

## ‘Charitable Inclinations’

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*Citation for published version (Harvard):*

Enright, M 2023, ‘Charitable Inclinations’: Women’s Bequests to Ireland’s Magdalene Laundries. in S Lenon & D Monk (eds), *Inheritance Matters: Kinship, Property, Law*. 1 edn, Bloomsbury Publishing.  
<<https://www.bloomsbury.com/uk/inheritance-matters-9781509964819/>>

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# ‘Charitable Inclinations’: Women’s Bequests to Ireland’s Magdalene Laundries. <sup>1</sup>

Máiréad Enright

## Introduction

Mary Ryan (1873-1961) was the first woman university professor in Ireland.<sup>2</sup> University College Cork,<sup>3</sup> where she taught Romance Languages, celebrates her as feminist trailblazer.<sup>4</sup> She was a director of the family firm; a soap and candle manufacturer. Her brother Finbar was Provincial of the Dominican Order in Ireland, and later Archbishop of Port of Spain, Trinidad. In her youth, the Catholic church disapproved of women attending university, and so she studied for her BA at St. Angela’s school, run by the Ursuline nuns. An obituary noted her ‘great personal charm and gentle enthusiasm’ for scholarship. ‘[H]er conversation was always so lively that she became almost breathless when she warmed to any subject that excited her’.<sup>5</sup> Happy in academia, she believed that ‘there was no exhilaration like that of good work’.<sup>6</sup> Prof. Ryan was a member of the Third Order of St. Dominic.<sup>7</sup> The Third Order were lay people, affiliated to the Dominicans, who did not join a convent or monastery but committed themselves to religious study. Prof. Ryan died in 1961, aged 88. Like many of Cork city’s wealthy Catholic women,<sup>8</sup> Prof. Ryan remembered several charities in the will she wrote in 1957. The Third Order encouraged its members to give to charitable causes.<sup>9</sup> She gave £100

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<sup>1</sup> Part of the research for this piece was funded by a Leverhulme Research Fellowship 2020-2021.

<sup>2</sup> Mary Ryan, *Cork Examiner* October 13 1961 p. 15

<sup>3</sup> She was hired by Professor (later Monsignor) Alfred O’Rahilly, a conservative and one-time member of the far-right Blueshirts, who sought to run the nominally plural University according to a strict Catholic ethos.

<sup>4</sup> ‘Professor Mary Ryan’ (*University College Cork*) <<https://www.ucc.ie/en/heritage/historicpeople/ucc-staff/prof-mary-ryan/>> accessed 1 November 2022.

<sup>5</sup> Denis Gwynn, ‘Now and Then’, *Cork Examiner* June 20 1961 p. 6.

<sup>6</sup> ‘Laments for Loss of Status’, *Cork Examiner* December 16 1935 p. 13. She was speaking as guest of honour at a dinner where other feminist speakers made rather more critical remarks.

<sup>7</sup> Deirdre Bryan, ‘Ryan, Mary’ in James Quinn (ed), *Dictionary of Irish Biography* (Royal Irish Academy 2009) <<https://www.dib.ie/biography/ryan-mary-a7874>> accessed 1 November 2022.

<sup>8</sup> See especially Isabella Honan, *Cork Examiner* September 12 1913 p.4

<sup>9</sup> J.W. Stephens, *Manual of the Third Order of Saint Dominic* (St Saviour’s Dublin, 1934) p. xxv

each to convent institutions on the north side of the city, run by the Religious Sisters of Charity at Peacock Lane and the Good Shepherds, just a mile from the University, at Sunday's Well.<sup>10</sup>

Today, these convents are remembered as two of Ireland's ten Catholic Magdalene laundries.<sup>11</sup> These were residential institutions, committed, as Ingrid Holme observes, to 'spiritual eugenics';<sup>12</sup> women and girls who had somehow transgressed Irish Catholic norms around female sexuality were removed from the world on the pretext that they would be reformed and made fit once more to participate in society, perhaps as wives and mothers. In practice, many remained in Magdalene institutions for life. 'Magdalene', from 'Mary Magdalene' refers to the regime of penitence imposed within the institutions. 'Laundry' describes their labour regime; many women worked unpaid in industrial laundries to generate income for the institutions, while enduring the physical discipline of 'respectable' hard work.<sup>13</sup> Magdalene laundries were carceral institutions. Most women were sent to the laundries by family members, priests or social workers rather than by the courts or state authorities; this demonstrates that the laundries were part of a wider system of social control.<sup>14</sup> For most of the twentieth century, Irish Magdalene laundries were widely treated, not as sites of abuse, but as respectable charities; appropriate recipients of wealthy women's bounty. In recent years, survivors have spoken publicly about their experiences, demanding a state response.<sup>15</sup> The state eventually

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<sup>10</sup> She also left money to the 'mother and baby home' at Bessborough, outside the city.

<sup>11</sup> See generally Katherine O'Donnell, 'A Certain Class of Justice: Ireland's Magdalenes' in Lynsey Black, Louise Brangan and Deirdre Healy (eds), *Histories of Punishment and Social Control in Ireland: Perspectives from a Periphery* (Emerald Publishing Limited 2022); Claire McGettrick and others, *Ireland and the Magdalene Laundries: A Campaign for Justice* (Bloomsbury Publishing 2021); Chris Hamill, 'The Atlas of Lost Rooms': in Maria Shehade and Theopisti Stylianou-Lambert (eds), *Emerging Technologies and the Digital Transformation of Museums and Heritage Sites* (Springer International Publishing 2021).

<sup>12</sup> Ingrid Holme, 'Spiritual Eugenics as Part of the Irish Carceral Archipelago' (2018) 31 *Journal of Historical Sociology* 154. Holme contrasts spiritual eugenics with medical eugenics. The tools of eugenics used elsewhere – contraception and sterilisation – were not readily available in Ireland for much of the 20<sup>th</sup> century.

<sup>13</sup> Chloë K Gott, 'Productive Bodies, Docile Women and Violence: Exploring "Respectable Work" as Physical Abuse within Ireland's Magdalene Laundries' (2021) 11 *Religion and Gender* 167.

<sup>14</sup> Clara Fischer, 'Gender, Nation, and the Politics of Shame: Magdalen Laundries and the Institutionalization of Feminine Transgression in Modern Ireland' (2016) 41 *Signs: Journal of Women in Culture and Society* 821.

<sup>15</sup> Jennifer O'Mahoney, 'Advocacy and the Magdalene Laundries: Towards a Psychology of Social Change' (2018) 15 *Qualitative Research in Psychology* 456.

commissioned a limited investigation into the history of the Magdalene laundries<sup>16</sup> and established a redress scheme for surviving women.<sup>17</sup> Magdalene laundries are now associated in the public mind with human rights abuses including forced unpaid labour,<sup>18</sup> physical and emotional neglect, complete denial of privacy,<sup>19</sup> cruel punishment,<sup>20</sup> forced separation of family members and denial of identity in life and in death. As a teenager in the 1960s, Elizabeth Coppin was detained in both laundries which benefitted from Prof. Ryan’s will.<sup>21</sup> She was put to work six days a week without pay. In Peacock Lane, she slept in a locked cell with no running water and was held in solitary confinement for an alleged minor theft. In Sunday’s Well, her hair was shorn, she was made to answer to a male name and given a degrading uniform to wear. Hundreds of women have testified to similar treatment.<sup>22</sup>

In this chapter, I suggest that we can think of bequests like the ones Prof. Mary Ryan made to Cork’s Magdalene laundries as vectors of ‘structural complicity’ with the abuses perpetrated there, against women (once girls) like Elizabeth Coppin. I begin by explaining some of the background to charitable giving to the laundries; the kinds of women who gave and the

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<sup>16</sup> Martin McAleese, ‘Report of the Inter-Departmental Committee to Establish the Facts of State Involvement with the Magdalen Laundries’ (2013) <<http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013>> accessed 2 August 2016.

<sup>17</sup> The Department of Justice and Equality, ‘The Magdalen Restorative Justice Ex-Gratia Scheme’ (*The Department of Justice and Equality*) <<http://justice.ie/en/JELR/Pages/WP15000111>> accessed 21 July 2020.

<sup>18</sup> James Gallen and Kate Gleeson, ‘Unpaid Wages: The Experiences of Irish Magdalene Laundries and Indigenous Australians’ (2018) 14 *International Journal of Law in Context* 43.

<sup>19</sup> Jennifer O’Mahoney, Lorraine Bowman Grieve and Alison Torn, ‘Ireland’s Magdalene Laundries and the Psychological Architecture of Surveillance’ in Susan Flynn and Antonia Mackay (eds), *Surveillance, Architecture and Control: Discourses on Spatial Culture* (Springer International Publishing 2019) <[https://doi.org/10.1007/978-3-030-00371-5\\_10](https://doi.org/10.1007/978-3-030-00371-5_10)> accessed 20 July 2020.

<sup>20</sup> Miguel-Ángel Benítez-Castro and Encarnación Hidalgo-Tenorio, ‘“We Were Treated Very Badly, Treated Like Slaves”: A Critical Metaphor Analysis of the Accounts of the Magdalene Laundries Victims’ in Pilar Villar-Argáiz (ed), *Irishness on the Margins: Minority and Dissident Identities* (Springer International Publishing 2018) <[https://doi.org/10.1007/978-3-319-74567-1\\_6](https://doi.org/10.1007/978-3-319-74567-1_6)> accessed 28 December 2022.

<sup>21</sup> See *Elizabeth Coppin v. Ireland* CAT/C/68/D/879/2018

<sup>22</sup> Alice Mulhearn Williams, ‘“The Whole Thing Was Numbingly Bland and It Was Deliberately so”: Food and Power in Ireland’s Magdalene Laundries, 1922–1996’ (2022) n/a *Gender & History* <<http://onlinelibrary.wiley.com/doi/abs/10.1111/1468-0424.12667>> accessed 4 December 2022; Lizzie Seal and Maggie O’Neill, *Historical Spaces of Confinement 2: Magdalene Laundries* (Bristol University Press 2019) <<https://bristoluniversitypressdigital.com/view/book/9781529202656/ch003.xml>> accessed 1 November 2022.

religious context of their bequests. Next, I introduce the concept of ‘structural complicity’, using it to show how bequests reinforced the social and gendered orders of power that legitimated the Magdalene laundries in the first place. The point is not to say that all or any of the women who gave money to the Magdalene laundries were themselves directly responsible for abuses that took place in the institutions they funded,<sup>23</sup> but to better understand the range of potential relationships between abuse, will-making and charity. Finally, I suggest how attention to structural complicity might help to clarify the stakes and possibilities of new legal histories of the Magdalene laundries.

### **Leaving Money to the Magdalene Laundries**

Prof. Mary Ryan was not the only Irish Catholic woman who ‘devised, gave and bequeathed’ some of her estate to a Magdalene laundry. I identified others by searching newspaper notices of charitable bequests published in Irish national and regional newspapers<sup>24</sup> between the foundation of the Irish Free State in December 1922 and the commencement of the Charities Act July 1973.<sup>25</sup> I also reviewed archived copies of wills where available, but newspapers often provided equivalent detail of bequests. Ordinarily, details of bequests were published in a “Legal Notices” or equivalent section of the newspaper. Sometimes they were printed as small news items with their own headlines; for instance, ‘Many Charitable Bequests of Dublin

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<sup>23</sup> Complicity is not guilt. Guilt generally describes individuals who participated, voluntarily and directly, in discrete episodes of violence. I cannot draw direct links between individual bequests and specific human rights abuses, in part because religious congregations’ financial archives are not publicly accessible and so it is not possible to trace, except in very general terms, how any one bequest was spent.

<sup>24</sup> Based on a search of the online *Irish Times* archive and Irish Newspaper Archives database (1920 – 1970) using search terms (Magdalen\*, refuge, or “Good Shepherd” or geographical descriptors) combined with “bequest”, names of a relevant congregation and gendered terms (e.g. widow or spinster, miss or mrs, lady or woman).

<sup>25</sup> The requirement to publish notices of charitable devises and bequests was amended by s. 16 of the Charities Act, 1973, which exempted most wills from this requirement. The high point of published notices of bequests to Magdalene laundries in the twentieth century seems to have been 1935-1945.

Lady,<sup>26</sup> but a ‘Notice of Charitable Bequests in the Goods of’ a named individual was more usual.

Bequests were not the laundries’ main external source of income. The state funded some Magdalene institutions, including through lucrative laundry contracts.<sup>27</sup> For the greater part of the twentieth century, lay women played a limited role in the state’s relationship with the laundries, because they were less likely to occupy public office. However, they made important contributions to the laundries’ wider economies. Women of all classes made small donations to convent laundries during their lifetimes or paid to have their personal laundry done in the convents. Some women held in the Limerick laundry manufactured fine lace, for sale to wealthy families, and well-off families hired domestic servants who had spent time in a convent laundry or in an associated institution. Written records of these kinds of private contributions to Magdalene laundries in the twentieth century are relatively scarce. Wills, by contrast, are readily accessible as public records.<sup>28</sup>

Newspaper notices show that laundries inherited money, stocks and shares, proceeds of sale of property, or a portion of the residue of the estate after other legacies and debts had been paid. The testatrix was typically from the same prosperous social class as the senior members of the religious congregations who ran the laundries. Several were wealthy enough to employ servants, at least in old age. In the wills I have found, a servant was sometimes a witness. Some were described as a ‘gentlewoman’ or ‘of independent means’ on their death certificates. Others had

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<sup>26</sup> *Cork Examiner* April 6 1936 p.8

<sup>27</sup> See further Mairead Enright, ‘Contract, the State, and the Magdalene Laundries’, *Legacies of the Magdalen Laundries: Commemoration, gender, and the postcolonial carceral state* (Manchester University Press 2021) 193–215.

<sup>28</sup> Joseph Jaconelli, ‘WILLS AS PUBLIC DOCUMENTS – PRIVACY AND PROPERTY RIGHTS’ (2012) 71 *The Cambridge Law Journal* 147.

inherited from wealthy men;<sup>29</sup> they were the daughters, sisters or widows of merchants<sup>30</sup> and strong farmers.<sup>31</sup> More had been landladies<sup>32</sup> or shopkeepers;<sup>33</sup> their wills distributed money derived, in some measure, by their own commercial skill. A rare few, like Mary Ryan, were retired professionals.<sup>34</sup> Some were public figures in their own right. Laura Anne Rorke, for example, had been a governor of the Royal Hospital, Donnybrook and had sought election as a Poor Law guardian in 1902.<sup>35</sup> The very wealthiest women who gave to laundries left wider marks on their cities and towns. Fannie Andrews died in Dublin in 1931 with an estate of £100,000; equivalent to millions today. Alongside bequests to a Magdalene laundry, her will made several provisions in memory of her younger sister, Jeannie de Verdon Corcoran<sup>36</sup> including a hospital bed<sup>37</sup> a lifeboat at Howth,<sup>38</sup> and a 17<sup>th</sup> century cabinet donated to the National Gallery.<sup>39</sup>

Women's wills were, in large part, religious documents. Women funded parish projects, church-building and renovation projects and scholarships for student priests. Where a will funded physical memorials to the testatrix or to her deceased family these almost always did double

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<sup>29</sup> Until the Succession Act 1965, married women did not have a statutory right to a share in their husbands' estates.

<sup>30</sup> Mary McDonnell *Limerick Leader* May 3 1930 p.11

<sup>31</sup> Margaret Nash *Limerick Leader* August 10 1940 p. 6; Kitty Holmes *Evening Echo* February 22 1966 p.3; Aloysia M. O'Donnell, *The Nationalist* January 11 1930 p. 6

<sup>32</sup> Maria Egan, *Irish Independent* June 15 1925 p. 5

<sup>33</sup> Mary O'Sullivan had kept a draper's shop with her brother; *Southern Star* December 11 1937 p. 9. Frances O'Grady's death certificate describes her as a tobacconist; her shop was on Patrick Street in Cork City.

<sup>34</sup> Catherine Mary Dwyer was a retired primary school teacher, *Irish Independent* March 24 1938 p.14. Eileen Sutton's death certificate shows that she was a retired hospital matron; *Irish Examiner* April 20 1968 p.6. She had worked at St. Vincent's Hospital, Dublin. Her father's family were coal merchants.

<sup>35</sup> Laura Rorke, *Irish Independent* December 10 1929 p. 13

<sup>36</sup> The two women had lived together following the death of Jeannie's husband, and Fannie inherited from Jeannie on her death

<sup>37</sup> Fannie Andrews, *Irish Times* October 31 1931 p.3

<sup>38</sup> This part of the bequest was the subject of litigation involving the Archbishop of Dublin; 'Woman who left £90,000', *Irish Times* December 20 1932 p.2

<sup>39</sup> The cabinet was reputed to have been a gift from Oliver Cromwell to his daughter on her wedding day; 'A Cromwell Relic' *Cork Examiner* May 16 1931 p.12; Andrews also contributed to the cost of a Harry Clarke stained glass window at St Joseph's Church in Terenure in memory of her sister and brother-in-law. An inscription invites those visiting the window to pray for their souls. She also paid for the high altar at the Church of the Holy Name in Ranelagh to be dedicated to them.

duty in adorning a church; stained glass, religious statues, or stations of the Cross. They rarely left money to secular organisations. One exception was Mary Imelda Forde, a breeder of show-dogs,<sup>40</sup> who gave money to the RSPCA.<sup>41</sup> In writing their wills, many women's minds seemed set firmly on Purgatory, where their souls or those of their loved ones would await the purification of any sins for which they had not already atoned in life. Bridget Murray provided for the 'Holy Souls in Purgatory'<sup>42</sup> while Martha Blake left money for Masses for 'the poor souls in Purgatory who have no-one to pray for them'.<sup>43</sup> The Catholic church taught that time spent in Purgatory and admission to Heaven could be shortened through the prayers of the living on behalf of the dead. Women used their wills to ensure that Masses would be said after their deaths for the repose of their own souls, and for the souls of those they had prayed for in life. Guaranteeing that others would be prayed for was often a widow or spinster's last act of familial care; ensuring that the family could benefit from her spiritual attentions after she was gone. Mary Murphy provided for one hundred and fifty Masses.<sup>44</sup> Rathgar's Nanny Andrews wanted Masses to be said in twenty-two different churches.<sup>45</sup> Kate Nevins, whose husband had made his money in New York, paid for an anniversary High Mass each year in Castlebar.<sup>46</sup> Some women nominated specific priests to say Masses for them.<sup>47</sup> They paid for religious devices to ensure others' prayers; entries on a church's altar list of the dead, to be remembered at Mass every November;<sup>48</sup> a gift towards a convent's 'perpetual lamp' which would be constantly burning in memory of those sharing in the community's prayers and sacrifices;<sup>49</sup> a

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<sup>40</sup> 'Irish Kennel Club Sued', *Belfast Newsletter* December 5 1928 p. 15

<sup>41</sup> Mary Imelda Forde, *Irish Press* July 31 1942 p.3.

<sup>42</sup> Bridget Murray, *Dundalk Democrat* August 10 1929 p. 1

<sup>43</sup> Martha Blake, *Irish Press* May 17 1938 p. 14

<sup>44</sup> Mary Murphy, *Irish Independent* February 2 1938 p.6

<sup>45</sup> Nannie Andrews, *Irish Independent* May 5 1927 p.6

<sup>46</sup> Catherine Mary, 'Kate' Nevins, *Connaught Telegraph* November 22 1930 p.1

<sup>47</sup> Bridget Fahey, *Cork Examiner* June 9 1934 p. 4

<sup>48</sup> Anna Mary Fitzsimons, *Drogheda Independent* January 11 1941 p.3 .

<sup>49</sup> Mary Josephine Giblin, *Irish Independent* July 7 1939 p. 1



cycle of thirty ‘Gregorian Masses’ said over thirty days to release the deceased’s soul from Purgatory.<sup>50</sup>

Will-writing enabled women to make very deliberate choices about the afterlife of their wealth.<sup>51</sup> A bequest carries an element of generativity; ‘a desire to invest one’s substance in forms that outlive the self.’<sup>52</sup> Bequests can ensure the continuity of important institutions and communicate moral lessons to those remaining behind.<sup>53</sup> Perhaps because of their connection to faith and sin, it is tempting to doubt women’s agency in will-making. In 1902, the barrister Michael McCarthy had written bitterly of charitable bequests:

[Testators] back every horse in the field, male and female, Passionist and Poor Clare in the hope that one of them is bound to win. Such seems, without irreverence, to be the frame of mind in which these terrified testators and testatrices approach death.<sup>54</sup>

Precise instructions as to division of a woman’s assets between institutions, however, may indicate that the decision to benefit a Magdalene laundry was made with some care and deliberation. Martha Blake split the residue of her estate into eighths, with one eighth to the laundry at Gloucester Street.<sup>55</sup> Laura Rorke divided her estate of £4000 into sixteenths.<sup>56</sup> Annie Blake, daughter and granddaughter of mayors of Galway, and a descendant of one of the city’s

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<sup>50</sup> Mary Fitzgibbon, *Irish Independent* July 30 1937 p.15.

<sup>51</sup> An exception may be made for women who only enjoyed a life interest in property inherited from someone else, and whose deaths triggered a bequest provided for in that earlier will. See for example, Letter 7 January 1931 from W.R. Meredith Solicitors to the Superioress of High Park Convent, concerning the will of John Joseph Burke, who had died in 1906. On his wife’s death, part of his property passed to the convent. The letter is in the Mary Raftery Archive, which is privately held by Sheila Ahern. My thanks to Claire McGettrick for supplying a copy.

<sup>52</sup> John N. Kotre, *Outliving the Self: How to Live on in Future Generations* (New York: W.W. Norton, 1996), 10. On testamentary intention in socio-legal studies see Daniel Monk, "EM Forster's Will: An Overlooked Posthumous Publication," *Legal Studies* 33, no.4 (2013): 572

<sup>53</sup> Claire Routley and Adrian Sargeant, "Leaving a Bequest," *Nonprofit and Voluntary Sector Quarterly* 44, no. 5 (July 2014): 881-2.

<sup>54</sup> McCarthy, *Priests and People in Ireland* (Dublin: Hodges Figgis, 1902), 143

<sup>55</sup> Martha Blake, *Irish Press* May 17 1938 p. 14. Gloucester Street was renamed Sean McDermott Street in 1933. I have referred to it as “Gloucester Street” throughout this chapter for consistency’s sake.

<sup>56</sup> Laura Rorke, *Irish Independent* December 10 1929 p. 13

fourteen ‘tribes’, shared cash, clothing and jewellery between thirty-two separate beneficiaries, almost all of them Catholic charities.<sup>57</sup> Bridget O’Neill’s estate in 1928 was comparatively small, with the largest individual bequest at £5, but she managed to divide it between fifteen different institutions, including a Magdalene laundry.<sup>58</sup> Mary Ellen Lavelle from Newport in County Mayo<sup>59</sup> left a detailed will with specific instructions for the distribution of her best possessions; her money, ‘wearing apparel’, silver plate and cutlery and her shares in some of the most successful companies of her time; Guinness brewers, Lever Brothers and Imperial Tobacco. Her shares in the Hibernian Bank (later part of the Bank of Ireland) she left to the Gloucester Street laundry.

### **Structural Complicity: The Wrongs of Leaving Money to a Laundry.**

There is nothing in these women’s wills, or in newspaper reports of their bequests to suggest that the act of leaving money to a Magdalene laundry was considered tainted by wrongdoing. The law showed little concern for these wills. In cases involving bequests to Magdalene laundries, the courts focused on giving effect to the testator’s intentions,<sup>60</sup> rather than on evaluating the uses to which their money would be put.<sup>61</sup> Magdalene laundries enjoyed

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<sup>57</sup> Annie Mary Josephine Blake, *Irish Independent* March 27 1945 p. 4. Her father, Edmond Blake, received Galway’s ancient mace and sword in lieu of salary and Miss Blake sold them after his death; ‘Galway’s insignia’, *Irish Press* May 31 1935 p. 1. The items were subsequently purchased by William Randolph Hearst, whose wife returned them to Ireland in 1960.

<sup>58</sup> Bridget O’Neill, *Irish Independent* June 23 1928 p. 12

<sup>59</sup> *Irish Independent* February 24 1948 p. 1. Miss Lavelle had inherited some wealth from Martin Carey; her aunt’s widower. She had cared for him in old age. One of Carey’s nieces challenged his will but was unsuccessful. ‘Newport’s “Model Merchant’s” will challenged in High Court – 90 year saga’ *Mayo News* November 24 1999 p. 22; ‘Mayo Will Suit’, *Irish Independent* June 26 1910, p. 7

<sup>60</sup> For a broader discussion of the law on charities and taxation see Mairead Enright, ‘“Benefactors and Friends”: Charitable Bequests, Reparation and the Donnybrook Laundry’ in Mark Coen, Katherine O’Donnell and Maeve O’Rourke (eds), *A Dublin Magdalene* (Bloomsbury 2022) 151–170. It is likely, of course, that some judges were sympathetic to the laundries. On succession and judicial sympathies see Daniel Monk, ‘Sexuality and Succession Law: Beyond Formal Equality’ (2011) 19 *Feminist Legal Studies* 231.

<sup>61</sup> For instance, in a 1928 case Mr. Justice Meredith had to decide what should be done with money left to the ‘Good Shepherd’ convents in Galway and Dublin. The Good Shepherds had no convent in either city, but the order

significant social support, and the women who funded them were celebrated for their generosity. For example, Kate Greene<sup>62</sup> left legacies to twenty-six separate Catholic causes, including the Gloucester Street laundry. Her obituary in the *Drogheda Independent* remarked on the large crowd attending her funeral and on her friendships with influential churchmen.

‘Noted for her charitable inclinations and her readiness to support every laudable local movement, it was through her generosity that a great many parochial works were made possible of achievement, and she never had to be asked twice to subscribe to any deserving object’.<sup>63</sup>

Now that the Magdalene laundries are associated with human rights abuses and the question of inheritance, in that respect, carries a different moral weight. In constructing a critical legal history of laundry bequests, is imperative that we pay attention to the relationships between inheritance and institutional abuses and scrutinise their role in the networks of benefit and legitimation that enabled the laundries to operate. Borrowing from Aragon and Jaggar,<sup>64</sup> I argue that it may be helpful to think of women who left money to Magdalene laundries – the Kate Greenes, the Mary Ellen Lavelles and the Prof. Mary Ryans - as ‘structurally complicit’ with abuses perpetrated there. ‘Structural complicity’ describes how specific individual actions may reinforce wider, unjust societal structures. As a concept, it allows us to account for the specific quality of bequests as contributions to those structures, without allowing them to be absorbed into a larger homogenous whole. It may be that all lay Irish Catholics were, in some way, ‘institutionally’ complicit in the abuses perpetrated in Magdalene laundries during their lifetimes. In making bequests, some women became more than mere bystanders to the laundries’

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claimed both amounts. The judge determined that the testator’s aim was to fund ‘good works’ in particular areas. The money went to the Sisters of Mercy laundry in Galway, and the Our Lady of Charity of Refuge laundry at Gloucester Street in Dublin; Thomas Hayes, *Irish Times* February 15 1928 p. 3. See similarly, "Cavan Solicitor's Will," *Irish Times*, March 26, 1942, 3.

<sup>62</sup> Kate Greene *Drogheda Independent* June 18 1938 p. 1

<sup>63</sup> *Drogheda Independent* March 19 1938 p. 7

<sup>64</sup> Corwin Aragon and Alison M Jaggar, ‘Agency, Complicity, and the Responsibility to Resist Structural Injustice’ (2018) 49 *Journal of Social Philosophy* 439.

activities, actively reproducing the violent social conditions against which they acted. Wealthy and accomplished women were not immune from punishment when they transgressed Catholic social norms. Their position was a complex one.<sup>65</sup> However, their position allowed them to invest in Magdalene institutions and perform belonging on the right side of moral and economic boundaries. Their bequests reflected, and reinforced, hierarchies that were rooted in deeply gendered conceptions of sin and poverty, morality and desert; hierarchies that normalised and legitimised the Magdalene institutions and their activities.

We have already seen how women's wills performed piety and religious belonging. Bequests to Magdalene laundries depended on additional religious commitments which positioned women held in the laundries as sinners, and as the subordinates of good affluent Catholics. As we have discussed, a bequest to a Magdalene laundry fit neatly within what Olivia Frehill terms the 'divine economy', by securing valuable prayers for the testatrix after her death. As Frehill writes, faithful Catholics understood that giving to poor and institutionalised women in exchange for prayer was an investment in their own salvation. Penitents' prayers were especially valuable since they were considered closer to God.<sup>66</sup> A bequest to a Magdalene laundry produced symbolic capital for the benefactor; capital rooted in concepts of other women's sinfulness and redemption.<sup>67</sup>

'Structural complicity' does not depend on an individual's intentions or state of knowledge. It describes women who did not themselves directly participate in any wrongful activity but who

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<sup>65</sup> For historical studies of feminist women's positions in oppressive societies see e.g. Vron Ware, *Beyond the Pale: White Women, Racism, and History* (Verso Books 2015); Clare Midgley, : : *Women Activists in Imperial Britain, 1790–1865* (Routledge 2007).

<sup>66</sup> Olivia Frehill, "Serving the 'Divine Economy': St Joseph's Asylum for Aged and Virtuous Females, Dublin, 1836–1922," *Irish Economic and Social History* 48, no. 1 (September 17, 2020): 78.

<sup>67</sup> Julie McGonegal, "The Tyranny of Gift Giving: The Politics of Generosity in Sarah Scott's Millenium Hall and Sir George Ellison," *Eighteenth Century Fiction* 19, no. 3 (2007): 294-7, 304-5.

indirectly facilitated it, whether purposely or recklessly. Wills offer some clues as to women's knowledge and motivations but cannot give us the whole messy picture of an individual's intentions.<sup>68</sup> At the same time, it is important to acknowledge that some women who left money to the laundries cannot have been entirely ignorant of life within them; they must have known or ought to have known something of the activities they were choosing to fund. Mary Howe<sup>69</sup> of Buxton Hill in Cork left money to the Sunday's Well laundry, whose grounds were separated from her own garden by a high stone wall. Isabella Mary Corcoran's 'picturesquely situated' house, Rita Ville in Sunday's Well was sold at auction to benefit the nearby laundry.<sup>70</sup> Others who gave to Magdalene laundries lived for a time in associated homes, such as St. Michael's guesthouse in Drumcondra, Dublin City, which was linked to the nearby High Park laundry. Wealthy elderly women could live there as paying guest.<sup>71</sup> Several St. Michael's women remembered the laundry in their wills.<sup>72</sup> It is likely that they had some understanding of the High Park regime. Maria Hamill<sup>73</sup> and Helen Sheil<sup>74</sup> both died in St. Michael's, and both left money to High Park. The same 'inmate', a Margaret B.,<sup>75</sup> is marked on their death certificates as witnessing each woman's death, a decade apart. Even without saying precisely what these women knew of one another, their proximity, in life and in death is quite clear.

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<sup>68</sup> There is a contrast here with, for example, the letters documented in Lindsey Earner-Byrne, *Letters of the Catholic Poor* (Cambridge University Press 2017).

<sup>69</sup> *Cork Examiner* December 1 1938 p.1

<sup>70</sup> *Irish Examiner* April 1 1948 p. 4; *Irish Press* April 24 1948 p.5. She appears to have inherited the house from a priest.

<sup>71</sup> Margaret Geoghegan was the sister of a priest; *Freeman's Journal* December 17 1923 p.4. Rosanna Murphy had been a teacher and was the mother of two priests; 'Mother of Two Priests, Cousin of Cardinal' *Northern Standard* February 2 1945 p. 1.

<sup>72</sup> See e.g. see Margaret Mary Walshe, *Irish Independent* March 23 1964 p. 18 Margaret O'Neill *Irish Independent* August 2 1967 p. 18; Ellen Ross *Irish Independent* October 12 1954 p.10; Maria Hamill, *Irish Independent* May 9 1930 p. 1 ; Frances Curran, *Irish Independent* March 7 1953 p. 8; Mary Jane Brady *Irish Independent* November 10 1930 p. 10

<sup>73</sup> Maria Hamill's cousin was a priest, and left her his home on his death. She is buried in his vault in the O'Connell Tower Circle in Glasnevin Cemetery.

<sup>74</sup> Helen Sheil, *Irish Independent* November 30 1940 p.5

<sup>75</sup> Her full name is given on the certificate.

Leaving money to a laundry was as much a political as a personal decision. Bequests to the laundries reinforced quasi-secular orders of political and economic power which placed the fate of poorer women and girls in the hands of private religious institutions at a time when there were few other sources of support. Women who gave money to the laundries also gave to ‘the poor,’ more generally though usually through Catholic charitable intermediaries such as the Society of St Vincent de Paul. They gave to voluntary hospitals, money to orphanages and industrial schools, hostels and institutions for disabled people; all typically run by Catholic religious sisters. Charitable giving was always politically charged. In the early decades of the State, papal encyclicals and the Irish Catholic hierarchy encouraged subsidiarity in welfare and social policy.<sup>76</sup> This religious teaching suited affluent Catholics. As Maria Brenton writes, charities enabled the ‘control and patronage of the poor by the wealthy classes, for whom any more radical changes in the distribution of wealth would have been unthinkable.’<sup>77</sup> At the same time, those who might give enough to direct the flow of charity might ‘multiply their influence, guide the destiny of others, and co-opt redistribution.’<sup>78</sup> This prospect was especially attractive to women, whose economic and political agency was curtailed in ways that their male relatives’ was not. As Sarah Roddy<sup>79</sup> shows, participation in charitable or philanthropic activity was an important route to the public sphere for wealthier women at a time when many jobs and political positions were closed to them. Some wills indicate that testatrices framed their commitment to Magdalene institutions in the language of charity, rather than in terms of recognising a need to discipline or reform other women who had transgressed the social order. I have only found one

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<sup>76</sup> See more broadly Fred Powell, *The Political Economy of the Irish Welfare State: Church, State and Capital* (Bristol: Policy Press, 2017).

<sup>77</sup> Maria Brenton, *The Voluntary Sector in British Social Services* (Harlow, Essex: Longman Publishing, 1985), 16.

<sup>78</sup> John H Hanson, ‘The Anthropology of Giving: Toward a Cultural Logic of Charity’ (2015) 8 *Journal of Cultural Economy* 501, 516.

<sup>79</sup> Roddy (n 23) 49.

bequest which referred to a Magdalen institution overtly as a ‘laundry’.<sup>80</sup> The wills are not more specific because the nun receiving the bequest on behalf of her community or order<sup>81</sup> usually enjoyed significant discretion as to how the money should be spent.<sup>82</sup> Although wills do not precisely stipulate how the testatrix’s money should be used, they clearly indicate that the women making them thought of laundries as charities.<sup>83</sup> Wills referred to “the charitable purpose of the [Magdalene] asylum”,<sup>84</sup> “for their respective charities,”<sup>85</sup> for “the use and benefits of the *inmates*”<sup>86</sup> or for “the assistance and maintenance”<sup>87</sup> of the institution. Some wills directly associated the institutions with poverty; and sought to make provision “for the poor and neglected under [the superioress’] care”<sup>88</sup> or “the upkeep of the poor girls in the Home”.<sup>89</sup> Mary Lonergan left money to the Sisters of Charity in Cork’s Peacock Lane “to be applied in training poor pupils in any work which might enable them to earn a livelihood”.<sup>90</sup>

Some wills were more direct in associating the laundries with their role in controlling gendered disobedience. Here the hierarchy between the testatrix and the imagined recipients of her generosity is more plainly expressed. These wills referred to “the *rescue* of poor girls”,<sup>91</sup> “the

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<sup>80</sup> *Irish Times* July 2 1960, p. 16. This was the will of Edith Couturier de Versan, daughter of a former Registrar of the Court of Appeal, and descendant of Lord Chief Justice Whiteside.

<sup>81</sup> Catholic lay women’s direct participation in the work of institutions was limited because this work was done by Catholic nuns; Sarah Roddy, ‘Doing Good? Irish Women, Catholicism and Charity, 1852–1922’, *Gender and History* (Routledge India 2022) 50.

<sup>82</sup> Fannie Andrews’ will included one of the more ambitious recorded legacies; providing £1000 for the Sisters of Our Lady of Charity of Refuge at High Park to establish a ‘penitents’ retreat’ on the south side of Dublin city, to accompany the two they already ran to the north of the Liffey. ‘In default of [this] being possible’ the money was to remain at High Park. In the end, no new foundation was built, suggesting that the decision on how the money should be used remained with senior members of the congregation and their supervising Bishop; Fannie Andrews, *Irish Times* October 31 1931 p.3

<sup>83</sup> In some cases, the use of the word ‘charitable’ may have as much to do with a solicitor’s efforts to give effect to a client’s practical intentions as with an individual’s own characterisation of a convent’s work as ‘charitable’.

<sup>84</sup> Kathleen Barker, *Irish Times* August 27 1949 p. 7; Kathleen Free, *Irish Independent* November 11 1963 p. 15

<sup>85</sup> Anna Maria O’Leary, *Cork Examiner* November 15 1947 p. 6; See similarly Fanny O’Connor, *Cork Examiner* April 7 1925 p. 1; Alice Elliott, *Irish Independent* June 13 1927 p. 5

<sup>86</sup> Margaret Donnelly, *Irish Press* November 15 1957 p. 6

<sup>87</sup> Catherine Mary ‘Kate’ Nevins, *Connaught Telegraph* November 22 1930 p.1.

<sup>88</sup> Mary Elizabeth O’Sullivan *Irish Press* March 19 1938 p.6

<sup>89</sup> *Irish Independent* February 14 1949 p. 3

<sup>90</sup> *Cork Examiner* June 24 1938 p.1

<sup>91</sup> *Freeman’s Journal* 1924 p.9

benefit of the *Penitents*,”<sup>92</sup> the “support and maintenance of the poor *penitents* sheltered in the Magdalen Asylum”,<sup>93</sup> “the benefit of the *Magdalens* under [the convent’s] care”.<sup>94</sup> This language indicates that the decision to leave money to a Magdalene laundry could reflect a commitment to a specific kind of religious charitable work; the ‘rescue’ of women who had transgressed prevailing social norms around reproduction and sexuality.<sup>95</sup> This commitment might also be reflected in legacies to more than one Magdalene laundry; an especially common practice among Dubliners. For example, Rose Smyth’s money went to laundries at Gloucester Street, High Park and Donnybrook, and to the Sisters of Mercy laundry at Dun Laoghaire.<sup>96</sup> Annie J. O’Donoghue gave to both High Park, and its associated Sacred Heart Home for children.<sup>97</sup> Women who left money to a Magdalene laundry commonly gave to other charities associated with ‘rescue’. St Joseph’s Night Refuge for homeless working women and their children, run by the Sisters of Mercy near Cook Street in Dublin, often received legacies from women who also gave to laundries. The laundries’ supporters also funded organisations seeking to ‘reclaim’ the children of unmarried Catholic mothers, such as the Catholic Protection and Rescue Society and Fr. Craven’s Crusade of Rescue. The moral fate of Irish emigrants was a particular concern for some women. As well as Irish laundries, they might support Catholic institutions in English cities with large Irish populations like Birmingham and Liverpool. Their wills often reflect networks between Irish institutions and equivalents abroad. Annie Gallagher, once landlady of Dublin’s Buswell’s Hotel,<sup>98</sup> left bequests to both Magdalene laundries run by

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<sup>92</sup> Ellen Reeves, *Irish Independent* June 2 1949 p.4

<sup>93</sup> *Irish Press* December 21 1938 p. 16

<sup>94</sup> *Cork Examiner* March 30 1948 p.4.

<sup>95</sup> Well into the twentieth century, religious orders were often understood to be rescuing women and girls, not so much from themselves, but from the society around them. See, on this point Dr. Jerome McMahon, who left money to two Magdalene laundries and Bessborough mother and baby home; ‘Validity of Cork Doctor’s Will Disputed’, *Cork Examiner* March 5 1952, 7

<sup>96</sup> Rose Smyth, *Irish Independent* October 21 1954 p.11

<sup>97</sup> Annie J. O’Donoghue, *Irish Press* January 15 1934 p.9 See also Annie Josephine Murphy, *Irish Independent* October 18 1954 p.5

<sup>98</sup> Annie F Gallagher, *Irish Times* July 29 1933 p. 1



the sisters of Our Lady of Charity of Refuge in Dublin, and to their equivalent convent at Waterlooville near Portsmouth, which had many Irish nuns.

How were women encouraged to view ‘rescue’ within the laundries as a positive charitable object? Three possibilities are reflected in their bequests: family, fundraising and faith groups. A bequest to a Magdalene laundry sometimes reflected a wider family’s interest in ‘rescue’ work. Some women went further than simply identifying a Magdalene institution to benefit from their wealth and specified an individual religious sister by name.<sup>99</sup> Ordinarily,<sup>100</sup> a will might refer to the superioress or Reverend Mother ‘for the time being’<sup>101</sup> or ‘at the time of the testatrix’s death’,<sup>102</sup> and so a specific name may suggest a personal relationship or at least admiration for the work the sister was involved in. Sometimes the nun named was a close relative or family friend. For example, Annie Fitzgerald of Limerick directed that her nine Guinness shares should be sold, and half the proceeds given to the Magdalene laundry in Cork’s Sunday’s Well ‘in remembrance of her dear sister the late Sister Mary Stanislaus [Bridget Mangan]’<sup>103</sup> who had been a nun in that convent. Agnes Mary Sims of Donnybrook left £100 to the Gloucester Street laundry and £400 to High Park when she died in 1924.<sup>104</sup> Her husband Frederick, a silk merchant, was a generous subscriber to public appeals for the High Park and Gloucester Street laundries during his lifetime.<sup>105</sup> He himself left £100 to High Park on his

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<sup>99</sup> Bridget Houlihan, *Cork Examiner* August 3 1968 p. 7; Margaret Martin, *Irish Press* November 6 1936 p. 8

<sup>100</sup> The words quoted are designed to avoid the rule against perpetuities. Religious congregations were treated as voluntary associations and could have both charitable and non-charitable purposes. A non-charitable gift to a voluntary association tends to a perpetuity. One way to avoid this issue was by specifying that the gift was to go to an identifiable class within the association; to the sisters of a specific convent community (as joint tenants), or to a particular member of the community, such as the superioress; *Morrow v. McConville* (1883) LR Ir 11 Ch236; *Re Delany’s Estate* (1881) 9 L. IR. 236; *Bradshaw v. Jackman*, [1887] 21 LR Ir 12; *Re Keogh’s Estate*[1945] IR 13.

<sup>101</sup> Bridget Fahey, *Cork Examiner* June 9 1934 p. 4; Kate Dowling, *Freeman’s Journal* February 9 1923 p.1;

<sup>102</sup> Margaret Hallinan, *Irish Independent* September 26 1944 p. 4

<sup>103</sup> *Cork Examiner* February 19 1926 p. 1. The Mangans were aunts of the revolutionary leader The O’Rahilly.

<sup>104</sup> Agnes Mary Sims, *Freeman’s Journal* December 18 1924 p. 1

<sup>105</sup> ‘The Magdalen Asylum High Park’, *Freeman’s Journal* January 27 1883 p.2; ‘Gloucester Street Magdalen Asylum’, *Irish Times* May 14 1892 p.8; ‘Catholic Notices’, *Freeman’s Journal* February 25 1893 p.3; ‘The Magdalen Asylum, High Park Drumcondra’, *Freeman’s Journal* January 30 1900 p. 9.

death. Iza Farrelly<sup>106</sup> left £100 to the Gloucester Street laundry when she died in 1945. The Superioress of the Donnybrook laundry received £1000 on the death of Iza's bank manager brother John, just a few years later.<sup>107</sup>

Some women were likely influenced by the fundraising tactics employed by the congregations who ran the institutions, and by the men who appealed for money on their behalf.<sup>108</sup> Fannie Andrews named several priests in her will, among them the Jesuit Fr. John Verdon. Verdon had been a minister first at the influential Clongowes Wood College,<sup>109</sup> and later at Gardiner Street in Dublin. As a younger man, he was a popular preacher, who gave many sermons on behalf of Catholic women's institutions. These were sometimes published in national newspapers. In 1897, he implored his congregation to give money to enlarge the Gloucester Street laundry and make the women inmates, 'the poor creatures, respectable members of society'. Their 'own people would not take them back. No respectable family would receive them'. Fr. Verdon described women 'hedged in by circumstances', sinking 'deeper and deeper' into vice, forever at risk of 'rotting' in a prison, or dying 'degraded' in a hospital. '[A]ngel tongues alone', he said, could describe the wonders done for 'poor strayed souls' in Gloucester Street laundry.<sup>110</sup> Fundraisers like Fr. Verdon used language reinforcing moral and class divisions between benefactors and their imagined women beneficiaries.<sup>111</sup> They encouraged their listeners to

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<sup>106</sup> *Irish Independent* August 1 1945 p. 4

<sup>107</sup> *Irish Independent* November 4, 1949 p. 2

<sup>108</sup> It is difficult to say what role solicitors had in shaping the expression of women's intentions. Firms of all kinds are mentioned in the published advertisements. Not all will have had exceptional expertise in religious matters. Several of the wills discussed here were handled by Arthur O'Hagan Solicitors, firm which represented the Archbishops of Dublin for decades. The firm's former principals included Richard Ryan (uncle of the Fine Gael Minister for Finance), who was made a Knight of St Gregory by the Pope at the request of Archbishop John Charles McQuaid. Ryan was also chairman of Irish Catholic Church Property Insurance Ltd., which insured church buildings and schools.

<sup>109</sup> A Jesuit boys' boarding school, strongly associated with the education of leading lawyers.

<sup>110</sup> 'The Magdalen Asylum Gloucester Street' *Irish Independent* October 25 1897 p. 4. The sermon was preached at Gardiner Street, less than a kilometre from the laundry. See a similar sermon on behalf of Prisoners Aid in 1898; 'Discharged Prisoners' Aid Society' *Irish Daily Independent* January 17 1898 p.2.

<sup>111</sup> Daniel Siegel, *Charity and Condescension: Victorian Literature and the Dilemmas of Philanthropy* (Ohio: Ohio University Press 2012) 32

imagine themselves as heroic agents of rescue.<sup>112</sup> Through their bequests, Catholic women took their place in that imaginary.

Finally, some women will have been motivated by their commitments to lay religious organisations.<sup>113</sup> Genevieve McDermott was a member of the Third Order of St. Francis,<sup>114</sup> as was her brother Valentine. On her death in 1967,<sup>115</sup> she left over fifty legacies to Catholic organisations, including the Magdalene laundries at Drumcondra, Gloucester Street and Donnybrook in Dublin. Miss McDermott was bound for life to observe the Order's rules. Her will itself was made in obedience to the rules; members (called Tertiaries) were required to leave a clear will as soon as possible after they joined the Order.<sup>116</sup> Miss McDermott may also have had a strong sense of the boundaries of women's transgression under Catholicism. The Order's rule instructed her to resist purportedly obscene behaviours in wider society<sup>117</sup> including 'dangerous dancing' 'corrupt literature' and 'suggestive plays'.<sup>118</sup> An observant member would have worn a scapular around her neck and a cord around her waist,<sup>119</sup> under her clothing, at all times; the cord signifying her obligation to control the 'passion of lust' within her.<sup>120</sup> It may be that this emphasis on control of individual passions steered Miss McDermott towards support for 'rescue' work. Charitable giving, too, was consistent with the Order's rules,

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<sup>112</sup> Sarah Brouillette, "Human Rights Markets and Born into Brothels," *Third Text* 25, no. 2 (March 2011): 169.

<sup>113</sup> See Síle De Cléir, *Popular Catholicism in 20th-Century Ireland: Locality, Identity and Culture* (Bloomsbury Publishing 2014) 44–47.

<sup>114</sup> Well-known Irish members included Venerable Matt Talbot and the revolutionaries Tomás MacCurtain and Terence McSwiney.

<sup>115</sup> Genevieve McDermott, *Irish Independent* February 27 1968 p. 16.

<sup>116</sup> *Misericors Dei Filius*, Constitution on the Law of the Franciscan Third Order Secular (1883), Chapter II VII. The rule was created by St. Francis and may have been intended to encourage members to avoid intestacy, and to deal with their affairs before they became old or infirm.

<sup>117</sup> See, for example, 'St. Francis: A Plea for the Third Order' *Cork Examiner* October 26 1926 p. 8

<sup>118</sup> Fr. Augustine O'Neill, *The Third Order and You* (John English & Co., Wexford, 1928) p. 2

<sup>119</sup> Fr. Canice, *The Perfect Christian* (Dublin, Gill, 1933) p. 21. Although members of the Third Order of St. Dominic, to which Prof. Mary Ryan belonged, were encouraged to dress modestly, to avoid dances and similar entertainments, and to wear a scapular, there was not the same apparent emphasis on dress as controlling lust.

<sup>120</sup> Ferdinand Gruen and Eugène Oisy, *Catechism of the Third Order of St Francis* (Franciscan Herald, 1914) Chapter IV

which discouraged members from spending their money on needless luxuries. Tertiaries were encouraged to share any material fortune with God and with those around them. In some senses, the property and money Miss McDermott left behind may be read as the result of a life of self-denial; conserving her wealth for redistribution to religious congregations.

### **Bequests in Histories of the Magdalene Laundries**

What is the purpose, for legal history, of telling the stories of women and the money they left to Magdalene laundries decades ago? One purpose is to trouble gaps or omissions in the official record. The *McAleese Report*, containing the conclusions of a government-commissioned inquiry into the facts of State involvement with the Magdalen laundries' was published in 2013.<sup>121</sup> It does not deal with bequests at any length except, in a few paragraphs of strikingly legalistic language, to acknowledge that the Irish Commissioners of Charitable Donations and Bequests facilitated religious congregations in deriving benefit from bequests made to Magdalene laundries under their control; for instance, by authorising the sale of certain properties. Jim Smith of the campaigning group Justice for Magdalenes had written to the Committee charged with preparation of the Report identifying the administration of bequests as a key point of connection between the state and the laundries. He provided supporting research; details of individual bequests.<sup>122</sup> His intervention is not reflected in the Report. The bequests themselves are never examined in any detail, although the Report later asserts, in just one sentence, that they were crucial to the laundries' financial sustainability.<sup>123</sup> So, even in the context of a state inquiry into institutions associated with historical injustice, bequests are made

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<sup>121</sup> McAleese (n 16) 851–853.

<sup>122</sup> See Smith, J. (2012) "Email of 2nd April 2012 (No.4: Charitable Donations & Bequests) from Prof James Smith to Nuala Ní Mhuircheartaigh". Bundle 8, Tab 242 and 243, Pages 2542-2545, Justice for Magdalenes Archive, University College Dublin Archives;

<sup>123</sup> McAleese (n 16) 994.

uncontroversial. The Report twice reminds readers that the Commissioners' role was 'facilitative' or 'enabling' rather than 'regulatory'.<sup>124</sup> 'Facilitation' is never problematised, but the word 'facilitative' itself may denote a certain division of moral labour. *McAleese* describes itself as a report into 'state involvement' with the Magdalen laundries; by declining to analyse bequests, the report may signal that responsibility for a bequest lies with the testator. She forms an intention, which organs of state merely 'facilitate'.

This chapter's emphasis on 'structural complicity' tells a more complex story, resisting the silence and abstraction of this 'official' history. Charitable bequests enabled many women to fulfil a personal desire for religious salvation and, to some extent, to possess and direct the flow of wealth and property within their towns, cities and country. Simultaneously, their bequests reinforced unequal distributions of wealth and power that were in no small part animated by class hierarchy and gendered ideologies of 'rescue'. In this way, bequests participated in a complex web of interlocking forces that held up the wider system of admission, containment, exploitation and abuse of women in laundries and allied institutions. They contributed to a charitable and political imaginary that persisted long after the money bequeathed had been spent and the properties sold on. This chapter, then, actively politicises bequests, offering one route to unsettling too-easy divisions of labour between the testator and the state.

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<sup>124</sup> *ibid* 848, 851.

