

Chapter 9

Family Policy in Ireland

Tony Fahey and Elizabeth Nixon

Abstract The state in Ireland in the early decades of national independence sought to promote the stable, large, two-parent, father-centred family, particularly one founded on the owner-occupied family farm. Property distribution and normative regulation were the main policy instruments used, though some antipoverty income supports were also introduced. Economic modernisation and cultural change after the 1960s caused families to become less patriarchal, smaller, less tied to marriage and more oriented to education and wage/salary labour. A period of normative conflict over contraception, divorce and abortion ensued, and gender equality and the rights of children emerged as policy issues. Family benefits expanded to encompass a wider range of family circumstances and poverty risks, though child poverty remained high. Policy choices between incentivising women's work outside the home and supporting stay-at-home motherhood were resolved in mixed and sometimes conflicting ways but with a continuing strong focus on cash payments rather than provision of services. These choices remain contentious and, along with poverty alleviation, are key concerns in the current debates on family income support policies. Fiscal pressures arising from the current financial crisis also now exert an influence.

Keywords Ireland • Family policy • Contraception • Divorce • Abortion • Income support • Gender equality

It is only in recent times that 'family policy' has been conceptualised as a single policy domain in Ireland. Policies aimed at the family have long been important but historically were handled by disparate state agencies and government departments. In 1995, partly in response to controversies about divorce at the time, the Commission on the Family was established to examine legislation and policies on families (Commission on the Family, 1998). Its report brought the term 'family policy' into official discourse, and in 1997, the term 'family' was added for the first time to the title of a government ministry (the Department of Social, Community and Family Affairs, which primarily was concerned with social security). Some new agencies with a remit for family policy and family services provision were also established (Fahey, 2006) and helped to sharpen the focus on family issues in policy thinking and design of services.

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However, other developments took place at the same time which diluted this focus. Chief among these was an increased emphasis on children as a policy concern. This concern was expressed in the *Child Care Act (1991)* and was intensified as scandals about child abuse in Irish social services and by Catholic religious and clergy came to public attention in the 1990s and early 2000s. Administrative frameworks for dealing with children's issues were strengthened, a National Children's Strategy was adopted for the period 2000–2010, in 2011 a full ministry for children and youth affairs was created and a constitutional amendment to strengthen children's rights was adopted by a national referendum in November 2012. In 2011 also, the term 'family' was dropped from the title of the ministry responsible for social security (which is now named the Department of Social Protection). These labelling changes reflect shifts in policy priorities, and it is probably true to say at present that 'family' does not really serve as an influential organising concept in Irish policymaking. It is currently less forceful in that context than, for example, the concern with children just mentioned. As we review Irish family policy in this chapter, therefore, we need to think of it as a traditional loose array of distributive measures, services and regulatory frameworks targeted on various aspects of family life rather than as a single well-integrated or clearly defined field.

Sociohistoric, Economic and Political Context for Understanding Family in Ireland

Ireland was one of the late industrialising societies of Europe, and it missed out on the western economic boom of the 1950s (Barry, 1999; Garvin, 2004). Its post-war economy was dominated by inefficient family farming, and its industrial and services sectors were small, inward looking and uncompetitive. A reverence for rural ways of life and the Catholic Church pervaded Irish culture. The slowness of economic and social change up to the 1960s was reflected in the persistence of family patterns that had faded in Europe over the previous half century: many adults never married, those who married did so at a late average age, and while marital fertility declined somewhat from the very high levels of the early twentieth century, Irish couples still had by far the largest families in the western world (one-third of births in 1961 were to women who already had at least four children, a unique pattern among western countries at that time – Fahey, 2001; Murphy-Lawless, 1987). A safety valve of emigration absolved both state and parents of the long-term task of absorbing surplus children (Daly, 2006). Child-bearing outside marriage was uncommon – in the early 1960s, less than one birth in 30 took place outside marriage – and marital breakdown scarcely existed (Fahey, 2001). However, the economic and social model on which these family patterns were based was by then also in crisis, and a flood of emigration throughout the 1950s had brought catastrophic population decline.

The sexual revolution and, at a short lag, the gender revolution and the changes in family behaviour that demographers have labelled the 'second demographic transition' swept through the western world from the 1960s onwards (Lesthaeghe & Surkyn, 2006). These changes soon percolated into Ireland, aided by a turn towards industrial development and international markets in economic policy, a new emphasis on education as a motor of national development and an unprecedented surge in economic growth. A baby boom occurred in the late 1960s and 1970s. This was a delayed version of the baby boom which had occurred in other western countries in the post-war years and, like that earlier version, was driven by a sharp rise in marriages rather than a resurgence of the large family. As the rise in marriages petered out in the 1980s, fertility rates fell to within the normal European range (which itself was contracting at that time). However, even at its lowest point in the late 1980s and early 1990s, when fertility in Ireland fell below replacement levels, it remained in the upper reaches of European levels. Today, following an increase in couple formation and in births per woman since the mid-1990s, the total fertility rate in Ireland remains the highest in Europe, at almost 2.1 births per woman (Lunn, Fahey, & Hannan, 2009).

This was also an era of rising marital instability. Births outside marriage had remained below 5 % of all births until the 1980s but then took off and reached nearly one-third of births by the late 1990s. In spite of the ban on divorce then in place (which is discussed in the next section), marital breakdown also increased but did so slowly. When divorce legislation was introduced in 1997, the underlying slow growth trend was little affected, and marital breakdown topped off at more or less the lowest level in Europe in the early 2000s (Fahey, 2012).

Although marital breakdown is relatively low by contemporary standards and nonmarital child-bearing is about middle of the range for European countries, Ireland has a moderately high level of lone parenthood. The percentage of children living with lone parents is above the median for 31 OECD countries in data reported by Lunn and Fahey (2011). Based on data from the European Union's Survey of Income and Living Conditions, Iacovou and Skew (2011) reported that in 2009 Ireland had, after Latvia, the highest share of children living in lone-parent families in the EU. This higher-than-expected incidence of lone parenthood in Ireland is difficult to account for but is likely to reflect a number of factors: an overall higher fertility rate among Irish women, a relatively late average age of entry into stable partnership which increases the pool of unpartnered women 'at risk' of solo child-bearing, a low rate of entry into second unions which reduces exit from lone parenthood and a low rate of abortion as a solution to unplanned pregnancies among young women. One further factor may be a disincentive to partnership arising from the targeting of cash supports on lone parents in the social security system (Lunn & Fahey, 2011).

Family Policy Framework: Pre-1960s

Family patterns in Ireland in the first half of the twentieth century, as outlined in the previous section, had been supported by a number of strands of public policy, of which two stand out. One was the sustained attempt to create a society and economy based on family production in the farm sector. The state-funded land-reform programme, which originated under British rule in the late nineteenth century and continued after Irish independence was achieved in 1921, was at the centre of this effort. This hugely expensive and far-reaching episode of social engineering abolished rural landlordism and put in its place the small-scale family farming system that dominated the Irish social landscape in the first half of the twentieth century (Fahey, 2002).

A second strand of policy sought to regulate family and sexual behaviour, largely along the lines of Catholic moral teaching (Ferriter, 2009; Kennedy, 2001). From a range of measures designed to achieve this outcome, two are usually highlighted: the ban on the importation and sale of artificial contraceptives introduced in 1935 and the pledges to support marriage and the marital family (which included a ban on divorce) contained in Article 41 of the 1937 Constitution. Other forms of regulation sought to promote a subordinate domestic role for women, for example, through the 'marriage bar' which prohibited the employment of married women in public sector white-collar jobs (Pyle, 1990) and the clauses in the constitution extolling the value of women's role in the home. The state also supported a harsh disciplinarian approach to children, for example, through tolerance of sometimes brutal corporal punishment in the home and the school and through the penal treatment of marginalised children in the industrial school system (Maguire & Cinnéide, 2005; Raftery & O'Sullivan, 1999).

The dominance of these strands of state action on the family meant that social provision for families of a type then emerging in much of the industrialised world was slower to develop, though some antipoverty income supports for families did emerge. Pensions for widows were introduced in 1935, and children's allowances (renamed 'child benefit' in 1986) were introduced in 1944. Children's allowances were especially significant as they were the first and still remain the only universal social security scheme in Ireland (i.e. they are neither means-tested nor linked to social insurance contributions).

However, other family-oriented services faced opposition, as turmoil over a proposed maternal health service (the Mother and Child Scheme) in the late 1940s and early 1950s illustrated (Kennedy, 2001). Those services which did exist, such as the industrial school system for neglected and pauperised children, remained shockingly poor until reforms were initiated in the 1970s (Raftery & O'Sullivan, 1999). The large role played by family employment in the Irish economy also hampered the development of inclusive broadly based social insurance and fostered a social welfare system that was narrow in scope and consisted of a plethora of schemes targeted on specific and often quite small categories of the population (Carey, 2005; Daly & Yeates, 2003).

This, then, could be summed up as an era of patriarchal familism where the state sought to promote the large, stable, father-centred, two-parent family, particularly one founded on the owner-occupied family farm. It was also an era when wives/mothers were confined in the home, where children were seen but not heard and where property distribution and normative regulation were preferred as policy instruments over income maintenance or services provision for families.

Modernisation of Family Policy

The emergence of a more prosperous, secular and open society in the post-1960s era can be traced though a complex history of change in policies affecting the family. Some of this change entailed contentious public debate and a clash between liberal versus Catholic moral stances on the family. Other changes occurred in response to economic transformation, the expansion of education, the growth of wage and salaried labour and institutional developments such as Ireland's entry into the European Economic Community (now the EU) in 1972. The family in this period became more egalitarian, smaller and less tied to marriage. Here we will organise our account of change in family policy in this period under four headings: sex and reproduction, marriage and partnership, antipoverty policy and gender equality policy affecting the family. The first two of these have to do mainly with the legal regulation of the family and sexuality and entailed little by way of state intervention in resource distribution. The second two are concerned with family-oriented income supports and family services and therefore are mainly about resource distribution.

Sex and Reproduction. In 1973, the Supreme Court, in the *McGee* judgement, struck down as unconstitutional the ban on the importation and sale of 'artificial contraceptives' contained in the *Criminal Law Amendment Act (1935)*. This provoked an extended national debate on the place of sexuality in people's lives, especially among the unmarried. An initial effort to legislate on this issue in 1974 failed in a welter of controversy. In 1979, a compromise statute was passed which allowed access to contraception to married couples for bona fide family planning purposes but sought to deny it to the unmarried (the requirement for a medical prescription to obtain contraception was the control device used). It was not until 1993, following extended wrestling with further legislation, that a fully liberalised regime on artificial contraception was introduced (Hug, 1999).

A further impact of the *McGee* judgement was the concern it generated among Catholic moral conservatives that the Supreme Court might go a step further and use a similar legal reasoning, based on the doctrine of personal rights, to permit abortion (which was illegal under the *Offences Against the Person Act, 1861*). This concern did not seem entirely far-fetched, since the marital privacy principle on which *McGee* was based was not that far removed from the bodily privacy principle that underpinned the US Supreme Court's landmark decision on abortion in *Roe v Wade* (1973). As debate on sexual and family issues took on increasingly liberal tones during the 1970s, a number of influential lay Catholics came to the conclusion that the only certain means of averting such a risk was to insert a blocking clause in the constitution. In consequence, in 1981, an array of Catholic civil society groups came together as the Pro-Life Amendment Campaign (PLAC) with a view to achieving that outcome. Exploiting a period of instability and knife-edged electoral competition between the major

political parties (there were three general elections in 1981–1982), the PLAC succeeded in having a referendum held in September 1983 on a constitutional amendment to protect the right to life of the unborn. The clause that was voted on pledged the state ‘to defend and vindicate ... the right to life of the unborn, with due regard to the equal right to life of the mother’. The referendum was carried by a majority of 66 % and the pro-life clause was inserted as Article 40.3.3 in the Constitution.

This outcome was a triumph for the PLAC and Catholic moral conservatism in Ireland. It also reflected two features that characterised the politics of morality until the mid-1990s. One was the focus on the constitution as a battleground of change, in the light of the conservative leanings on the family and the position of women contained in the constitution. The second, which flowed from the first, was the role of direct democracy in deciding key issues since Irish law required a national referendum to amend the constitution. The recurrence of direct consultations with the Irish people on basic family questions was a key feature of this period and served to raise the temperature of the debate that took place.

The public vote on the 1983 abortion referendum seemed to reflect a solid anti-abortion sentiment in Ireland. However, that sentiment shifted in the early 1990s in the aftermath of a Supreme Court decision in the case of a 15-year-old girl who had become pregnant as a result of rape and threatened suicide if she was compelled to bring the birth to term (the ‘X’ case). The Court’s decision, handed down early in 1992, was that in light of the threat to her life represented by her suicidal intent, the girl was entitled to have a termination of her pregnancy under the ‘equal right to life of the mother’ element of Article 40.3.3 of the Constitution. This decision had the effect of legalising abortion in Ireland in certain circumstances, a stunning outcome in that it was based on a pro-life clause in the constitution which had been designed to achieve the opposite effect.

Anti-abortion activists reacted fiercely against the ‘X’ case judgement, and the government decided on a further referendum to resolve the many-sided controversy which ensued. In consequence, in a triple referendum held in November 1992, voters were asked to decide whether to further amend the constitution in order to overturn the ‘X’ case ruling and also to decide on the rights to travel abroad and to have access to information in regard to foreign abortions. The resulting vote gave an indication of movement in Irish public opinion away from the anti-abortion certainties of the 1980s. It produced clear majorities in favour of letting the ‘X’ case ruling stand and upholding the right to travel and the right to information. A further referendum on proposed adjustments affecting the ‘X’ case judgement was held in 2002 but was defeated and left the ‘X’ case ruling intact.

As a result, abortion is now legal in Ireland under certain circumstances, but no openly acknowledged abortion services are provided since successive governments have shied away from defining operational rules to govern practice in this area. In 2010, in response to a case taken by three Irish women against the Irish state under the European Convention on Human Rights (the case of *A, B and C v Ireland* [2010] ECHR 2032), the European Court of Justice ruled that, while there was no right to abortion under the Convention, Ireland was in breach of the Convention by failing to define a procedure to enable woman C in the case to establish whether she qualified for an abortion under existing Irish law. This ruling imposed an obligation on the Irish Government to define and give legal effect to such a procedure. At time of writing, the government is awaiting the report of an expert group it set up to recommend how it should implement that obligation, thus setting the stage for further controversy on Irish abortion law in the near future.

Marriage and Partnership. Alongside contraception and abortion, the third major contentious issue in the politics of sexual morality in Ireland in this era was divorce (Dillon, 1993; Hug, 1999). The ban on divorce in the Irish Constitution had come increasingly under question since the 1960s. In April 1986, the government announced a constitutional referendum to drop the ban, encouraged by opinion polls which showed that substantial majorities of the population were in favour of change. However, in the campaign leading up to the referendum, anti-divorce activists forcefully warned of the harm done to women and children by ‘easy’ divorce and changed many voters’ mind. In the event, a majority of 63 % of voters rejected the amendment to allow divorce, another stunning victory for the defenders

of the status quo. However, in 1995, in a second referendum on divorce for which the government had prepared the ground more carefully, the electorate voted by a tiny margin (a majority of 50.28 %) in favour of change. This outcome paved the way for a divorce bill which had been published in advance of the referendum to be enacted in 1996. This came into effect in February 1997 as the *Family Law (Divorce) Act*, the statute on divorce which is still in effect today. The conditions for divorce in this legislation are based on no-fault principles but nevertheless are more restrictive than in most other countries in that 4 years of separation are required before a divorce can be granted.

Tussles over divorce in Ireland in this period are often interpreted as having major symbolic and practical significance for family culture and behaviour. In fact, much of the important change in both law and behaviour in regard to family instability had already occurred before divorce was enacted and left limited additional work for the new divorce law to carry out. As a result, divorce proved to be something of a damp squib when it arrived (Fahey, 2012). By the 1980s, well in advance of the advent of divorce, family law had developed a patchwork of provisions for dealing with marriage break-up, and these did much of the necessary work, though without making available the right to remarry. Also, this system brought nonmarital couples and their children within the ambit of family law. Measures on child custody and access (*Guardianship of Infants Act, 1964*), maintenance of children and spouses (*Maintenance of Children and Spouses Act, 1976*) and domestic violence (*Family Law (Protection of Children and Spouses) Act, 1981*) regulated key aspects of de facto separation in a piecemeal fashion and did so through quick and accessible procedures in the lower courts (the District Court). The provisions on domestic violence in particular (which were reformed and extended in the *Domestic Violence Act, 1996*) were heavily used and for long seem to have functioned in effect as something akin to a poor woman's version of unilateral judicial separation (Fahey & Lyons, 1995). More comprehensive settlements for marriage break-up, often involving division of property, were available in the form of judicial separation orders obtainable in the mid-level courts (the Circuit Court). When judicial separation was reformed and made available on a no-fault basis in the *Family Law Reform and Judicial Separation Act (1989)*, the demand for it increased, though the cost and slowness of procedures meant that the simpler remedies available in the District Court continued to account for a higher volume of family law cases.

Divorce legislation enacted in 1997 neither transformed nor replaced this existing system but merely rounded it off by dealing with one outstanding issue – the right to remarry. That right has turned out to be relevant only to a minority of separating couples: in Census 2011, of the 14.3 % of the ever-married women who had experienced a marital breakdown, about half (7.5 %) were separated rather than divorced and only one in five had remarried (Central Statistics Office, 2012a). Today, as mentioned earlier, marital breakdown remains low in Ireland by European standards, though the large share of breakdowns accounted for by de facto separation makes it difficult to measure the rate of marital breakdown precisely (Lunn & Fahey, 2011).

Nonmarital Partnership. A shift in the locus of relationship instability into short-term and cohabiting unions in part accounts for the limited rise in marital breakdown in recent years. Child-bearing outside of marriage had gained a new level of social acceptance with the introduction of income supports for unmarried mothers in 1973 (the Unmarried Mothers Allowance). In 1987, the *Status of Children Act* prohibited discrimination against children born outside marriage, thereby weakening the historical function of marriage as a way of defining legitimate claims to inheritance. In 1990 and again in 1996, reforms of welfare supports for lone parents amalgamated payments for different categories of lone parents (the widowed, the unmarried, deserted and prisoners' wives, the separated and divorced) into a single scheme (Kennedy, 2001). These developments helped to give rise to the rapid increase in nonmarital child-bearing and lone parenthood outlined earlier.

Cohabitation also rose: by 2011, 15 % of couple households consisted of cohabiting couples and almost half of these had children. Cohabiting relationships are less stable than marital unions and in most cases represent a trial arrangement which either dissolves or progresses to marriage as partners reach their late 20s (Lunn & Fahey, 2011). The emergence of same-sex couples was a small but

significant part of this picture. Homosexual acts had been classed as criminal in Ireland until 1993, at which time homosexuality was decriminalised with notably little controversy. In the *Equal Status Act (2000)*, family status and sexual orientation were included as two of the nine grounds on which discrimination was prohibited. Census 2011 counted 4,042 same-sex couples living together, which was almost 3 % of cohabiting couples. The growth of cohabitation and the unavailability of marriage to same-sex cohabitants gave rise to increasing calls for greater legal recognition of nonmarital or 'civil' partnerships. In response, the *Civil Partnership and Certain Rights and Responsibilities of Cohabitants Act* was passed in 2010. Under this statute, cohabitants (including those in same-sex partnerships) acquire legal rights and responsibilities in regard to each other after 5 years of cohabitation if they are childless or 2 years if they have children. Where one or both partners were previously married, partnership rights come into being only if the previous partners have been separated for at least 4 years.

Family Income Support and Antipoverty Policy. Financial supports for families are often regarded as the core of family policy, usually with reference to families with children but sometimes also including families with disabled or elderly dependents (Daly & Clavero, 2002). The financial supports that may be provided fall under two broad headings: cash payments and tax breaks in the income tax code. In Ireland by the 1980s, a patchwork of income supports for families had evolved, focused mainly on those with dependent children. These included a nontaxable universal cash payment (children's allowances/child benefit), a number of highly targeted cash payments (there were separate provisions for widows, deserted wives, unmarried mothers and prisoners' wives), additional payments for dependent children of recipients of unemployment supports (originally labelled 'child dependent allowances', now known as 'qualified child increases') and income tax breaks for children and stay-at-home spouses. While the purpose of the schemes could rarely be tied down to a single clearly defined objective, two purposes could be said to dominate and inform most schemes at that time: combating poverty and upholding the male breadwinner model of the family (i.e. by supporting mothers to remain within the home).

Since the 1980s, the concern with poverty and social disadvantage has continued to inform policy on income supports and services for families. However, support for traditional gender roles in the home has been turned on its head and redirected towards the promotion of gender equality, though less completely and with greater continuing acceptance of gender differentiation in the balance between home and workplace than in many other European countries.

With regard to poverty, in the 1980s, large families with children (mostly with two parents) were judged to be the population category most at risk of poverty, and in more recent years, lone-parent families have taken over that position. Throughout, however, children in families have persistently had up to double the poverty rates of other age categories in the population (Commission on Social Welfare, 1986; Department of Social Protection, 2010). These patterns highlight the persistent difficulties faced by family income supports in reducing poverty rates among families with children.

In the 1980s and early 1990s, the failure of policy in this area could be attributed at least in part to the low level of payments involved: income tax breaks for children had been eliminated and family cash supports in Ireland were small by the standards of other northern European countries (Daly & Clavero, 2002). From the mid-1990s onwards, however, family cash benefits improved a great deal, and by the early 2000s, their total value expressed as a share of GDP had reached the average for OECD countries (OECD, 2003). They increased further to rise well above the OECD average later in that decade, though continuing poor public provision of childcare meant that the combined value of cash benefits and services for families remained more or less at the OECD average (OECD, 2011). The outcome was to achieve some reduction in child poverty but, in a context where overall poverty rates were in decline, the gap in poverty rates between children and other age groups did not narrow. Furthermore, international comparisons suggested that Ireland was getting a relatively poor antipoverty benefit for its high level of cash payments to families: it was spending more than average on cash benefits but still finding itself with higher-than-average child poverty rates and with particularly high poverty rates among lone-parent families (Department of Social and Family Affairs, 2006; Department of Social Protection, 2010).

As the 2000s progressed, the search for a solution to family poverty paid increased attention to parental employment and the role of ‘missing earners’ as drivers of family poverty (OECD, 2011). In Ireland, this concern arose particularly in connection with lone parents since the core family benefit for such families – the One-Parent Family Payment – was by then quite large by international standards but was criticised as a ‘social exclusionary wage’ which trapped mothers in long-term welfare dependency and did too little to support them into quality jobs (Department of Social and Family Affairs, 2006). This shift towards employment promotion as a dimension of family policy meant that traditional antipoverty concerns increasingly overlapped with what previously had been a separate strand of policy: combating gender inequality by enabling women with family responsibilities to have greater access to jobs and independent incomes outside the family home.

Family Income Support and Gender Equality Policy. Ireland’s accession to the EEC in 1972, along with changing public opinion in Ireland, had caused Irish policymakers to eliminate the more overt barriers and inequalities affecting women’s employment in the 1970s, such as the marriage bar mentioned earlier and the differentiation of rates of pay for women and men in the same jobs (McCashin, 2004). In addition, a social insurance-based maternity benefit was introduced for working women in 1981. Today, this benefit, which is received by about two-thirds of new mothers, is relatively generous by international standards – it provides 26 weeks of paid leave along with a further 16 weeks of unpaid leave (there is no statutory provision for paternity leave, while a provision for 14 weeks of unpaid parental leave up to the child’s eighth birthday is rarely availed of (Drew, 2010)). Further reforms of the family tax-benefit system to achieve a similar pro-employment effect were slower to emerge and remain contentious – an element of familism in the definition of women’s roles persists in these aspects of family policy. In fact, a change in the income tax treatment of married couples occasioned by a Supreme Court judgement in the *Murphy* case (1980) had the effect of intensifying that familism in the 1980s. It gave a new and substantial tax benefit to stay-at-home wives and thereby served to disincentivise married women’s entry into paid jobs (Kennedy, 2001). The value of this tax benefit was large: in 1991, it entailed a tax expenditure of £350 million (Callan & Farrell, 1991), which was more than the £325 million spent on child benefit and lone-parent payment combined at that time. Other developments in social security policy also served to reinforce the role of women as homemakers. This was particularly so of the payments for single mothers introduced in 1973 and later reformed and amalgamated with widows’ pensions and other schemes to emerge as the One-Parent Family Payment (OFP) in 1997. While these schemes sought to provide some incentive to lone parents to take up paid employment, the pro-employment provisions were weak, and the net effect of the OFP was to sustain lone parents as full-time or near full-time homemakers until the youngest child reached age 18 or age 21 if in full-time education (Department of Social and Family Affairs, 2006).

In light of the regressive and anti-employment features of the tax benefit for stay-at-home wives, the government set out in 1999 to eliminate it by individualising the income tax treatment of married couples. This caused the income tax burden on single-earner couples to rise sharply as the income-earning partner lost the benefit of the tax allowances of his/her stay-at-home partner. In spite of the logic in favour of this move, it caused a storm of protest from those who read it as an attempt to ‘force’ mothers into paid jobs (Kennedy, 2001). The government immediately sought to allay public hostility by introducing a new and largely gestural tax credit for ‘home carers’, which was intended to benefit not just mothers in the home looking after dependent children but also those caring for adults with disabilities or dependent elderly relatives.

Although tax individualisation was partly pushed through by 2002, the opposition it had generated scared off policymakers from adopting further measures to incentivise mothers to take up paid employment since, viewed from the other side of the coin, these measures could be portrayed as penalising the stay-at-home mother (Byrne, 2007). This reluctance to shift family supports in a pro-employment direction was reflected in the pattern of increase in family benefits: as expenditure on these benefits more or less doubled in the period 2000–2009, they continued to be either unconnected with work incentives (as with universal child benefit) or tilted towards stay-at-home parenting (as with the OFP).

Furthermore, in 2006, in response to agitation from families about the soaring cost of childcare (most of which fell as a private cost on families), the government introduced the Early Childcare Supplement. This was an add-on to child benefit for children up to the age of 5 years designed to help with the cost of pre-school childcare. Its crucial feature was its adherence to the neutrality principle in regard to the choice between paid work and caring: it was provided to *all* parents with young children, thus leaving it to the parents themselves to decide whether to use it to help pay for childcare or to support a stay-at-home parent (usually the mother).

As the first decade of the 2000s came to a close, however, policy on family supports began to shift away from neutrality on the choice between work and full-time caring in the home to adopt a stronger activation approach. The first major step in this direction occurred with the termination of the Early Childcare Supplement in 2009 and its replacement in 2010 with a 'universal free pre-school year' for 3–4-year-olds – the first fully state-funded early childhood care and education service provided to all children in Ireland. While this service is not tied to parental employment status, it has the effect of facilitating paid employment among mothers. It may also deliver developmental benefits for children, particularly those from disadvantaged backgrounds, and thus may eventually help to combat educational disadvantage. It is also the only instance in the history of Irish family policy where a universal cash payment has been withdrawn and replaced by a universal service (a switch achieved with remarkably little opposition). Furthermore, the new service was provided at about one-third of the cost of the cash payment it replaced since the service is concentrated on a single year of the child's life (at ages 3–4 years) where the Early Childcare Supplement was provided for 4 years (ages 0–4).

A second major recent step towards an activation approach in family policy was initiated in Budget 2012 and took the form of a phased reduction in the maximum age limit for children in families benefiting from the OFP. For new claimants, the qualifying age of the child was reduced to 13 years, and a further phased reduction in the qualifying age to 7 years was announced. For existing claimants, a phased reduction in the child's qualifying age was put in place so that it would fall to 13 years by 2016, with the intention that it would be reduced to 7 years on a phased basis after that date. The implication is that when children reach the age limit, lone parents would be reclassified as jobseekers rather than lone parents and be treated accordingly from both an activation and income support point of view. This move is in keeping with a number of reforms to the OFP which had been actively considered by government in 2006 but not acted on at the time (Department of Social and Family Affairs, 2006). It remains unclear how fully this initiative will be implemented: it may well be affected by the parallel provision of after-school childcare, since it is recognised that activation of lone parents is likely to be hampered by the excessive cost or poor availability of childcare. Fiscal pressures arising from the current financial crisis impede the further development of childcare services, and so the overall extension of activation for women with children is constrained.

Fiscal pressures arising from the financial crisis have also raised question marks over child benefit. The large increases in the generosity of this benefit during the years of economic boom mean that, after old age pensions and unemployment payments, it is now the most costly social security expenditure in the state. However, as a universal, nontaxable benefit which children receive until age 18 (or age 16 if not in full-time education), it is thinly spread over the child population – the average payment per child in 2010 was €38 per week – and it has only limited redistributive effect, as the persistence of child poverty shows (see also Department of Social Protection, 2010). In Budget 2010, as part of overall cuts to public expenditure, child benefit rates were reduced by 10 %, with compensating increases for low-income families through increases in Qualified Child Increases and Family Income Supplement (this, in effect, amounted to a modest switch towards more targeted supports). In Budget 2012, higher rates of payment of child benefit for larger families were abolished. Proposals to means-test child benefit or make it liable for income tax have also been made, but the administrative and legal challenges facing such changes, along with questions about their underlying logic, make it unlikely that they will be attempted (Department of Social Protection, 2010). Nevertheless, the scale of expenditure on child benefit makes it likely to come under further scrutiny as a target for cuts as further fiscal adjustments are made in the near future.

Family Policy Implementation and Assessment

Ireland for long had only a limited tradition in monitoring and assessing the efficacy of social services, but there have been many improvements in recent years, particularly in regard to both general analysis of the effects of the tax-benefit system on income distribution (for recent examples, see Callan et al., 2011; Callan, Keane, Savage, & Walsh, 2012) and more focused analysis on particular areas (e.g. in regard to child income support, see Department of Social Protection, 2010). Household surveys on incomes and living standards have evolved since the 1980s and, apart from a gap in 2002–2003, have been available annually since 1994 (the current version is the Survey of Income and Living Conditions conducted under EU regulations – see Central Statistics Office, 2012b). These data sources have formed the foundation for extensive government-funded policy-relevant research on poverty, social welfare and social exclusion, which in turn provided the framework for the Irish Government to frame poverty reduction strategies. In the National Anti-Poverty Strategy adopted in 1997, the Irish Government was the first in the EU to set an explicit poverty reduction target. The concept of ‘consistent poverty’ which provided the basis for the poverty reduction target itself reflected close links with the world of research since this concept had been developed by Irish researchers who have made important conceptual and methodological contributions to poverty research internationally (Nolan & Whelan, 1996; Whelan & Nolan, 2011; Whelan & Maître, 2012).

Another important recent development was the initiation in 2007 of the *Growing Up in Ireland* study. This is Ireland’s first national longitudinal study of children and is based on samples from two cohorts (infants and 9-year-olds at initiation) numbering more than 20,000 children and families (for initial reports, see www.growingup.ie). While the primary focus of this study is on children’s well-being, it also provides rich information on children’s family contexts and thus represents a major advance in the data infrastructure for family studies in Ireland. Thus, apart from piecemeal evaluations of individual family-based services which have been conducted (Cousins, 2007; McKeown, Haase, & Pratschke, 2003), efforts to understand the impact of policy on family have been concentrated on the issues of poverty and social exclusion and, more recently, child well-being.

Conclusions

Family policy in Ireland has evolved through a number of major phases over the past century or more, in regard to both the policy instruments used and the goals that were pursued. For the first half of the twentieth century, policy focused on normative regulation of family behaviour and on distribution of property (especially farmland) in support of family production units entailing traditional gender and generational role divisions. There was only limited development of income supports and family services of the type then emerging in other developed countries. The economic and social models underpinning these efforts were clearly in crisis by the 1950s, thus setting the stage for a sharp change of direction from the 1960s onwards.

That change of direction became most evident through normative conflict on contentious moral questions, especially contraception, divorce and abortion. The resolutions arrived at on these issues by the 1990s were quite liberal relative to what had prevailed up to the 1960s but, on some issues (especially abortion but also, to a lesser extent, divorce), were still at the conservative end of the European range. Family income supports broadened over this period but, apart from one universal payment (children’s allowances/child benefit), took the form of targeted cash supports for particular family contingencies with little by way of family services. Policy retained a strong focus on poverty reduction but also grappled inconclusively with questions of gender equality – some policy developments supported women’s entry to paid work outside the home but others did the opposite in response to popular resistance to the idea that mothers should be ‘forced’ into paid employment.

The period since the mid-1990s has been relatively quiescent in regard to the normative regulation of family-related behaviour, though it is possible that demands on government to regulate the limited access to abortion which in principle is available under current Irish constitutional law will cause this topic to resurface in public debate. The economic boom from the mid-1990s to 2007 was accompanied by large increases in family income supports, but their impact on relative poverty among families with children was disappointing, largely – as the most common judgement on this question would now hold – because they did too little to encourage maternal employment among less well-off families. The advent of economic crisis in 2008 has led to some cuts in family benefits but has also been accompanied by a partial shift in family policy towards activation and the development of family services (especially pre-school childcare) facilitating parental employment. However, cash supports for families still dominate in the provision of family supports. In the current period of fiscal consolidation, pressures to cut back on their total cost, to target them more narrowly and to tie them more closely to activation measures are likely to continue.

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