



“Of your charity,
pray for the repose of the souls of the
Magdalen Female Penitent Asylum ...”

*The work was so hard, the regime was cruel;
I felt all alone, nobody wanted me;
They sent me because they thought I was going to a good school;
I used cry myself to sleep;
I was locked up ... I thought I would never get out;
We had to sew at night ... even when we were sick;
I heard a radio sometimes in the distance;
We were not allowed to talk to each other;
Your letters were checked;
I was so short I needed a stool to put washing in;
I thought I would go mad from the silence;
I broke a cup once and had to wear it hanging around my neck for three days;
I felt always tired ... always wet ... always humiliated;
My father came for me after three months but I was too ashamed to go home;
I never saw my Mam again ... she died while I was in there.*

—Magdalene Laundry Survivors

The Magdalen women might have been told that they were washing away
a wrong or a sin, but we know now and to our shame
they were only ever scrubbing away our nation’s shadow.

—Enda Kenny, Taoiseach of Ireland

My mother was Magdalene No. 322. Real name Margaret.

—Samantha Long

**Airing our dirty laundry:
Transitional justice for the women of the Ireland's Magdalene Laundries**

*Fadó fadó*¹ is the opening phrase of Irish legends and fairytales; setting the scene, it evokes a mixing of feeling and fact, of narrative both true and unbelievable, and of resignation to a hazy history, bigger than you, but a part of you. Until recently, it seemed that the legend of the Magdalene Laundries was destined to start and end the same way.

For years, rumours percolated about the fate of the women surrendered by society to the Magdalene Laundries, but a veil of shame shrouded the 30,000 inmates as they carried their secret through the decades. Over the past twenty years, however, scandal after scandal rocked the Catholic Church in Ireland and throughout the world, and the previously mute began to bravely speak out. The Ryan Report established horrific abuse of children by religious congregations in Irish industrial schools and, in 2002, the government established a commission to compensate victims of abuse in these Church-run institutions. The Magdalene Laundries were not included in this scheme because, according to the Irish government, the Laundries were privately owned and operated establishments and did not come within the responsibility of the State.²

Since the McAleese Report was published in 2013, it has become apparent that the Irish system of institutions—from the Industrial School, to the Mother and Baby home, to the Magdalene Laundries—was a joint effort by Church and State to police sexuality, and in later years, to inscribe moral purity as a marker of national identity. The women of the Magdalene Laundries were committed to years of incarceration, labor, and physical and mental abuse for crimes against prevailing morality. Since there was no parallel institution for the men with whom they committed these ‘crimes’, their real ‘crime’ was being female while in the Catholic Church-controlled Free State.

¹ Long, long ago ...

² Letter from Batt O’Keeffe, Minister for Educ. and Sci., to Tom Kitt, Member of Dáil Éireann (Sep. 4, 2009), available at http://www.nwci.ie/download/pdf/jfm_booklet.pdf.

On this topic, it is very difficult to “separate academic detachment and personal indignation,”³ but this essay will attempt, through historical analysis and the women’s narrative, to grapple with the system that allowed women’s enslavement for moral indiscretions and the society which encouraged it. It will critique the current system of redress, and will employ the instruments of transitional justice to make new recommendations to bring justice and, hopefully, peace to “The Forgotten Maggies” and to their children, who were spirited away to ‘respectable’ families, in Ireland or abroad.

A note: the women of the Magdalene Laundries had their names taken, and silence formed their existence both during and after incarceration. Because this essay wishes to continue the process of giving voice and identity to the women of the Magdalene Laundries, their words are quoted—without grammatical correction—rather than paraphrased wherever possible.

³ JAMES M. SMITH, IRELAND’S MAGDALEN LAUNDRIES AND THE NATION’S ARCHITECTURE OF CONTAINMENT xix (2007).

Ireland's 'Architecture of Containment'

*Nuns weren't supposed to be cruel,
they were Sisters of Mercy: they didn't show us any mercy ...
I always said: if there was a just god in heaven, we wouldn't have suffered like that.*
—Martha Cooney

It is necessary to give the background to the Magdalene Laundries to explain just how vulnerable women in general, but unmarried mothers in particular, were in Ireland during the 1900s. It is also important to understand this background as no new asylums were created after the establishment of the Irish Free State in 1922, so previous management, their control and their prejudices, prevailed in the nascent state.

The original institutions were “a spiritual hospital” for “fallen women” (prostitutes) where they could be penitent for their sins and seek salvation. The women entered voluntarily and were “free to leave at any moment” as the “Sisters ha[d] no legal control”.⁴ The women were called penitents or inmates, and were expected to “look upon the joys of this world as at an end” and spend the rest of their days “in works of usefulness and abnegation.”⁵ As these organizations did not receive state funding, they relied on donations and legacies from wills, and the women worked in commercial laundries without remuneration.⁶

The choice of name for these institutions was no accident. Mary Magdalene, the biblical prostitute, was seen as a role model of how a “fallen” woman could repent and seek forgiveness. The cleansing and washing of laundry was symbolic of Mary Magdalene’s washing Jesus’ feet with her tears and drying them with her hair.⁷ Her reward was to be the first person to witness Jesus’ resurrection.⁸ The women in the Magdalene laundries were, too, seeking spiritual restoration through acts of humility and hard work. In an ironic act, the

⁴ *Id.* at 24 (quoting Mary Costello).

⁵ *Id.* at 23.

⁶ *Id.* at 24.

⁷ *Luke* 7:37-38 (ironically, it is now disputed that this passage refers to Mary Magdalene).

⁸ *Mark* 16:9.

women literally cleansed the nation's dirty laundry, which "paralleled the individual cleansing of the moral stain on their souls".⁹

History of the Magdalene Laundries in Ireland from 1700s

The success of the Magdalene Hospital in Whitechapel, England in 1758 led to the creation by a layperson of the Dublin Magdalene Asylum for "first fall" Protestants. It was announced in 1767 by promising that through reformation, prostitutes would become well-regarded members of society rather than "detested pests ... instead of Devils, they will become Christians."¹⁰ Following this reformatory fervor, other Catholic and Protestant institutions opened around Ireland.¹¹ Initially, most institutions were owned and operated by laywomen but, around the 1830s, Catholic denominations of nuns began taking control of Catholic-ethos Magdalene asylums at the request of local priests or bishops.¹² The majority of Protestant lay orders closed by the start of the 1900s.¹³

The British government happily ceded responsibility to the Catholic Church in Ireland in areas of social welfare, which included health care and education.¹⁴ The unmarried mother, or any "promiscuous" woman, defied the teaching of the Church, and illegitimate children challenged "the economic stability of men newly converted to the benefits of capital accumulation."¹⁵ These social pariahs were shunned by their families, and their children bore the 'stain' of their mothers' transgressions. Over 28% of inmates entered the asylums through referral from Catholic clergy, speaking to the massive power of the parish priest, who governed the morality within his jurisdiction.¹⁶ Family members also sent female relatives to the asylums, likely because of their perceived immorality as a result of incest, rape, sexual

⁹ SMITH, *supra* note 3, at 38.

¹⁰ FRANCES FINNEGAN, DO PENANCE OR PERISH: MAGDALEN ASYLUMS IN IRELAND 8 (2001).

¹¹ *Chapter 3: History of the Magdalene Laundries and institutions within the scope of the Report*, REPORT OF THE INTER-DEPARTMENTAL COMMITTEE TO ESTABLISH THE FACTS OF STATE INVOLVEMENT WITH THE MAGDALEN LAUNDRIES (2013).

¹² *Id.*

¹³ SMITH, *supra* note 3, at 25.

¹⁴ SMITH, *supra* note 3, at 24.

¹⁵ SMITH, *supra* note 3, at 28.

¹⁶ SMITH, *supra* note 3, at 31.

abuse or childbearing outside marriage. Women guilty of crimes such as concealment of birth or young women on probation were sent to the asylum on the presumption that the moral instruction would be more beneficial than prison.¹⁷ Social prejudice against the inmates on re-entering society was fierce, and employers were hesitant to hire them, finding it difficult to get an ‘un-fallen’ woman to work with a former inmate.¹⁸

Within these institutions, women were re-clothed and renamed in a symbolic fashion, as “salvation requires that she abandon all vestiges and thoughts of her past, which would inhibit her transition to her new state”.¹⁹ The woman’s new name would be that of a Catholic saint, who would act as a guiding patron through the woman’s rebirth in the eyes of God (if not society).²⁰ Within the institutions, a hierarchy of cleansing was formed, with the women graduating from ordinary penitent, to Confraternity of the Children of Mary, and then to the ranks of the consecrated, who took a vow to stay in the convent for life. The goal pushed upon the women was progression to a “graceful death,” rather than reintegration into society. While the nuns did not encourage the women to leave, most women stayed only a few weeks, and very few stayed for more than several years.²¹ Smith argues that as numbers of prostitutes dwindled significantly by the 1900s, the nuns needed to find other sources of penitent women to staff the profit-making laundries.²²

Magdalene Laundries in Ireland from 1900s to 1996

By the start of the 1900s there were at least 41 Magdalene institutions in Ireland, variously styled as penitentiaries, refuges, and asylums. While the original mission of the Magdalene institutions was rehabilitation, by the time Ireland gained its political independence in 1922, these institutions were more punitive in nature and “seamlessly incorporated into the state’s

¹⁷ SMITH, *supra* note 3, at 31.

¹⁸ SMITH, *supra* note 3, at 33.

¹⁹ SMITH, *supra* note 3, at 36.

²⁰ SMITH, *supra* note 3, at 37.

²¹ SMITH, *supra* note 3, at 30.

²² SMITH, *supra* note 3, at 39.

architecture of containment,”²³ along with Industrial and Reformatory schools, County Homes (formerly workhouses), insane asylums, and Mother and Baby homes. O’Sullivan and O’Donnell posit that these institutions obviated the need to develop alternatives for social problems and instead were “utilized to reform, quarantine, or reject those who did not conform to societal norms.”²⁴ In other words, the Free State meant freedom only for those who adhered to the Catholic-nationalist ideal of virtuous, subordinate womanhood, and confinement for the “troubled or troublesome”, which included the unmarried mother.

Routes of entry

Unmarried mothers

By 1933, the Free State was operating a two-tiered institutional response to unmarried mothers: state-sponsored Mother and Baby homes for first time “offenders,” and unregulated Magdalene Laundries for “less hopeful” cases of more than one unwed pregnancy.²⁵ By this time, approximately 70% of the inmates of Magdalene Laundries were unmarried mothers, rather than prostitutes.²⁶ The Commission on the Relief of the Sick and the Destitute Poor recommended that if an unmarried mother had more than one child out of wedlock, she should be transferred from a Mother and Baby home to a Magdalene Laundry, and her child to an orphanage or industrial school (all run by Catholic religious congregations).²⁷ Not all families abandoned their daughters to their fates. Anecdotal evidence (including from the author’s own extended family) shows that it was quite common for a mother to ‘absorb’ her daughter’s illegitimate child into her own brood, and mother and child would be raised as siblings: unmarried motherhood was simply not an option.

Christina Mulcahy started dating a soldier in the 1940s. In a time of no sex education and prohibition on contraception, Christina became pregnant. She gave birth to a baby boy in

²³ SMITH, *supra* note 3, at 42.

²⁴ EOIN O’SULLIVAN & IAN O’DONNELL, COERCIVE CONFINEMENT IN POST-INDEPENDENCE IRELAND 258 (2012).

²⁵ SMITH, *supra* note 3, at 53.

²⁶ SMITH, *supra* note 3, at 45.

²⁷ JUSTICE FOR MAGDALENES, STATE INVOLVEMENT IN THE MAGDALENE LAUNDRIES 9 (2012).

a Mother and Baby home, and hoped to marry the father, but the nuns ensured that their letters were not delivered to each other. Her voice still grows quiet when she says, “I would have married him, I loved him.” The nuns arranged for illegitimate children to be put in their orphanages or adopted. After ten months in the Mother and Baby home, Christina was told she was going home that day. She asked, “can I go back and say goodbye to the baby? The nun replied, “... go back and upset him? There’s a car waiting ... no time to say goodbye”.

The stigma was so great that many women were rejected when they returned to their families. Christina’s father said to her, when she returned to her village from the Mother and Baby home, “you’re not coming into this house, you’ve disgraced us” and she was sent to a Magdalene Laundry. The nuns took away her clothes and replaced them with a dress made of brown coarse material. It was shapeless, and she thought it was meant to make her look as ugly as possible. Long hair was not allowed, and so her ponytail was cut up to her ears. Christina thought that in six months she would be allowed to see her baby but another girl told her, “once you come in here you won’t be going out”. The women weren’t allowed to develop special friendships, and becoming too close to someone would result in relocation to another Laundry.

The police usually returned the few women that escaped from the laundries. However, when someone did get away, “all hell would break loose and all the bells would go off, and we’d be all delighted because we knew somebody had got out once them bells started ringing.”²⁸ Christina escaped after three years, and fled to Northern Ireland beyond the control of the nuns, her family, and the police. Christina was always haunted by the memory of her first baby boy who she kept secret for 50 years. She died in February 1997, a year after the last Magdalene Laundry closed down, still estranged from her family.

²⁸ Phyllis Valentine, *Sex in a Cold Climate* (Channel 4, 1998).

Families and Priests

Laundry registers indicate that women were referred by mothers, fathers, sisters, husbands, sons, daughters and all extended family including foster families, in-laws, and step-parents.²⁹ Family referrals account for 10.5% of those recorded in the McAleese Report: the youngest was 12 and the oldest was 72.³⁰ The Report also states that 8.8% of referrals were from Roman Catholic Priests acting alone or in conjunction with a family member.³¹ Priests committed women they believed guilty of prostitution, and also seemingly “for their own protection.” Registers reveal that families’ reasons for referral ranged from discipline, to providing for physical or mental illnesses and intellectual disabilities, and caring for those in advanced age. Some were committed because of family upheaval, abuse or neglect, or because of family rejection after having a child outside marriage.³²

Martha Cooney was 14 when her cousin sexually assaulted her on the way home from a farm fare. She told his family, and instead of receiving compassion, she was transported to a Magdalene Laundry. The ethos: “Get rid of you quick, no talk, no scandal, away to Dublin.”³³

16-year-old Maureen Taylor did not get along with her stepfather in England. A nun told her mother that she could get Maureen a space at a training center. When Maureen arrived in Ireland she was met by police, put in a police car, and brought to High Park Magdalene Laundry. She was then told that her name would be Monica and was brought to a dormitory with about 70 women in it: “I was shown my bed ... and I was told to kneel down and say some prayers ... the next morning I was awoken at about half 6 to the sound of everybody praying.”³⁴

²⁹ *Chapter 18: Non-State Routes of Entry to the Magdalen Laundries*, REPORT OF THE INTER-DEPARTMENTAL COMMITTEE TO ESTABLISH THE FACTS OF STATE INVOLVEMENT WITH THE MAGDALEN LAUNDRIES 858 (2013).

³⁰ *Id.*

³¹ *Id.* at 868.

³² *Id.* at 859.

³³ *Sex in a Cold Climate* (Channel 4, 1998).

³⁴ *Id.*

Industrial Schools

An industrial school catered for the industrial training of children, where they lived and were taught. Reformatory schools had the same purpose, but housed “youthful offenders.”³⁵ There were significant links between these schools and Magdalene Laundries: the conveyor-belt system was such that a girl might be born in a Mother and Baby home to an unmarried mother, placed in an orphanage, educated in an industrial school, and then sent to work in a Magdalene Laundry as a ‘preventative case’ rather than being ‘released’ into society.³⁶ Referrals in this category make up 7.8% of entries in the McAleese Report.³⁷ Girls could find themselves in a Magdalene Laundry for a variety of reasons, or referred directly upon discharge from school at 16 or 17 “for the protection of their welfare.”³⁸ The Ryan Report confirmed that abuse was a mainstay of the industrial schools, and three women said they were transferred to Magdalene Laundries because they confronted nuns about the abuse. Another woman said she was transferred to a Magdalene Laundry at the age of 13 to work as she was told her mother had not been able to make the payments to keep her in school.³⁹

Phyllis Valentine was brought up in an orphanage in Clare, and from there was educated in an industrial school. At 15 she was sent directly to a Magdalene Laundry and did not know why she was sent there. Several years later a nun told her,

‘you’re as pretty as a picture ... and the nuns sent you here because they were afraid you’d fall away’ ... falling away meant you’d get pregnant and that would be another mouth for them to feed ... so t’was best for you to go to the Magdalene Laundry, stay there ... and they knew then that you wouldn’t get into any trouble.⁴⁰

³⁵ Children and Young Persons Act 1908, §44 (U.K.).

³⁶ SMITH, *supra* note 3, at 45–6.

³⁷ *Chapter 10: Routes of entry to the Magdalen Laundries (B): Industrial and Reformatory Schools*, REPORT OF THE INTER-DEPARTMENTAL COMMITTEE TO ESTABLISH THE FACTS OF STATE INVOLVEMENT WITH THE MAGDALEN LAUNDRIES 328 (2013).

³⁸ *Id.* at 329.

³⁹ JUSTICE FOR MAGDALENES, *supra* note 27, at 7.

⁴⁰ *Sex in a Cold Climate* (Channel 4, 1998).

After eight years, Phyllis was released. She met her husband at 25, but they eventually separated, partly because, “I felt ashamed every time he touched me ... The nuns had told us it was wrong to let a man touch you, they didn’t prepare us for the outside world.”⁴¹

At 12 years old, Maureen Sullivan worked in a Magdalene Laundry during the day, while sleeping in the adjoining industrial school at night. When the ‘men in suits’ (inspectors) came, she was hidden in the adjoining tunnel. Denied an education for six years she asked, 50 years later, “why was I cleaning a church floor all day of a Saturday ... when I should have been out playing? What did I do that was so wrong?”⁴²

The women did not know of the regulations that allowed for their transfer from the schools to the Laundries until age 21 “for their welfare.” They did not understand why they were there, and thought that they would be in the Laundries for life. Mary Smyth was taken from an industrial school to a Magdalene Laundry in Cork, where her name was changed to Benedict Anastasia. All her possessions were taken from her but,

what frightened me most of all, was that when I saw these elderly folk there ... that I was going to end up like that ... and the door was locked ... I wouldn’t eat for them, I wouldn’t sleep for them. I just said to the nun, ‘let me die, let me die’ ... I knew I was there for life when I saw all the old ladies there.⁴³

Self-referrals

16.4% of known entrants ranging from ages 13 to 84 were self-referrals and the longest stay was over 60 years⁴⁴. The most common reasons recorded were poverty, homelessness, or domestic abuse.⁴⁵

Legal and informal referrals

Women also entered the Magdalene asylums through the criminal justice system. There was a legislative basis for women and girls on remand, on probation, and early release from prison

⁴¹ *Id.*

⁴² *The Forgotten Maggies* (TG4, 2009).

⁴³ *Id.*

⁴⁴ *Chapter 18 McAleese Report, supra* note 29, at 888.

⁴⁵ *Chapter 18 McAleese Report, supra* note 29, at 889.

to be formally referred to a Magdalene Laundry. Probation was the most common mode of entry from the criminal justice system for periods from 6 months to the maximum of three years.⁴⁶ The women's crimes ranged from failure to purchase a train ticket,⁴⁷ to assault, to murder. Voluntary probation officers—invariably religious—were highly utilized during this time, and believed that prisons offered no benefit to young and first offenders, who would become, according to the Archbishop of Dublin, “embittered, hardened and morally decadent [because of] association with the depraved characters who form the normal population of our prisons.”⁴⁸

Referrals with no statutory basis (in other words, arbitrary) came after adjourned or suspended sentences from the courts, after prison, and other informal placements by the police force. For example, women who were homeless upon finishing their prison sentences would sometimes be placed in a Magdalene Laundry. After being released from prison in 1942, two women “were not considered quite normal. They were kept in prison for such a long period as no person could be found to look after them on release. The Good Shepard Nuns finally agreed to take them”.⁴⁹ One of these women died in a Cork Laundry in 1963, 21 years after being released from prison.⁵⁰

Routes of exit

The records do not show very often when or how a woman left the Laundries. From survivors' stories, it appears that release was arbitrary, and most were at the mercy of relatives to reclaim them. Where information is recorded, it appears that women were indeed reclaimed when they were needed to help widowed relatives on farms or with housekeeping.⁵¹ More

⁴⁶ Probation of Offenders Act 1907 (U.K.), as amended by Criminal Justice Administration Act 1914 (U.K.).

⁴⁷ *Chapter 9: Routes of entry to the Magdalen Laundries (A): Criminal Justice system*, REPORT OF THE INTER-DEPARTMENTAL COMMITTEE TO ESTABLISH THE FACTS OF STATE INVOLVEMENT WITH THE MAGDALEN LAUNDRIES 204 (2013).

⁴⁸ SMITH, *supra* note 3, at 249.

⁴⁹ JUSTICE FOR MAGDALENES, *supra* note 27, at 6.

⁵⁰ *Id.*

⁵¹ *Chapter 18 McAleese Report*, *supra* note 29, at 865.

often, relatives retrieved the women to send them abroad, typically to England or America. When Phyllis Valentine asked how long she would be in the Laundry, she was told she would stay there until someone came to get her. Some women escaped, “but the walls were that high you’d be cut to ribbon, there was barbed wire.”⁵²

Marina Gambold was in a Magdalene Laundry for two years. Sent from an industrial school, the only time she “fell” was from the hunger. When her brother asked for his sister he was told, ““there’s no Marina Burn here ... you must be looking for Fidelma’ and he nearly died when he saw me, I was skin and bone.”⁵³

The Mother Superior of the Magdalene Laundry in Galway was asked in a 1958 interview whether a woman or girl could leave when she wished. The Mother Superior stated, “no, we’re not as lenient as that. The girl must have a suitable place to go.” Asked how long the women stayed she replied, “some stay for life.”⁵⁴

Living and working conditions

Very little information exists on the living and working conditions within the Laundries. Survivors’ testimony reveals consistent, serious physical and psychological abuse. The McAleese Report admits that psychological abuse was widespread, but maintains that no physical abuse occurred (despite having 800 pages of survivor testimony of intense physical abuse).

A composite daily routine can be formed from the survivors’ accounts. Upon entry to the laundries, women were given a new name, sometimes a saint’s name, or sometimes a number. They had to wear a uniform and their hair, if long, was cut short. The day began early, about 6am, with mass. Then, during breakfast, someone would read aloud from the Bible as the others ate. Silence was strictly enforced as the women performed backbreaking

⁵² Phyllis Valentine, *Sex in a Cold Climate* (Channel 4, 1998).

⁵³ *The Forgotten Maggies* (TG4, 2009).

⁵⁴ JUSTICE FOR MAGDALENES, *supra* note 27, at 10.

work in the Laundry. The Laundry was unbearably hot, and chemicals filled the air as the women worked. Prayer punctuated the working day (about 12 hours); after which the women would eat, and go to bed about 8pm. If a woman made a mistake or refused to work, she would have to kneel in front of the nun, kiss the floor and apologize publicly. There were also other punishments meted out: isolation, less food, or having to eat on the floor without a chair. Many women recalled that the nuns wore a black belt that they would use to hit women who talked or were straying from their work. The women worked 6 days a week, 52 weeks a year, from morning to night, with no pay, and no prospect of release.

At 15, Martha got varicose veins from ironing heavy alter linen, and was told by the nuns that she had a privileged job. She said, “we had no recreation, just work and prayer and silence and atoning for the sins and ... how wicked you were ... they told us every so often that Mary Magdalene was forgiven so we would be forgiven in time.”⁵⁵

Oftentimes the laundries were connected to the industrial schools, so mothers would try to gain information about their child. Bridget Young, as a child in an industrial school, recollected that they were not allowed to talk to the Magdalenes next door, because they were made to believe that they were “devils”. When Bridget and a friend were caught talking to an inmate, the Reverend Mother,

shaved both our heads and gave us a severe beating [with a baton, scissors, and razor]. And after she did that she grabbed the two of us again and she made us look in the mirror to see what we had looked like after she had finished with us ... and I’ll never forget what looked back at me ... this was just because talking to Magdalenes.⁵⁶

While the McAleese Report found no indication of hair cutting as punishment, or any sexual abuse, Christina Mulcahy said that her hair was cut in punishment for refusing to go to mass after a priest exposed himself to her in confession.⁵⁷ Samantha Long’s mother, Margaret, was sent to a Magdalene Laundry at 16 after being assessed as mentally unfit for education, but fit for work. She became pregnant twice while there. Seeing as Margaret “knew somebody

⁵⁵ *Sex in a Cold Climate* (Channel 4, 1998).

⁵⁶ *Id.*

⁵⁷ *Id.*

hurt her once and then she had babies,”⁵⁸ Samantha believes that her mother was a victim of sexual abuse.⁵⁹ Margaret died at the age of 51 from Goodpasture Syndrome, of which exposure to industrial-strength chemicals is a usual cause.

The Silence is Broken

*They were forgotten about. Just forgotten about.
Just buried in a hole and that's it. Finished.*

—Barney Curran, Gravedigger

In September 1993, the Sisters of Our Lady of Charity sold a portion of their land in Dublin city. Beneath this land lay the bodies of 155 women, all buried in unmarked graves.⁶⁰ Although the Sisters had obtained an exhumation permit for 133 bodies, Barney Curran, a gravedigger, uncovered 22 more. Many had no first or second names, and 55 had no death certificates (which was illegal, but the government refused to investigate).⁶¹ Moreover, the undertakers found that many still wore plaster-casts for broken wrists, shoulder, ankles, fingers and even elbows: injuries from the heavy machines.⁶² Without any attempt to contact family members, the women's remains were shipped to a nearby cemetery, cremated (presumably to save money as canon law forbade cremation),⁶³ and reburied in a mass grave without any headstone or remembrance.⁶⁴ People were shocked to learn that most of these women had spent their lives in the Laundry as ‘penitents’ for sexual indiscretion very early in life. This led to the creation of the now-disbanded Magdalene Memorial Committee (succeeded by Justice for Magdalenes),⁶⁵ which began to seek redress for these women.

The Magdalene Memorial Committee succeeded in getting a headstone placed on the site listing 175 names, ranging in date of death from April 1858 to December 1994. The

⁵⁸ Susan Daly, *A life unliveD: 35 years of slavery in a Magdalene Laundry*, THE JOURNAL, Sep. 30, 2012, <http://jrml.ie/614350>.

⁵⁹ *Id.*

⁶⁰ REBECCA LEA MCCARTHY, ORIGINS OF THE MAGDALENE LAUNDRIES: AN ANALYTICAL HISTORY 198 (2010).

⁶¹ James M. Smith, Letter to the Editor, *Mary Raftery—Magdalene Laundries*, IR. TIMES, Jan. 13, 2012.

⁶² *The Forgotten Maggies* (TG4, 2009).

⁶³ Andrew Brennan, *1993: Riddle Of The Magdalene Laundry Dead: Who Are They?* (Feb. 3, 2013), <http://theraggedwagon.wordpress.com/2013/02/03/1993-riddle-of-the-magdalene-laundry-dead-who-are-they/>.

⁶⁴ REBECCA LEA MCCARTHY, *supra* note 60, at 199.

⁶⁵ James M. Smith, *supra* note 61.

public were outraged that similar laundries not only still existed, but were still in operation. In Dublin, Cork, Limerick and Waterford hundreds of women were still toiling, unpaid, behind convent walls⁶⁶—no dignity in life, or in death. In 1996, President Mary Robinson unveiled a bench plaque in the popular park in Dublin City Centre, St. Stephen's Green. It read: “To the women who worked in the Magdalene Laundry institutions and to the children born to some members of those communities--reflect here upon their lives.” Although invited, Church representatives were conspicuously absent from all of the ceremonies. With no official response from Church or State into the Magdalene Laundries, media investigations began to agitate for answers. A 1998 English documentary, *Sex in a Cold Climate*, brought the story of the Magdalene laundries to a wider audience. The 2002 film, *The Magdalene Sisters* by Peter Callan, was based on this documentary, and brought the story of the Magdalene laundries to a global stage.

In 2010, after a submission by Justice for Magdalenes alleging arbitrary detention and forced labor, the Irish Human Rights Commission called on the government to immediately establish a statutory inquiry into the treatment of women and girls in the Magdalene Laundries.⁶⁷ Ignored, but unperturbed, in April 2011 Justice for Magdalenes used the opportunity of Ireland's first review by the United Nations Committee Against Torture to allege that Ireland was failing in its duties to promptly investigate allegations of torture or cruel, inhuman or degrading treatment⁶⁸ and to ensure redress for the victims.⁶⁹ In May 2011, the U.N. called on Ireland to instigate an independent investigation into the Magdalene Laundries. In response, the government stated that the abuses happened in the distant past and by private institutions. It also claimed that the majority of women entered voluntarily, and that

⁶⁶ Brian Titley, *Heil Mary: Magdalen Asylums And Moral Regulation In Ireland*, 35(1) HIST. OF EDUC. REV. 1.

⁶⁷ Press Release, Ir. Human Rights Comm., IHRC calls on the Government to immediately establish a statutory inquiry into the treatment of women and girls in the “Magdalen Laundries” (Nov. 9, 2010), *available at* <http://www.ihrc.ie/newsevents/press/2010/11/09/ihrc-calls-on-the-government-to-immediately-establ/>.

⁶⁸ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment arts. 12–13, 1465 U.N.T.S. 85.

⁶⁹ *Id.*

minors entered with consent of guardians.⁷⁰ The Committee highlighted the State's obligations to investigate allegations and to see that victims obtain redress, even without seeking it. On June 5, 2011, the Committee, in its Concluding Observations, questioned the veracity of the statement that women entered and stayed in the Laundries voluntarily and reiterated its call for an independent investigation. It also recommended for the State to "prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences committed."⁷¹

After decades of inaction, sustained pressure had reached boiling point, and the Irish government, facing trial by public opinion, was forced to act.

⁷⁰ Press Release, Justice for Magdalenes, UN Committee reiterates call for independent investigation and redress for Magdalene Laundry abuses (May 24, 2011), *available at* <http://www.magdalenelaundries.com/press/JFM%20PR%2024-05-11.pdf>.

⁷¹ Press Release, Justice for Magdalenes, JFM welcomes UN Committee recommendation for statutory inquiry and redress for Magdalenes, prosecution and punishment of perpetrators (Jun. 6, 2011), *available at* <http://www.magdalenelaundries.com/press/JFM%20PR%2005-06-11.pdf>.

Exploring Avenues for Transitional Justice

Sure, I'll be dead by the time any of this is resolved.

—Kathleen Legg

As the above quotation suggests, time is of the essence for the approximately 600 known survivors, but justice for the women of the Magdalene Laundries is emblematic of a larger transition: from Ireland's symbiosis with the Catholic Church, to an independent, modern State defining its own morality and forging a new history.

The Irish government has taken steps in the right direction with: the McAleese Report, a 1,000 page paper which found direct state involvement with the laundries;⁷² a public apology from the leader of Ireland (Taoiseach Enda Kenny), which acknowledged the women's hardship and the State's complicity in their ordeal; and a compensation scheme consisting of an ex gratia payment, a pension, education opportunities, and complete medical care.⁷³

This section will critique the current model, suggesting changes, and will speculate on the potential effectiveness, and pitfalls, of other transitional justice tools. Given the nature of the crimes, it will stress reclaiming names and identities, care in old age, and intergenerational healing. Since there have been allegations of *jus cogens* prohibited slavery, sexual and physical abuse, and denial of Constitutional rights, there is a question about whether the Irish

⁷² The McAleese report, numbering over 1000 pages, was published on the 5th of February 2012. It identified ten institutions as Magdalene Laundries and the date range was from the foundation of the state (1922) to the closure of the last Laundry in 1996. The report found details for 11,198 individual women but admitted that their database "does not include details of two laundries. Its mandate was to "fully establish the true facts and circumstances of the women and girls who resided in the Magdalene laundries" in five areas: the routes by which the women entered the laundries; regulations of the workplace and State inspections; State funding of and financial assistance to the laundries; the routes by which the girls and women left the laundries; and death registrations, burials and exhumations. It also compiled information on non-state referrals of women to the Laundry, statistical information on the background and profile of those admitted, living and working conditions, and financial viability of the laundries. In a ground-breaking move, the four congregations opened their records to the committee. In all five areas of the mandate, the report found evidence of direct State involvement, and also found that just over a quarter of direct referrals were made or facilitated by the State. The report ultimately found that the working conditions in the laundries were exceptionally harsh, that the women were unpaid for their work and were denied education. It also found that psychological abuse by nuns of inmates was common, and had a lasting detrimental effects, but that there was no confirmation of physical or sexual abuse by the nuns.

⁷³ Minister for Justice Alan Shatter said 250 applications had already been processed and around 600 applications have been received to date. (*Govt agrees Magdalene redress scheme implementation*, RTÉ NEWS, Nov. 7, 2013).

government has a duty to prosecute individual perpetrators of these crimes, and/or the organization of the Catholic Church.

Truth Seeking and the Right to Truth

Truth Commission

The Magdalene women must have an opportunity to tell their stories, but also to have their stories listened to and acknowledged. An official truth commission with a public hearing could provide a useful opportunity to document the human rights abuses of the Magdalene Laundries, while acknowledging the women's experiences and providing them with a forum to validate their experiences. Thus far, the women of the Magdalene Laundries have not been heard 'out loud.' Their stories have mostly been consigned to paper, or in pre-recorded and edited interviews. A truth commission with individual hearings would simultaneously give credence the individual narrative,⁷⁴ while also unraveling the overarching structure of society that led to women's incarceration for perceived sexual immortality, or perceived susceptibility to it.⁷⁵

The Irish Magdalene Laundries are one of the few long sustained crimes where both the perpetrators and victims were female, and both incarcerated, for differing reasons, by virtue of their gender. Vasuki Nesiah tells us how truth commissions, while improving consistently, are not renowned for properly investigating and interrogating gender implications of crimes and the experience of those crimes.⁷⁶ The centrality of gender in the Magdalene Laundries would pose a challenge to existing models, which have approached gender as a category, in an *ad hoc* manner, or worse, only in relation to sexual abuse.⁷⁷ The McAleese paper may have been guilty of defining violations by a male yardstick,⁷⁸ as by downplaying sexual and physical abuse (bodily crimes) yet conceding intense psychological

⁷⁴ VESUKI NESIAH, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, TRUTH COMMISSIONS AND GENDER: PRINCIPLES, POLICIES, AND PROCEDURES 30 (2006).

⁷⁵ *Id.* at 1.

⁷⁶ *Id.* at 3.

⁷⁷ *Id.* at 4.

⁷⁸ *Id.* at 8–9.

abuse (mental crimes), the Report implied that things ‘weren’t as bad as they seemed.’ Despite indications that sexual and physical abuse did occur, psychological abuse is a *different* kind of harm, not a *lesser* one. It would also be important to ensure that any truth commission would be on the Magdalene women, and not be used as an opportunity to engage all victims of institutional abuse in Ireland, which would once again relegate the women to a chapter, rather than ‘center-stage.’ If one regarded the female nuns as perpetrators only, one would stop short of understanding the structure in which women’s sexuality was classified into the dichotomy of Madonna/whore,⁷⁹ of which the nuns were also victims. In the words of one sister, “there were a lot of things you would do differently if you had to again. But sure, we were institutionalised too.”⁸⁰

There would be some barriers to instituting an official public truth commission. Unlike the Truth and Reconciliation Commission on residential schools in Canada,⁸¹ the Catholic Church refuses to acknowledge any wrongdoing in the Magdalene Laundries, and so would be unlikely to willingly participate. As the women in this case were wholly blameless, it would not seem ambitious to seek an objective and vindicating “truth” rather than the “shifting truths of the postmodern” which was “good enough” for the South African truth commission.⁸² However, when asked about an apology for the women of the Magdalene Laundries two anonymous nuns replied, “[a]pologise for what? Apologise for providing a service?”⁸³ Unless the government was able to institute immunity for defamation, the women would not be able to identify individuals, as the nuns are not beyond suing.⁸⁴ This might

⁷⁹ DORIS TISHKOFF, *MADONNA/WHORE: THE MYTH OF THE TWO MARYS* 75 (2006).

⁸⁰ *Chapter 18 McAleese Report*, *supra* note 29, at 963.

⁸¹ Church of Montreal, *The Truth And Reconciliation Commission*, <http://www.diocesemontreal.org/en/news/news/special-topics/the-truth-and-reconciliation-commission.html>.

⁸² C. SARAH SOH, *THE COMFORT WOMEN: SEXUAL VIOLENCE AND POSTCOLONIAL MEMORY IN KOREA AND JAPAN* 228 (2008) (quoting Nancy Scheper-Hughes).

⁸³ Maria Delaney, *‘Magdalene survivors “shocked and upset” by nun interview defending laundries*, *THE JOURNAL*, Mar. 9, 2013, <http://jrnl.ie/825633>.

⁸⁴ David Quinn, *Nuns may sue RTE over sex abuse claim on radio show*, *IR. TIMES*, Aug. 3, 2005, <http://www.independent.ie/irish-news/nuns-may-sue-rte-over-sex-abuse-claim-on-radio-show-25969364.html>. (“An order of nuns is considering suing RTE after the Vincent Browne show carried an interview with a woman who claims to have been physically and sexually abused while in a Magdalene laundry, a claim denied by the order in question.”).

stymy the impact of the commission. Another obstacle would be obtaining the women's records, as the Church refuses to release them, ostensibly for the privacy of the women.

On a practical note, if a formal truth commission were established, it is probable that many victims and perpetrators would have passed away, and since the nuns belong to closed orders it is unclear whether they could be forced into the outside world to testify. This does not mean, however, that the entire congregations cannot be held accountable. Given the shame inflicted upon the Magdalene women, it is probable that some will never wish to be identified, let alone testify, and their wishes must be respected. *In camera* hearings with guarantees of confidentiality, like in Nigeria, may accommodate some women. Other women might wish to tell their stories, but since many travelled abroad, would need outreach to assure their contributions. Since the majority of those speaking at the commission would be women, one would have to ensure the gender balance of the commissioners and staff contributes to an atmosphere of support for those testifying.⁸⁵

Independent Report

An independent report would vindicate the women, while also creating a historical record for future generations. The McAleese Report was exceptionally important as it established and acknowledged, for the first time, that the state was directly and strongly involved with sending women to the Laundries, and using the Laundries' services. It also, through access to private records, was able to give statistical insight into the Laundries. Overall, the report was described as "a shameful farrago of guesses, elisions and wilful ignorance. It proposes the most unlikely of explanations for the most serious of issues."⁸⁶ Faced with overwhelming evidence of "oppression, abuse of power and arbitrary behavior,"⁸⁷ the Report consistently explains this away, presents excuses unquestioned, or falls back on the excuse that the past is

⁸⁵ NESIAH, *supra* note 74, at 10–11.

⁸⁶ Simon McGarr, *How to read the McAleese Report into the Magdalen Laundries*, MCGARR SOLICITORS (Feb. 9, 2013), <http://www.mcgarrsolicitors.ie/2013/02/06/how-to-read-the-mcaleese-report-into-the-magdalen-laundries/>.

⁸⁷ *Id.*

incomprehensibly different than now. It also finds no evidence of physical or sexual abuse, which contradicts over 800 pages of testimony presented to it. In fact, the Report was received positively by religious commentators for ‘proving’ that “[v]irtually all the horror stories that have been told—nuns cruelly torturing and sexually abusing ‘fallen’ women—are lies.”⁸⁸

In May 2013, the U.N. Rapporteur for Follow-up on the Concluding Observations of UNCAT said that the inquiry “lacked many elements of a prompt, independent and thorough investigation as recommended by the Committee ...”⁸⁹ The Rapporteur noted specifically that, “the McAleese Report, despite its length and detail, did not conduct a fully independent investigation into allegations of arbitrary detention, forced labour or ill-treatment.”⁹⁰

Truth Seeking and Right to Truth Recommendations

- ❖ To allow each woman to tell her individual story, a truth commission should be established, allowing for public and *in camera* hearings. The government must guarantee indemnity for potential defamation, especially since it is unlikely that anyone from the Catholic Church would participate.
- ❖ To vindicate the women’s experiences, an independent report into the abuses in the Laundries should be carried out. The impartiality of Senator McAleese, a practicing Roman Catholic and husband to former president Mary McAleese, was questioned. Therefore, as an independence measure, a non-religious, non-Irish expert should carry out the report. Unlike the McAleese Report, the independent report would include all Magdalene Laundries, north and south of the border, as well as training institutions. The facts established in the report and truth commission should be collected and published by the State, and made widely available.
- ❖ An agency should be set up to investigate coerced and illegal adoptions of Magdalene women’s children. Illegally adopted children should be able to gain information about dead parents through this agency, and the agency should act as intermediary for any potential reintroductions between living relatives.

⁸⁸ Bill Maher, *Lies Of The Magdalene Laundries*, CATHOLIC LEAGUE (May 30, 2013), <http://www.catholicleague.org/lies-of-the-magdalene-laundries/>; *He Did The State Some Service*, BROADSHEET (Feb. 11, 2013) <http://www.broadsheet.ie/2013/02/11/he-did-the-state-some-service/>.

⁸⁹ Letter from Felice D. Gaer, Rapporteur for Follow-Up on Concluding Observations Comm. Against Torture, to Gerard Corr, Permanent Representative of Ir. to the U.N. (May 22, 2013), *available at* <http://www2.ohchr.org/english/bodies/cat/docs/followup/IrelandFurtherInfo22May2013.pdf>.

⁹⁰ *Id.*

Reparations

Reparations “have the potential to deliver redress and acknowledgement, as well as material resources to recover from past harms.”⁹¹ Although the government redress scheme is underway, there is much room for improvement. The women lost years of their lives, as well as educational, professional, and social opportunities. Some women had their children taken from them, and others remained celibate and unmarried after release, indoctrinated into thinking of sex as shameful. Restitution of a life unlived is impossible, so the most salient types of reparation in this situation are compensation and satisfaction.⁹²

Compensation

The Magdalen Commission Report was completed by Justice John Quirke and was published on 26th June 2013. The scheme provides for an ex gratia payment intended to express the “sincere nature of the State’s reconciliatory intent,” and recognize the unpaid work that the women undertook in the laundries. The payments range from €11,500 (if the duration of stay was three months or less) to €100,000 (if the duration of stay was ten years or more).⁹³ If the payment is more than €50,000, it will be paid in a lump sum of €50,000 plus a weekly amount related to the amount still owed. The women will have access to a wide range of medical (doctor, hospital, dental) and psychological (counseling) services free of charge and also an enhanced medical card, which entitles them to extra services including home support and complementary therapies. Women of pensionable age will receive an income equivalent to the top-rate State pension, and women not of pensionable age will receive an income of €100 per week. All payments are exempt from tax and means testing. The scheme also sets up a dedicated unit to provide advice and support for the women in relation to the fund but

⁹¹ UNWOMEN & UNDP, REPARATIONS, DEVELOPMENT AND GENDER 2 (2012).

⁹² UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Mar. 21, 2006, A/RES/60/147.

⁹³ JOHN QUIRKE, THE MAGDALEN COMMISSION REPORT: ON THE ESTABLISHMENT OF AN EX GRATIA SCHEME AND RELATED MATTERS FOR THE BENEFIT OF THOSE WOMEN WHO WERE ADMITTED TO AND WORKED IN THE MAGDALEN LAUNDRIES (2013).

also to assist with housing, education, meeting the religious orders and other survivors (if wanted), and to set up a museum or memorial to the Magdalene women. The design is non-adversarial and a woman does not need to prove hardship, injury, or abuse: to avail of the scheme, a woman needs to provide her basic details and proof that she was in a laundry by way of laundry records. There is no evidence-giving and no hearing. Women living abroad are included in this scheme. If a woman avails of the scheme, she must sign⁹⁴ a legal waiver not to pursue legal action against the State. The women will also not be permitted to seek further compensation through any future state tribunals. Relatives of deceased women are not entitled to apply.

The scheme was described as “deeply unfair” and “way below what the women should be entitled to” according to Magdalene Survivors Together.⁹⁵ Marina Gambold said she felt “lost and upset” and Kathleen Legg said she was “lost for words” at the meagerness of the scheme.⁹⁶ Maureen Sullivan spent two years in the New Ross laundry from age twelve and said,

I worked on average 85 hours a week, with minimum breaks and little or no food. Further to that I completely missed out on my education, and other social aspects ... I worked at least 8,000 hours within that two years. I was a slave for the nuns, I was only 12 years of age. The money on offer does not reflect the work I did as a child and the emotional damage it has done to me is unimaginable.⁹⁷

An overarching problem is that the scheme is based on a flawed report, as reiterated by UNCAT.⁹⁸ The payments are based on the length of time that women spent in Laundries: the McAleese Report claims that 61% of women spent less than a year in the Laundries, while testimony to Justice Quirke suggested that the figure is closer to 9%.⁹⁹ As the scheme is based on the McAleese Report, which purported not to make findings on physical or sexual

⁹⁴ She is entitled to free legal advice before signing.

⁹⁵ Daragh Brophy, *Magdalene group seeks meeting with Shatter over ‘deeply unfair’ redress scheme*, THE JOURNAL, Jun. 27, 2013, <http://jrnl.ie/968710>.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ Letter from Felice D. Gaer, *supra* note 89.

⁹⁹ *Bad Habits Die Hard*, BROADSHEET (Jul. 16, 2013), <http://www.broadsheet.ie/2013/07/16/bad-habits-die-hard/>.

abuse, the scheme does not offer any remedy for women who suffered physical abuse in the laundries.¹⁰⁰ Apart from this, the women need to show proof that they were in Magdalene Laundries; records may be difficult to get, inaccurate, or deliberately changed, as they are still under the control of the religious orders. It will also be impossible for women in Dun Laoghaire or Galway to gain records, which the McAleese Report acknowledges are missing. It is unclear how women are meant to deal with this anomaly.

Recommendations for Compensation

- ❖ While the legal waiver does not preclude the women from seeking other forms of redress against the Church, it is likely that the women's constitutional rights were infringed. The women likely have a claim against the State in this regard, and it should not be barred through administrative action.¹⁰¹
- ❖ The women were disappointed with the meagerness of the scheme. They worked 12 hours a day, 6 days a week, 52 weeks a year for a commercial laundry without remuneration. As the Congregations are refusing to contribute to the fund, the government should consider prosecuting the Congregations for slavery.
- ❖ The women expressed a wish for a non-adversarial compensation scheme and this raises issues for compensation on disputed grounds (physical and sexual abuse). The government should not enforce the legal waiver of future liability pending an independent report into physical and sexual abuse. If these abuses are proven, the government should legally pursue the Church on the women's behalf.
- ❖ The women's socioeconomic status on release from the Laundries reflected that they had been unpaid, and did not receive an education. Because of this, it is likely that there are intergenerational effects in relation to wealth and education. For this reason, deceased women's families should be allowed to apply for her share in compensation.
- ❖ The lump sum of €50,000 and weekly payment for the remainder structure should be abandoned as insulting to the women, and the asset should be inheritable, rather than a paternalistic weekly stipend ending on death.
- ❖ The government should immediately investigate the situation of those former inmates who are still in the care of the orders. Given the women's legally vulnerable position, the government should ensure that these women receive their rightful compensation.

¹⁰⁰ Máiréad Enright, *What's Wrong with the Magdalenes Redress Scheme?* HUMAN RIGHTS IN IRELAND (Jun. 28, 2013) <http://humanrights.ie/law-culture-and-religion/whats-wrong-with-the-magdalenes-redress-scheme/>.

¹⁰¹ *Id.*

Satisfaction

Apology:

*I thought it was wonderful. God bless him. Now I'm a proud woman today.
God bless the Taoiseach.*

—Marina Gambold

The State's acknowledgement of guilt and apology to the women appeared to go a long way in comforting and vindicating victims: in de Grieff's words, bridging "the solitude of the abused."¹⁰² Described as heartfelt, emotional,¹⁰³ powerful and compelling,¹⁰⁴ the Taoiseach said that the McAleese Report "shines a bright and necessary light on a dark chapter of Ireland's history". His apology extended to women admitted to all Laundries, included those not technically considered in the McAleese report, and also recognized the many women who had left Ireland carrying "this country's terrible 'secret'... [b]ut from this moment on you need carry it no more ... [b]ecause we take it back ... Today we acknowledge the role of the State in your ordeal".¹⁰⁵

A journalist captured the atmosphere in the public gallery, saying "some of the women held hands. Some were crying. You could almost see the weight lifting from their shoulders." When the apology finally came, "[h]ands were clapped across open mouths. Hankies appeared again. There were hugs and smiles, lots of smiles." At the end of the speech, the women started applauding, and they embraced as the deputies in the chamber stood up to applaud and then turned their applause up to the women in the gallery.¹⁰⁶ Even the parliament chairperson, the stickler for rules, stood and applauded. "Ushers were in tears. Civil servants in tears. Journalists in tears".¹⁰⁷

¹⁰² Pablo de Greiff, *The Role of Apologies in National Reconciliation Processes: On Making Trustworthy Institutions Trusted*, in *THE AGE OF APOLOGY: FACING UP TO THE PAST 120*, 129 (Mark Gibney et al. eds., 2008).

¹⁰³ Aoife Barry, *Kenny "deeply regrets and apologises unreservedly" to Magdalene women in emotional speech*, *THE JOURNAL*, Feb. 19, 2013, <http://jrn1.ie/801121>.

¹⁰⁴ Miriam Lord, *'I, as Taoiseach, on behalf of the state, the government and our citizens, deeply regret and apologise unreservedly to all those women for the hurt that was done to them'*, *IR. TIMES*, Feb. 20, 2013.

¹⁰⁵ Enda Kenny, Taoiseach of Ireland, *Magdalen Laundries Report: Statements*, *DÁIL DEB.* (Feb. 19, 2013).

¹⁰⁶ Lord, *supra* note 104; *TheJournal.ie*, *Enda Kenny issues a formal State apology to the Magdalene women*, *YOUTUBE* (2013), <https://www.youtube.com/watch?v=6FvwhU3OJKk>.

¹⁰⁷ Lord, *supra* note 104.

Apart from this apology, the Taoiseach left the government chamber to visit the women in the public gallery and talk to them, and the President of Ireland also invited the women to his residence.¹⁰⁸

Historical Record and Future Generations:

It is important to establish an official historical record for the women and for future generations. Several civil society organizations have begun to create and preserve a historical record. The Magdalene Institutions: Recording an Archival and Oral History Project¹⁰⁹ was set up in University College Dublin to “contribute towards a better understanding of the system of Magdalene Institutions that existed in Ireland through the gathering and study of testimonies from people who are directly or indirectly related to these institutions.”¹¹⁰ It conducted interviews with former inmates, relatives, key informants, activists, and witnesses¹¹¹ and contributed over 5,000 pages [of] materials from laundry account books, to interviews, to electoral registers.¹¹² The Oral History Project also collaborated with Professor Gordon Lynch to produce a video and education materials for second-level Irish and British school students.¹¹³ The powerful short video shows Gabrielle O’Gorman tell her story while revisiting, for the first time, the Sean MacDermott Magdalene Laundry. Gabrielle was sent to the laundry when she was 17 by nuns who disapproved of her relationship with a boy. She tells how she escaped, was returned by the police, and sent to the Good Shepherd Laundry in Limerick, and renamed “Stella.”¹¹⁴

¹⁰⁸ Michelle Hennessy, *Magdalene survivors to meet with President at Áras today*, THE JOURNAL, Jul. 3, 2013, <http://jrml.ie/975219>.

¹⁰⁹ Katherine O’Donnell, *Magdalene Institutions: Recording an Oral and Archival History*, UNIVERSITY COLLEGE DUBLIN, <http://www.magdaleneoralhistory.com>.

¹¹⁰ *Id.*

¹¹¹ Katherine O’Donnell, *Catalogue of Interviews*, UNIVERSITY COLLEGE DUBLIN, <http://www.magdaleneoralhistory.com>.http://www.magdaleneoralhistory.com/Magdalene%20Oral%20History%20Catalogue_29-09-13.pdf.

¹¹² Katherine O’Donnell, *Magdalene Institutions: Recording an Oral and Archival History: Archives*, UNIVERSITY COLLEGE DUBLIN, <http://www.magdaleneoralhistory.com/archives.htm>.

¹¹³ Nick Carew, *The Magdalenes*, TRUE TUBE (2013), <https://www.truetube.co.uk/film/magdalenes>.

¹¹⁴ *Id.*

The Limerick Magdalene Oral History Project¹¹⁵ is a website set up by Evelyn Glynn to make available her research into the Good Shephard Institution. This institution, which housed a commercial laundry, an industrial and reformatory school, an orphanage and church, likely saw thousands of women through its doors. Glynn's website contains oral histories of inmates, relatives, and users of the laundry. It also contains archival photos, census information, and local history documentation.

Burials:

The final resting place of the Magdalene women is not always known, and many are buried in unmarked graves. Justice for Magdalenes compiled a 'Names Project,' which lists the names of women who died in Magdalene Laundries. It also includes, where possible, gravesite photos and census information.¹¹⁶ It seeks to "restore the identity and the dignity of all the women who died in the Magdalene Institutions, many lying in unmarked mass graves or under the sign of 'penitent' or 'sinner'".¹¹⁷

Symbolic Commemoration and Memorialization:

By memorialization we create a consensus of memory and a coherent narrative of the past.¹¹⁸ In reparations, this can assist victims in the process of healing, through knowing that their struggles are acknowledged. The government is in agreement with the women that a memorial should be built as symbolic reparation. The form this will take should conform to the women's wishes.

¹¹⁵ Evelyn Glynn, *Breaking the Rule of Silence*, <http://www.magdalenelaundrylimerick.com/>.

¹¹⁶ Justice for Magdalenes, *The Magdalene Name Project*, <http://www.magdalenelaundries.com/name.htm>.

¹¹⁷ Justice for Magdalenes, *JFM Restorative Justice & Reparations Scheme for Magdalene Laundry Survivors 14* (2011), <http://www.magdalenelaundries.com/JFM%20Reparations%2014%20October.pdf>.

¹¹⁸ Ereshnee Naidu, *Strengthening the links between memorialization and transitional justice*, CENTER FOR THE STUDY OF VIOLENCE AND RECONCILIATION (Aug., 2006), <http://www.csvr.org.za/docs/livingmemory/tiesthatbind.pdf>.

Recommendations for Satisfaction

- ❖ *Apology:* Although the women were satisfied by the Taoiseach's apology, this does not mean that they will not in future demand an apology from the Church. The government should continue talks with the congregations to procure an apology. However, an insincere apology might be more detrimental to the women than silence.
- ❖ *Historical Record and Future Generations:* The education materials produced by the Oral History Project should be made part of the Irish school curriculum. This would serve the dual purpose of symbolic reparation for the women who were deprived of their education, as well as a guarantee of non-repetition through educating young people on the Laundries.
- ❖ *Burials:* Leading from the 'Names Project,' the government should make a concerted effort to identify women in mass graves and individually bury them. The women should be given back their birth names and, where possible, families should be contacted. This may be difficult where the women are buried within the confines of religious orders.
- ❖ *Symbolic Commemoration and Memorialization:* Monuments should be placed at the location of each laundry, with the women specifying how they should look. Given that the women's identities were taken or denigrated, they should have the ability to individually contribute to the monument in whatever form they like (e.g. handprint or message), rather than a list of names. There is also the option of making a former laundry in to a museum, which would have the dual purpose of symbolic reparation and guarantee of non-repetition through raising awareness.
- ❖ A national day of remembrance for all victims of church abuse should be observed.

A Non-Complacent Conclusion

Justice for Magdalenes has disbanded as it achieved its goal of an apology and redress. The untiring group of volunteers were instrumental in gaining recognition for the women, and with their absence, there is a danger that instead of ramping up, everyone will begin to wind down. With a newly released film, *Philomena*, we must be careful not to be lulled into a soothing complacency, but be proactive in relieving the aging women. As a society, we need to take responsibility not just for initially failing them, but also for the years of failing by omission afterwards. There is a need to ask deep and uncomfortable questions: why did this happen? Why did we let it continue? Why, when we were undeniably in the wrong, did we not envelop those hurt in compassion, but reject them in the same way as society had before? The first step is an apology, but now we need to be brave and pursue any avenues that reconciliation may take: to ensure that each “Forgotten Maggie” becomes an individual, named, loved, remembered, and vindicated person.

Source List

Books

THE BIBLE

—*Luke 7:37-38*

—*Mark 16:9*

THE CONFINEMENT OF THE INSANE: INTERNATIONAL PERSPECTIVES 1800-1965 (Porter & Wright eds., 2003).

Pablo de Greiff, *The Role of Apologies in National Reconciliation Processes: On Making Trustworthy Institutions Trusted*, in *THE AGE OF APOLOGY: FACING UP TO THE PAST* (Mark Gibney et al., eds. 2008).

FRANCES FINNEGAN, *DO PENANCE OR PERISH: MAGDALEN ASYLUMS IN IRELAND* (2001).

JUDITH LEWIS HERMAN, *TRAUMA AND RECOVERY* (1992).

MARIA LUDDY

—*WOMEN AND PHILANTHROPY IN NINETEENTH-CENTURY IRELAND* (1995).

—*WOMEN IN IRELAND, 1800–1918: A DOCUMENTARY HISTORY* (1995).

REBECCA LEA MCCARTHY, *ORIGINS OF THE MAGDALENE LAUNDRIES: AN ANALYTICAL HISTORY* (2010).

EOIN O’SULLIVAN & IAN O’DONNELL, *COERCIVE CONFINEMENT IN POST-INDEPENDENCE IRELAND* (2012).

CLIONA RATTIGAN, *‘WHAT ELSE COULD I DO?’: SINGLE MOTHERS AND INFANTICIDE, IRELAND 1900-1950* (2012).

JAMES M. SMITH, *IRELAND’S MAGDALEN LAUNDRIES AND THE NATION’S ARCHITECTURE OF CONTAINMENT* (2007).

DORIS TISHKOFF, *MADONNA/WHORE: THE MYTH OF THE TWO MARYS 75* (2006).

C. SARAH SOH, *THE COMFORT WOMEN: SEXUAL VIOLENCE AND POSTCOLONIAL MEMORY IN KOREA AND JAPAN* (2008).

Reports

JOHN QUIRKE, *THE MAGDALEN COMMISSION REPORT: ON THE ESTABLISHMENT OF AN EX GRATIA SCHEME AND RELATED MATTERS FOR THE BENEFIT OF THOSE WOMEN WHO WERE ADMITTED TO AND WORKED IN THE MAGDALEN LAUNDRIES* (2013).

JUSTICE FOR MAGDALENES, *STATE INVOLVEMENT IN THE MAGDALENE LAUNDRIES* (2012).

VESUKI NESIAH, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, *TRUTH COMMISSIONS AND GENDER: PRINCIPLES, POLICIES, AND PROCEDURES* (2006).

REPORT OF THE INTER-DEPARTMENTAL COMMITTEE TO ESTABLISH THE FACTS OF STATE INVOLVEMENT WITH THE MAGDALEN LAUNDRIES (2013).

- *Introduction by the Independent Chair Senator Martin McAleese,*
- *Chapter 3: History of the Magdalen Laundries and institutions within the scope of the Report*
- *Chapter 8: Findings of Statistical Analysis*
- *Chapter 9: Routes of entry to the Magdalen Laundries (A): Criminal Justice system*
- *Chapter 10: Routes of entry to the Magdalen Laundries (B): Industrial and Reformatory Schools*
- *Chapter 18: Non-State Routes of Entry to the Magdalen Laundries*

UNWOMEN & UNDP, REPARATIONS, DEVELOPMENT AND GENDER (2012).

Articles

Brian Titley, *Heil Mary: Magdalen Asylums And Moral Regulation In Ireland*, 35(1) HIST. OF EDUC. REV. 1.

Press Releases

Press Release, Dep't of Justice and Equality, Statement on the Magdalene Laundries (Jun. 14, 2011), *available at* <http://www.justice.ie/en/JELR/Pages/PR11000082>.

Press Release, Ir. Human Rights Comm., IHRC calls on the Government to immediately establish a statutory inquiry into the treatment of women and girls in the “Magdalen Laundries” (Nov. 9, 2010), *available at* <http://www.ihrc.ie/newsevents/press/2010/11/09/ihrc-calls-on-the-government-to-immediately-establ/>.

Press Release, Justice for Magdalenes, JFM welcomes UN Committee recommendation for statutory inquiry and redress for Magdalenes, prosecution and punishment of perpetrators (Jun. 6, 2011), *available at* <http://www.magdalenelaundries.com/press/JFM%20PR%2005-06-11.pdf>.

Press Release, Justice for Magdalenes, UN Committee reiterates call for independent investigation and redress for Magdalene Laundry abuses (May 24, 2011), *available at* <http://www.magdalenelaundries.com/press/JFM%20PR%2024-05-11.pdf>.

Internet Newspaper/Websites

Bad Habits Die Hard, BROADSHEET (Jul. 16, 2013) <http://www.broadsheet.ie/2013/07/16/bad-habits-die-hard/>.

Govt agrees Magdalene redress scheme implementation, RTÉ NEWS, Nov. 7, 2013, <http://www.rte.ie/news/2013/1107/485244-magdalone/>.

He Did The State Some Service, BROADSHEET (Feb. 11, 2013)
<http://www.broadsheet.ie/2013/02/11/he-did-the-state-some-service/>.

Magdalene Laundries: Survivor stories, BBC NEWS EUROPE, Feb. 5, 2013,
<http://www.bbc.co.uk/news/world-europe-21345995>.

Religious congregations refuse to contribute to Magdalene redress fund, RTÉ NEWS, Jul. 16, 2013
<http://www.rte.ie/news/2013/0716/462816-magdalenes-laundries/>.

Taoiseach Enda Kenny apologises to Magdalene Laundries survivors, RTÉ NEWS, Feb. 19, 2013,
<http://www.rte.ie/news/2013/0219/368465-magdalene-report-government/>.

Church of Montreal, *The Truth And Reconciliation Commission*,
<http://www.diocesemontreal.org/en/news/news/special-topics/the-truth-and-reconciliation-commission.html>.

Justice for Magdalenes, *JFM Restorative Justice & Reparations Scheme for Magdalene Laundry Survivors* 14 (2011),
<http://www.magdalenelaundries.com/JFM%20Reparations%2014%20October.pdf>.

Justice for Magdalenes, *The Magdalene Name Project*,
<http://www.magdalenelaundries.com/name.htm>.

Aoife Barry

— *Kenny “deeply regrets and apologises unreservedly” to Magdalene women in emotional speech*, THE JOURNAL, Feb. 19, 2013, <http://jrnl.ie/801121>.

— *‘Today is about justice’: Magdalene redress scheme details announced*, THE JOURNAL, Jun. 26, 2013, <http://jrnl.ie/967631>.

Andrew Brennan, *1993: Riddle Of The Magdalene Laundry Dead: Who Are They?* (Feb. 3, 2013), <http://theraggedwagon.wordpress.com/2013/02/03/1993-riddle-of-the-magdalene-laundry-dead-who-are-they/>.

Daragh Brophy, *Magdalene group seeks meeting with Shatter over ‘deeply unfair’ redress scheme*, THE JOURNAL, Jun. 27, 2013, <http://jrnl.ie/968710>.

Luke Byrne, *Oldest Magdalene survivor dies aged 97*, IR. INDEPENDENT, May 16, 2013,
<http://www.independent.ie/irish-news/oldest-magdalene-survivor-dies-aged-97-29273495.html>.

Susan Daly, *A life unliveD: 35 years of slavery in a Magdalene Laundry*, THE JOURNAL, Sep. 30, 2012, <http://jrnl.ie/614350>.

Maria Delaney, *‘Magdalene survivors “shocked and upset” by nun interview defending laundries*, THE JOURNAL, Mar. 9, 2013, <http://jrnl.ie/825633>.

Máiréad Enright, *What’s Wrong with the Magdalenes Redress Scheme?* HUMAN RIGHTS IN IRELAND (Jun. 28, 2013) <http://humanrights.ie/law-culture-and-religion/whats-wrong-with-the-magdalenes-redress-scheme/>.

Evelyn Glynn, *Breaking the Rule of Silence*, <http://www.magdalenelaundrylimerick.com/>.

Michelle Hennessy,

—*Refusal of religious orders to compensate Magdalenes ‘beggars belief’*, THE JOURNAL, Jul. 16, 2013, <http://jrnl.ie/995106>.

—*Magdalene survivors to meet with President at Áras today*, THE JOURNAL, Jul. 3, 2013, <http://jrnl.ie/975219>.

Miriam Lord, *‘I, as Taoiseach, on behalf of the state, the government and our citizens, deeply regret and apologise unreservedly to all those women for the hurt that was done to them’*, IR. TIMES, Feb. 20, 2013.

Bill Maher, *Lies Of The Magdalene Laundries*, CATHOLIC LEAGUE (May 30, 2013), <http://www.catholicleague.org/lies-of-the-magdalene-laundries/>.

Ereshnee Naidu, *Strengthening the links between memorialization and transitional justice*, CENTER FOR THE STUDY OF VIOLENCE AND RECONCILIATION (Aug., 2006), <http://www.csvr.org.za/docs/livingmemory/tiesthatbind.pdf>.

Henry McDonald, *Ireland apologises for ‘slave labour’ at Magdalene Laundries*, THE GUARDIAN, Feb. 19, 2013, <http://www.theguardian.com/world/2013/feb/19/ireland-apologises-slave-labour-magdalene-laundries>.

Simon McGarr, *How to read the McAleese Report into the Magdalen Laundries*, MCGARR SOLICITORS (Feb. 9, 2013), <http://www.mcgarrsolicitors.ie/2013/02/06/how-to-read-the-mcaleese-report-into-the-magdalen-laundries/>.

Katherine O’Donnell

—*Magdalene Institutions: Recording an Oral and Archival History*, UNIVERSITY COLLEGE DUBLIN, <http://www.magdaleneoralhistory.com>.

—*Catalogue of Interviews*, UNIVERSITY COLLEGE DUBLIN, <http://www.magdaleneoralhistory.com>. http://www.magdaleneoralhistory.com/Magdalene%20Oral%20History%20Catalogue_29-09-13.pdf.

—*Magdalene Institutions: Recording an Oral and Archival History: Archives*, UNIVERSITY COLLEGE DUBLIN, <http://www.magdaleneoralhistory.com/archives.htm>.

David Quinn, *Nuns may sue RTE over sex abuse claim on radio show*, IR. TIMES, Aug. 3, 2005, <http://www.independent.ie/irish-news/nuns-may-sue-rte-over-sex-abuse-claim-on-radio-show-25969364.html>.

Evelyn Ring, *Survivors group rejects compensation scheme for Magdalene workers*, IR. EXAMINER, Nov. 8, 2013, <http://www.irishexaminer.com/ireland/survivors-group-rejects-compensation-scheme-for-magdalene-workers-248939.html>.

Broadcasts

Sex in a Cold Climate (Channel 4, 1998).

The Forgotten Maggies (TG4, 2009).

TheJournal.ie, *Enda Kenny issues a formal State apology to the Magdalene women*, YOUTUBE (2013), <https://www.youtube.com/watch?v=6FvwhU3OJKk>.

Nick Carew, *The Magdalenes*, TRUETUBE (2013), <https://www.truetube.co.uk/film/magdalenes>.

Letters

Letter from Batt O’Keeffe, Minister for Educ. and Sci., to Tom Kitt, Member of Dáil Éireann (Sep. 4, 2009), *available at* http://www.nwci.ie/download/pdf/jfm_booklet.pdf.

Letter from Felice D. Gaer, Rapporteur for Follow-Up on Concluding Observations Comm. Against Torture, to Gerard Corr, Permanent Representative of Ir. to the U.N. (May 22, 2013), *available at* <http://www2.ohchr.org/english/bodies/cat/docs/followup/IrelandFurtherInfo22May2013.pdf>.

James M. Smith, Letter to the Editor, *Mary Raftery—Magdalene Laundries*, IR. TIMES, Jan. 13, 2012.

Speeches

Enda Kenny, Taoiseach of Ireland, Magdalen Laundries Report: Statements, DÁIL DEB. (Feb. 19, 2013).

Enda Kenny, Taoiseach of Ireland, Leaders’ Questions, DÁIL DEB. (Jul. 17, 2013).

Alan Shatter, Minister for Justice and Equality, Magdalen Laundries Issues, DÁIL DEB. (Jun. 27, 2013).

Statutes/Conventions/Resolutions

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Mar. 21, 2006, A/RES/60/147.

Children and Young Persons Act 1908 (U.K.).

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 U.N.T.S. 85.

Criminal Justice Administration Act 1914 (U.K.).

Probation of Offenders Act 1907 (U.K.).

Status of Children Act 1987 (Act. No. 26/1987) (Ir.).