

THE IONA INSTITUTE

**Submission to the Convention on the Constitution on
Article 41.2**

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Introduction and summary:

Article 41.2 of the Constitution which deals with women in the home is probably the most caricatured in the entire document.

Contrary to the caricature, the provision does not say that a woman's role must be in the home. It says that women (and mothers specifically) should not be forced out of the home due to economic necessity.

In addition, the provision did not arise solely from the influence of the Catholic Church. In fact, the thinking behind the provision had very wide support in the trade union movement at the time both in Ireland and overseas.

What the provision does is to set out our respect for the private sphere. It says that the marketplace cannot be all-dominant, that other spheres of life are also important, and sometimes more important.

We must be careful not to replace a notion that a woman's place is in the home with the reverse of this, which is to say a woman's place is at work. We must instead empower parents and other carers to decide a work/life balance that works best for them and their dependents.

The provision should, however, be reworded in order to make it gender-neutral so that instead of referring to women in the home, it refers to carers. A reference to carers also has the advantage of ensuring that it is not only parents' role in the home that is respected, but also those who care for other dependents.

The historical context of the provision

While Article 41.2 of the Constitution was undoubtedly influenced by Catholic social teaching, it would be quite mistaken to believe this was the sole influence.

As Finola Kennedy makes clear in her exhaustively researched history of family policy in Ireland, *From Cottage to Creche* the thinking behind Article 41.2 was to be found outside the Catholic Church and outside Ireland and was widespread within the trade union movement.

It was considered to be a sign of progress if women were not forced by economic necessity to leave the home and work in factories or fields instead. It was considered progress if economic conditions in a country had advanced sufficiently to mean that working outside the home was a choice rather than a necessity.

There was also a fear that women were being exploited as cheap labour.

On this point Louie Bennet, Secretary of the Irish Women Workers' Union had this to say in 1932:

Naturally I have no desire to put a spoke in the wheel of women's employment. But this modern tendency to draw women into industry in increasing numbers is of no real advantage to them. It has not raised their status as workers, nor their wage standard. It is a menace to family life, and

in so far as it has blocked the employment of men, it has intensified poverty amongst the working classes.”

In addition, the 1930s was a period of very high unemployment throughout the developed world and trade union leaders believed that freeing women to work in the home would help reduce unemployment.

Of course, there was undoubtedly a stereotypical assumption that given a choice, the mother rather than the father should and would stay at home. This is the chief reason why the provision should be updated so as to make it gender neutral.

Work or home: facilitating choice

A given set of economic circumstances can make it extremely difficult for families to make a proper choice between home and work. A high cost of living can make it almost impossible for one parent to stay at home even part-time.

This can be exacerbated by a tax policy that makes little or no allowance for the fact that most families have dependent members, especially children.

Income tax can treat people either as isolated individuals or as members of families with certain ties and obligations.

Irish income tax now embodies the principle of individualisation and takes far less account of the family as a unit of mutual care than it once did.

Tax individualisation strongly favours the marketplace over the private sphere of the home.

It is our belief that in terms of work and home, economic policy should facilitate choice to the greatest extent that is reasonably possible.

Indeed, international research (highlighted among others by Dr Catherine Hakim, formerly of the London School of Economics) has shown that in terms of their preferred options regarding home and work women split roughly three ways, with a fifth wanting a full-time career, a fifth wishing to devote their life full-time to the domestic sphere with the remainder wanting something in between.

Does economic policy really take into account this diversity or does it favour the first choice above all, namely full-time work?

Work and home: what the data show

The number of Irish women of working age who are at home full-time has plunged in recent decades. To the extent that this is a result of choice it is to be welcomed. It is another matter if it is a result of necessity, especially if economic policy as distinct from economic circumstances, has helped to make it as necessity.

According to Census data, the total number of women of working age who were in the home full-time in 1986 was 653,000. This had more than halved to 321,300 in 2011, of which 230,000 were married and the remainder unmarried.

This is a fall of roughly 10,000 per year. We do not fully know what is driving this change and therefore we do not know the extent to which it is a result of choice.

Other data from the Central Statistics Office do, however, give us some insight into the extent to which women are making choices between home and work.

According to the National Household Survey for the fourth quarter of 2011, 296,000 women as against 129,000 men were working part-time.

The Survey asked those women whether they wanted more work, in other words would they prefer to be working full-time.

Three-quarters responded that they did not want any more paid work. Notably they were not asked whether they would prefer fewer hours of paid work, in other words, would they possibly prefer to be at home full-time.

In any case, it is clear that many women do not want full-time paid employment and want what they see as a better balance of home and work.

Finally on this point, an Irish Times poll in 2007 asked women whether they were working out of choice or necessity. Forty-two percent said they were working out of necessity.

The poll did not break down this result according to age and parental status. We can be confident that mothers were more likely to say they were working out of necessity rather than choice, whereas younger, single women were more likely to say the reverse.

The bottom line, however, is that many women feel they are forced into paid work out of economic necessity which indicates that Article 41.2 is not as far removed from the aspirations of many women today as we think.

The notion that a woman's place is in the home certainly is far removed from the aspirations of women today. But so is the notion that a woman's place *must* be in work. To repeat, the key is to facilitate choice as best we can.

Respecting the private sphere

Article 41.2 has rarely been more than aspirational in character. It has always meant little or nothing in policy terms although in fact facilitating a proper choice between home and work, insofar as this is possible, would appeal to many people. Irish social policy should certainly not favour work over home as often appears to be the case at present.

In his book *What Women Want* sociologist Geoff Dench makes a strong distinction between a world dominated by the marketplace and its values and the private sphere.

He believes the private sphere is no longer properly esteemed and valued by policy-makers who prioritise what they imagine are the needs of the marketplace and the economy.

Retaining Article 41.2 in some form will show that we do still value the private sphere, in theory at least. The challenge is then to put that into practice through suitable policy measures.

An alternative Article 41.2?

The Iona Institute is happy to support an alternative wording proposed by carersqassociation Curam should the Convention decide Article 41.2 needs to be amended.

That wording is as follows:

41.2 1^o

In particular, the State recognises that those who care for dependents within the home give to the State a support without which the common good cannot be achieved.

Go sonrach, admhaíonn an Stát go dtugann an té a dhéanann cúram do chleithiúnaithe sa teaghlach cúnaimh nach bhféadfaí leas an phobail a ghnóthú dá éagmais.

41.2 2^o

The State shall, therefore, ensure that those who care for dependents within the home shall not be obliged by economic necessity to engage in labour to the neglect of those duties.

Uime sin, cuirfidh an Stát in áirithe nach mbeidh ar an té a dhéanann cúram do chleithiúnaithe sa teaghlach, de dheasca uireasa, dul le saothar agus faillí a thabhairt dá chionn sin ina ndualgais sin.

ENDS

