

How do I know who I am?: An analysis of the ramifications of Ireland's adoption policies

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Overview

The Irish adoption process has left thousands of people with untold stories and unsolved mysteries at the root of their identities. The closed nature of the process as well as the sealing of records including birth certificates, medical files, and other essential information pertaining to adoptions has resulted in thousands of individuals unable to definitively claim their birth identities.

This need to access information cannot be understated as the lack thereof has perpetuated emotional trauma for adopted persons growing up in both Ireland and the United States. The inability to establish identity has left many adoptees questioning: **how do I know who I am when the past has been constructed to ensure I remain an abstraction?**

In evaluating the implications of this question, we analyzed various social and political forces impeding adopted people from answering it. These forces consist of: *cultural stigma, coerced consent, falsification of records, and lack of access to records*. As has been recently affirmed by The Clann Project, these past abuses must be acknowledged and reformed before we can take steps forward.

Guiding Questions

What societal pressures have affected parents in Ireland, whether natural or adoptive?

How may we contextualize the environment of 20th century Ireland when considering a mother’s decision to adopt prior to and following the 1952 Adoption Act?

How does this poster complicate or reflect your understanding of adoption?

How does this contribute to the conversation on how to respond to the secrecy of Irish institutions?

“OUR whole social history as a nation is in those files and some of it is not pretty but it’s my heritage and it’s the heritage of 42,000 other people.” *Angela Murphy, adopted person (“Hidden Heritage,” 20 April 2010, Irish Examiner)*

Pre 1952

Adoption is illegal in Ireland, yet frequently operates on an informal basis via the process of “boarding out,” which stimulates inconsistency of records for adopted people later in life (*Stewart, “A Study of the Infrastructure and Legislation for Adoption in Ireland.” Maynooth University, 2013. Page 58*)

How Do I Know Who I Am?

An Analysis of the Ramifications of Ireland’s Adoption Policies

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Irish to vote on adoption change

From Joe Joyce in Dublin

The Irish vote on Thursday in referendums to strengthen the law on adoptions and to re-organise university education. The two issues are supported by the main political parties

The law on adoption needs clarification in the Republic's written constitution after a court case three years ago. The Supreme Court then decided to hand a six-year-old back to his natural parents, whom he had never seen.

In his judgment the Chief Justice, Mr Tom O'Higgins said: "One must not allow compassion to confuse nor sympathy to conceal fundamental rights."

The decision caused consternation among the adoptive parents of 26,000 children who suddenly found that they could no longer be sure that the child they were rearing would not be taken back by its natural parents.

Complex legal questions were raised about legitimate and illegitimate children and the powers of the Adoption Board. The decision meant that the board, which supervises adoptions, had operated unconstitutionally since it was set up 27 years ago. The change sought in the referendum is limited to legalising adoption orders made by the board. If passed, it will allow the Board to make judicial-style orders although it is not a court of law.

Irish Leader Apologizes for Adoptions That ‘Robbed Children’ of Their Identity



Little boy lost: Anthony - now renamed Michael - at his first Christmas in America



“No one told you I was looking for you and that I loved you, my son. How different it all could have been...” *Philomena Lee (right) about son Michael Hess (left) (“Stolen from his mother- and sold to the highest bidder” Daily Mail, 9 Sept. 2014.*

“Following the introduction of the Adoption Act 1952, the rate of adoption of children born outside marriage rose steadily. In 1967, 97% of children born to unmarried mothers in Ireland were the subject of adoption orders.” (*The Clann Report*, p. 26, para. 1.58)

Heartbreaking report reveals over 2,000 Irish children were 'sold' to the US for adoption from Mother and Baby Homes

“I had never travelled outside the US before. I went to get a passport, with my social security card and my certificate of adoption with my American name, and they told me almost right away that I wasn’t an American citizen. I had no idea until they told me.” *Marian, adopted person* (“The Irish babies adopted to the US, now adults in a legal limbo” *20 January 2018, The Irish Times*)

Over 50,000 adopted people get right to birth certs

1964 Adoption Bill

Number of adoptions increases dramatically due to a number of possible causes, ranging from greater standardization of adoption practices to a new public discourse and social acceptance of adoption in general (having been legal for over 10 years) (*Stewart 224*)

Steps Forward

What is needed to prevent these forces—culture, consent, lack of access to records— from impeding each individual’s right to identity?

Future Recommendations:

Statutory rights for access to information and creation of a repository for files from all institutions in Ireland

The Clann Project’s culminating report, *Ireland’s Unmarried Mothers and their Children: Gathering the Data*, made the following eight recommendations to the Commission of Investigation into Mother and Baby Homes:

1. A new process of investigation should be opened to all stakeholders and make access to information its primary goal;
2. A state apology should be issued to all those who have been affected;
3. Redress and reparations, primarily in the form of access to information, and also material benefits and symbolic reparations devised through a process led by people directly affected;
4. Introduction of statutory rights and services for adopted people, natural parents, relatives of the deceased and all individuals who experienced abuse, including centralised records and access to archives and tracing services;
5. Acknowledgement by religious orders and church hierarchies;
6. Establishment of a specific unit to investigate criminal allegations;
7. Amended Statue of Limitations and reformed legal aid to enable multi-party litigation;
8. Active and ongoing memorialisation and research.

The Clann Project is also calling for the contents of the McAleese archive to be made public- the Archive contains all State records concerning the Magdalene Laundries, gathered by the *inter-departmental Committee to establish the facts of State involvement with the Magdalene Laundries* from 2011-2013.*

*List of recommendations as reported by Claire McGettrick, but which originated in Clann Project’s report.

“The experience of inhuman or degrading treatment is recognised as an ongoing situation until or unless there is accountability. The violation is not ‘historic’.” (*The Clann Report*, p. 113, para. 4.32)

Modern Day

The status of illegitimacy is abolished with the 1987 Status of Children Act, and on 15 October 2018, the Clann Project releases their groundbreaking report *Ireland’s Unmarried Mothers and their Children: Gathering the Data*

What prevents us from answering questions of identity?

Socially

Culture

Culture of Shame

Ireland’s containment culture emerged in the late 1920s in conjunction with the creation of the Irish Free State in 1922 (*Smith, J., The Origins of Ireland’s Containment Culture, 2004*)

Secret and closed system of institutions, which perpetuated the stigma of shame in women having children outside of marriage

The government and the Catholic Church alike dehumanized these women in punishing them for their “sins” as their sexual immorality was treated as a crime

Their children also suffered as they were seen as “illegitimate” or “bastards” until adopted by “proper” families

Due to this, the evidence of these crimes were hidden and the necessary files that these adopted people need were and still remain unavailable to them as the state tried to maintain the secrecy of what went on

“...raising me alone was not a route that was open to her, because of the lack of support for unmarried mothers, and because of the stigma of giving birth outside of marriage.” *Anonymous adopted person (The Clann Report, p. 26 para. 1.62)*

Consent

Coercive Consent

Illegal status of adoption prior to 1952 made consent of a birth mother to “board out” her child easy to circumvent or forge

Given the caveats built into the 1952 Act that *legally* allowed a bypassing of the mother’s consent, former Minister of Justice General MacEoin expressed his concern that, “some women could, through stress of circumstance, be forced to sign consent forms and that once an adoption was legalised there would be no legal way for those mothers to get their children back” (Stewart 178)

Mothers often lacked proper understanding of the finality of decisions to give up their child for adoption, as evidenced by the overwhelming amount of late 20th century custody cases pertaining to previously adopted children (“*Boy (4) will remain with adopted parents,*” *Cork Examiner, 26 October 1974*)

Deliberate falsification, destruction, and coercion of adoption records now inhibit adopted persons from fulfilling their search of a natural parent

“One of the saddest things is the perception of adoption in the past as being the best solution for mother and child. It most certainly was not. I feel personally I have lost so much.” *Anonymous adopted person (The Clann Project, p. 82 para. 2.89)*

Systematically

Lack of Records

Unavailable and Falsified Records

Mothers and children were registered erroneously by institutions under assumed names, often pressured into giving false names (“*Adoption Board Confirms False Names were Given,*” *The Irish Times, 12 April 1997*)

In some cases, babies were registered directly under the names of the married couple who adopted them (*The Irish Times*)

In one instance in 1996, a Munster Solicitor told *The Irish Times* that he had seen a register with his wife’s original name crossed out and a false name written in

Missing or inaccurate records continues to be a pervasive issue for marginalized members of society; in 2010, a review of 1,000 foster care records revealed missing files, no central database for information, and files containing incorrect dates of birth and names of both mother and child (“*Files on Foster Care Unreliable, Audit Claims,*” *Irish Times, 8 June 2010*)

“...‘wrongful registrations’ or ‘incorrect registrations’ suggest an administrative oversight, and do not adequately reflect the covert nature of many adoptions carried out in the past.” *Report on the Pre-Legislative Scrutiny of the General Scheme and Heads of the Adoption Bill (p.13)*

Lack of Access

Adoption Files and Birth Certificates Withheld

State and private religious bodies control records and withhold them to preserve their secrecy and authority “*Forced adoption report calls for new investigation,*” *Irish Examiner*

In Ireland, there is no independent system to ensure adopted people are provided with their records without interference from guilty institutions (*The Clann Report, p. 11, section 6*)

Providing testimony or searching for adoption files is often met with backlash from the Irish State or Church. An Irish adopted person, Mari Steed, recounts these obstacles: “We were being road blocked by the religious orders so records had not even moved ...[and they] would give us misleading information” (“*Clann Short Film: Mari Steed,*” *YouTube, 3:20*)

Statutory limitations and poor legal aid prevents multi-party litigation and weakens survivor’s legislative strength in gaining adoption reparations (*The Clann Report p. 11, section 7*)

“There is a surprising reticence by authorities to allow individuals access to basic information about themselves, preferring to preserve the confidentiality of the institutions and their members whose actions caused those individuals great suffering...” *Rod Baker (Press Release Oct 15 2018)*

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