

# BOSTON COLLEGE

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Ms. Mary Coughlan, T.D.  
Minister for Education and Science  
Department of Education and Science  
Marlborough Street  
Dublin 1  
Rep. of Ireland

Dear Minister Coughlan,

I write to congratulate and to wish you well in your new government portfolio. I also write on behalf of Justice for Magdalenes (JFM)—a survivor advocacy group—to bring you up to date on the status of our campaign to bring about (i) an official apology from the state for complicity in referring women and children to the laundry institutions, and (ii) a distinct redress scheme for all laundry survivors.

We are hoping that in your capacity as An Tanáiste and as the Minister for Education and Science, you can serve as a strong advocate for justice for these most marginalized of Irish women and, in doing so, urge your colleagues at the cabinet table to provide the necessary political leadership in correcting this historic injustice.

First, some brief background. As you are no doubt aware JFM circulated draft language towards a distinct redress scheme on 2 July 2009 (copy attached below). Your predecessor, Mr. Batt O'Keeffe, T.D., rejected our proposal and asserted that that "state did not refer individuals, nor was it complicit in referring individuals to the laundries" (4 September 2009). He also referred to the Magdalene women as the "former employees of the laundries"—he later apologised for this characterization and substituted the word "workers" for "employees" (23 September 2009).

Since last fall, JFM has met with representatives from the Department of Justice, the Department of Education, and, most recently, with the Minister for Health, Ms. Mary Harney, T.D. (on 26 March 2010). I would be happy to forward you precise details for each of these meeting if you so desire, but very briefly they have led to the following:

- The Department of Justice now acknowledges that as a result of the Criminal Justice Act, 1960, the state did refer women "On Remand" to the Sean MacDermott Street Magdalene laundry

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- The Department of Justice acknowledges that the Irish court system routinely sent women to the laundries as an alternative to a prison sentence
- Women were also placed "On Probation" by the courts at Magdalene laundries and other religious convents
- The Department of Justice now asserts that the State was aware, as early as the Cussen Report in 1934, that there was no statutory basis for confining women in Magdalene laundries or other religious convents
- The Department of Education acknowledges its awareness that children were confined in the Magdalene laundries as late as 1970, as detailed in the so-called Kennedy Report
- JFM contends that the Department of Education failed in its constitutional obligation to protect *all* children in these institutions—regardless of whether they were transferred to the laundry from a State residential institution or placed there "*privately*"
- JFM has asked the Minister for Health to acknowledge the policy, dating back to 1933-34, whereby women giving birth to a second "illegitimate" child in a State licensed mother-and-baby home were transferred to the laundries
- JFM seeks explanation of capitation grants paid by the former Boards of Health for "problem girls" sent to these institutions—payments of £8.25 per capita per week in July 1972
- The former Minister for Family and Social Affairs, Ms. Mary Hanafin, T.D., responding to a recent parliamentary question, betrayed the fact that the laundries did not comply with the statutory requirements governing social welfare payments (4 February 2010)
- The Minister for Finance, Mr. Brian Lenihan, T.D., responding to a similar question, refused to comment on whether the women and girls who were put to work in the laundries ever paid taxes (4 February 2010)

Because of these revelations, Mr. O'Keefe in a letter to JFM (dated 27 January 2010), finally acknowledged that because the Department of Justice "confirmed that some women were referred by the Courts to the Magdalene laundries" he now "accept[s] that this was the case as opposed to the position outlined in my letter of September last."

The State was indeed complicit in the abuse of women and children in Ireland's Magdalene laundries. The question now is what action the government is prepared to take to provide redress, reparation, and apology for its participation in this abuse?

JFM has asked government departments to produce records for the women and children referred to the laundries. We have asked them to identify the statutory basis upon which the State sent women there. We have asked whether the institutions were ever inspected, regulated, or licensed?

Instead of answers JFM receives assurances of "interdepartmental cooperation." We are told that records don't exist for women the State sent to the laundries. We are told the State cannot compel the religious congregations to release their records. To date, the State's default position has remained unchanged: namely that the laundries were "privately owned and operated institutions." As such, the overriding concern is to limit financial liability.

The government has shown no appetite to call the four religious congregations that operated the laundries to account, and this despite Minister Ahern's statement last December that "a collar will

protect no criminal." The nuns refuse to release records for women entering the laundries after 1 January 1900. Consequently there are no answers to key questions, e.g., how many women entered the laundries, why did they go there, how long did they stay, what became of their children, how many died behind convent walls, and where are these women buried?

This lack of records differentiates Magdalene survivors from survivors of residential institutions—many children in industrial schools were wards of state, there was a committal order, capitation grant records exist. And, it is precisely this lack of documentation that empowers the State to ignore Magdalene survivors' calls for redress. Yet, the women and children in these institutions were Irish citizens too.

JFM is doing what it can to make relevant information available. According to the 1911 Census, there were 1,094 women recorded at the ten Magdalene asylums that would continue to operate after Irish independence. In 1956, the *Irish Catholic Directory and Almanac* reported a capacity for 945 women at these same institutions. Between 1926 and 1963, we know that the courts referred at least 54 women to Catholic Magdalene laundries (a further 4 women were sent to the Protestant Bethany Home). We know that in March 1944 there were 19 women "On Probation" at laundries and other religious convents.

We also know the numbers of Magdalenes buried in mass graves around this country: such as the 178 at the High Park plot in Glasnevin, 101 at the Gloucester Street plot in Glasnevin, 72 Consecrated Magdalenes at the Sisters of Mercy Foster Street convent in Galway (Galway's ordinary "penitent" class are buried at Bohermore cemetery), 241 at the Good Shepherd plot at Mount St. Laurence Cemetery in Limerick, 72 at the Sisters of Charity plot at St. Finbarr's Cemetery in Cork, etc.

These women died behind convent walls at the end of lives lived in enforced shame and characterized by hard labour, endless prayer, absolute silence, and the denial of basic human rights. Does the fact that they are dead mean Irish society owes them nothing—no apology, no dignity in having their identities recorded properly, no security from exhumation, cremation and reburial?

Magdalene survivors are making their case for redress and compensation. These women deserve to be treated with respect. Many are elderly. Some are still in the "care" of the religious congregations. Others remain haunted by past institutional abuse. Time is not on their side. It seems that the particular stigma attached to the women of the laundries must go un-examined and un-challenged.

No one has apologised to Ireland's Magdalene women; no one has owned up to the fact that what happened to them was wrong. Simply put, many survivors will chose anonymity until this situation changes. Such change requires political leadership and courage and we hope that as An Tanáiste and as the Minister for Education you might take up this challenge and help move our campaign for justice forward.

Please feel free to contact me with any questions and/or concerns. Also, we would be very happy to arrange a delegation to meet with you at a time of your convenience. We look forward to hearing from you,

Sincerely yours,

James M. Smith (electronic signature)

Dr. James M. Smith  
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[Circulated 2 July 2009]

**Proposed Redress Scheme for Survivors of Ireland's Magdalen Laundries [Draft]**

Submitted by James M. Smith and Mari Steed, on behalf of *Justice\_for\_Magdalenes*

- I: Aim
- II: Key Terms
- III: State Apology
- IV: State Redress Scheme

**I: Aim:** To establish a distinct Redress scheme for survivors of Ireland's Magdalene Laundries

**II: Key Terms:**

*Involuntary Committal:* Women (typically young girls) transferred to the Magdalene Laundry from State residential institutions, e.g., Industrial and Reformatory School.

*Location:* After the foundation of the State (1922), Laundries operated in Galway and Dun Laoghaire (Mercy), Waterford, New Ross, Limerick, and Cork (Good Shepherds), Donnybrook and Cork (Sisters of Charity), Drumcondra and Gloucester/Sean McDermott Streets (Sisters of Our Lady of Charity of Refuge). Bethany House in Dublin operated as a Magdalene institution for members of the Protestant community. The last Magdalene ceased operating as a commercial laundry on October 25, 1996.

*Magdalene Laundry:* Institutions attached to Convents operated by female religious in which incarcerated women, called "penitents," worked at laundry and other for-profit enterprises. These women were denied freedom of movement. They were unpaid for their labor. They were

denied their given names. The daily routine emphasized prayer, silence, and work. Women had to be signed out of the Magdalene, and many remained to live, work, and ultimately die, behind convent walls.

*Referred committal:* This category includes women *referred* to the Magdalene Laundries by the Courts, typically having accepted a suspended sentence upon "voluntarily" agreeing to enter a convent for a specified amount of time. Also, includes women *referred* to the Magdalene Laundries by the Courts while on remand and awaiting trial (Criminal Justice Act, 1960).

*Religious Congregations:* The Sisters of Mercy, The Sisters of Our Lady of Charity of Refuge, The Sisters of Charity, The Good Shepherd Sisters

*State:* Government of the Saorstát and later the Republic of Ireland.

*"Voluntary" Committal:* Woman (of any age) deposited at the Magdalene Convent by a family member, employer, social worker, Gardai, local doctor, etc.

### **III. Elements of a State Apology**

The state apologizes for its failure to protect adequately the constitutional rights of citizens committed to the nation's Magdalene Laundries. The State acknowledges that it failed to protect the Magdalene women's basic human rights (regardless of whether they were committed voluntarily, involuntarily, or referred), rights guaranteed to other citizens.

In particular, the State apologizes to those young women involuntarily committed to the Magdalene Laundries, especially to girls transferred from state-licensed residential institutions directly into the Magdalene Laundries. The State will statutorily guarantee access for these victims of institutional abuse (up to the age of 21 years of age upon committal) in accordance with the Residential Institutions Redress Act (2002) and any subsequent amending legislation.

The state acknowledges that the Magdalene Laundries were punishing and abusive in nature, and that the state failed to insist that these institutions comply with various legislative measures ensuring workers' rights (e.g., a working wage, safe work conditions, hours of work per day and per week, vacation time, etc.).

The state acknowledges that it failed to ensure some measure of regulation and inspection of these institutions, which although owned and operated by Catholic Religious Congregations, were routinely used by the Courts for women found guilty of certain crimes and or for women on remand and awaiting trial. In doing so, the State apologizes to women committed to the Magdalene institutions having being referred through the state's judicial system.

The state acknowledges and apologizes for its complicity in the abuse of all women in the Magdalene Laundries by virtue of its ongoing support of the religious congregations operating these institutions, e.g., by providing lucrative contracts of laundry from prisons, hospitals, the military, etc., and by consistently referring a labor force to the laundries via the courts.

Finally, the state urges the four religious congregations directly involved in operating the laundry institutions, the Catholic hierarchy who oversaw the congregations, and the families of those women committed to the Magdalene Laundries, to issue their respective apologies for the abuse, mistreatment, and abandonment of these women.

#### **IV: Elements of a State Redress Scheme for Victims and Survivors of the Magdalene Laundries**

The nature of the State's relationship to the Magdalene Laundries was different to that of the so-called residential institutions. At no time did the State license, regulate or inspect the Magdalene Laundries. Oversight and management always remained in the hands of the religious congregations and the local members of the Catholic hierarchy. The Laundry enterprise, and related enterprises, was always operated on a for-profit basis. But because of the charitable status of the enterprise these laundry institutions were exempt from certain provisions of the Companies and Factory Acts.

Despite these differences in the nature of its relationship to the Magdalene Laundries, the State recognizes its historic failure to intervene and adequately protect the women in these institutions by supporting the following measures:

- The State will establish a Trust fund for reparation in lieu of wages not afforded to workers during their respective incarceration. The State urges the Religious orders to contribute equal monies to this Trust.
- The State will provide a pension for survivors of the Magdalene Laundries upon reaching the age of 65 years.
- The State will provide aid in the form of housing assistance to survivors in need. In particular, the State will assist women still in the care of the religious congregations who, if given the opportunity, would seek alternative independent living arrangements.
- The State will provide medical assistance to survivors in need. It will also help fund counseling for survivors and their families in dealing with their experiences of institutional abuse.
- The State will make available through appropriate means all available records for women committed to the Magdalene Laundries (voluntarily, involuntarily, referred) and ensure access to such records by family members seeking to trace their family history. The State encourages the Religious Congregations to make available their records as part of the same scheme. In particular, the State commits to work with Adoption Ireland and similar agencies to facilitate search and reunion of family members directly impacted by the Magdalene Laundries.

- The State will sponsor an oral history project to record and archive the experiences of women committed to the Magdalene Laundries as well as members of the religious congregations and other parties interested in participating.
- The State recognizes that due to recent property development and financial concerns on the part of the religious congregations, the buildings of the former Magdalene Laundries are quickly disappearing. The State will fund an appropriate national memorial to commemorate the Magdalene Laundries and the women confined therein. In doing so the State is committed to protect against the erasure of this chapter in the nation's history.
- The State will fund the upkeep and maintenance of Magdalene burial plots, and will work with the religious orders to erect suitable memorial stones, as well as to ensure the complete accuracy of such memorials. The State will amend language on burial memorial stones which refer to the Magdalens as "penitents," "residents," "sinners," etc.
- The State will conduct a criminal investigation of the exhumation of human remains from the burial plot at High Park Magdalene Laundry in Drumcondra to determine precise details related to the additional sets of human remains discovered and the irregularities related to missing death certificates for those involved. It will likewise demand information from the religious congregations related to similar exhumations in Galway, and at other convents housing former Magdalene Laundries.
- The State commits to re-examine legislation (e.g., The Factory Acts, Companies Act, Charities Act, Adoption Acts, Redress Acts, Criminal Justice Acts, etc.) to ensure that they comply with the proposed Magdalene Survivors Redress Scheme.