a homosexual lifestyle which can become habitual.
- (4) Male homosexual conduct has resulted, in other countries, in the spread of all forms of venereal disease and this has now become a significant public-health problem in England.
- (5) Homosexual conduct can be inimical to marriage and is per se harmful to it as an institution.

As this summary illustrates, Chief Justice O’Higgins considered homosexuals to be naturally inclined to a specific sort of behaviour –a “homosexual conduct” which is per se prone to disease and great unhappiness. Moreover, homosexuality, according to O’Higgins, damages the institution of marriage, which is regarded as the foundation of the family in the Irish Constitution (Article 41.3). The Judge, it may be presumed, seems to rely on social clichés and moral judgements that, at that time in the 1980s, found little opposition in the legal institutions of Ireland.

<sup>15</sup> I have written elsewhere of the manner in which, Tóibín de-stabilizes in his fiction canonical definitions of the family through his inscription of alternative manifestations of this social unit (Carregal Romero 2012a).

Interestingly enough, Tóibín contends in his essay that judges felt that they should preserve the “moral ethos” of the State, which inevitably crashes against the right to privacy of the individual. Before decriminalisation, as Tóibín eloquently puts it.

It was best to carry on as though equality for gay people were not a substantial issue worthy of public discussion. The laws forbidding us to love, forbidding us to couple as others do, affected us—as they still do, we are not allowed to marry.

To date, same-sex marriage, as Tóibín has reminded us, is not legal in the Irish Republic, where homosexual couples are not equal to heterosexual ones in terms of civil rights. Too often, the idea of the homosexual family consecrated through marriage has been viewed by many as outrageous and unnatural. Since the traditional family is structured on gender imperatives which are assumed to be natural behavioural inclinations of men and women, homosexual marriage—it appears more than plausible—would undermine the cultural transmission of conventional family patterns, thus transforming conservative conceptualisations of this social unit.

## 5. CONCLUDING REMARKS

In twentieth century Ireland, a conservative interpretation of the concept of family was perpetuated by constitutional law and moral discourses which tended to fossilise a single, unified concept of this social unit. Nevertheless, this study has made reference to the work of cultural critics who defend the argument that there can never be a single or clear definition of the family. “The perceived role, form and functions of ‘the family’, Douglas Hodgson explains, “have varied considerably through history and may differ from State to State, and even from region to region [...] owing to varying cultural, religious, sociological and legal perspectives and individual preferences” (1994:222). In line with this argument, legal expert Frank Martin has also expressed that:

‘The Family’ might appear easy to recognize, but may not be susceptible to a definition that meets with universal acceptance legally or socially, no matter what culture is involved. What is agreed among academics, social scientists and lawyers is that, even in contemporary Irish society, ‘the family’ is a concept open to multiple interpretations reflecting political or ideological sets of values. The textual heading of Article 41 in the Irish Constitution uses the noun with the definite article, i.e. “*The Family*.” This would seem to connote a certain set of norms sanctioned by most if not all society. (2005:18)



As an ideologically charged concept, defining what constitutes a family involves conflicts of interpretation. Eventually, what might remain apparent is that a rigid, inflexible definition of the family may pave the way for social inequalities and the marginalisation of those who do not or cannot conform to the privileged version of this social unit.

New social circumstances have an influence on the manners in which individuals interpret the concept of family. Nowadays, the Roman Catholic ethos that permeated the institution of marriage and the family in Ireland has notably weakened (*Constitution Review Group* 2006:64). On this issue, Emmer Nolan explains how, in contemporary Irish society, “the huge changes in sexual mores and family life over the last decades brought about new freedoms for women, and a significant lessening of discrimination against lesbians and gay men” (2007:357). In a society where divorce has been normalised, the general feeling about marital dissolution usually understands that dysfunctional marriages, if maintained, can only bring further misery to both spouses and their children. Moreover, the stigma cast on homosexuals has, especially in the Western world, begun to dissipate and same-sex couples, though they still face institutional discrimination, have acquired civil rights that were previously denied to them (Kukura2006:17). Conservative societies, such as the Irish one in the past, used to ostracise single mothers, who were oftentimes relegated to social exclusion and the care of charity (Beale 1986:59). In today’s society, their situation starts to be perceived as a private issue and not so much as a social malady that sets a negative example to others (Conroy 1997:76). Lone parents in recent times, it seems, tend to be judged on their “performance” as fathers or mothers, and not on the basis of their not being married and not conforming to the traditional family. Contrary to essentialist opinions on the matter, the structural forms of legitimacy involving family are fluid and keep a correlation with social circumstances and discourses.

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*Author's contact:* jose\_carregal@fastmail.fm