RH Notes on Chapters 9, 19 and 20

- At this stage, we need to focus on the most important issues we have raised.
 We cannot challenge everything particularly since many of the conclusions are based on witnesses who we did not introduce and documents we have not seen.
- 2. But we can challenge findings which are contrary to our evidence and which are central to the issues before the Dail.

Were women free to leave?

- 3. In Chapter 9, the Report indicates that many of the women and girls on probation left at the end of their sentence, although it does indicate that one 32 year old woman convicted of stealing in 1936 and given 3 years probation remained at Gloucester Street for 16 years [272]. Others remained even longer a 21 year old woman who was sent to Sunday's Well in 1936 for 12 months probation "remained there until closure of the Laundry" [269] They will say that this is because the women became auxiliaries and this was a free choice.
- 4. In Chapter 19, the Report states that the Committee has simply recorded the testimony of the women and not made its own findings [928]. As far as leaving is concerned, it says that women were afraid of having to remain in the Laundry for the rest of their lives, but that this arose out of a misunderstanding "None of these women were aware of the period of supervision which followed discharge from industrial or reformatory school" [951].
- 5. The Report also records some women as saying "that they had, from time to time asked to be allowed to leave the Laundry, but were convinced to stay longer" [956]. The Religious Orders then explain that doors were only locked "for security reasons" [961], although there was "in an earlier time, an active encouragement to remain" [961]. However, they let slip that sisters held the keys "to prevent someone running away" [961].

6.	Given that Chapter 19 is simply supposed to be recording the evidence, it does not record either accurately or fairly the wealth of evidence we submitted to show that women were not free to leave (11-14, 23-24, 44, 55, 59).
7.	There was testimony to this effect from
	- as well as and (repeating what he had been told)
8.	Our evidence is corroborated by a passage from the Galway material which the Report quotes at [989]. The rules of the Galway Laundry stated that there was "no special length of time for Penitents to be kept in the Home. If a girl remains for three years and if, during that time she leads a good, regular life she may return to the world at the end of that period. It is to be understood that she returns to her parents or relations, <i>otherwise she is detained in the Home</i> " (emphasis added). The Senator gets from this that "Departure from the Magdalen Laundry is confirmed" [988].
9.	However, although the passage does indicate the possibility of being allowed to leave, it makes it crystal clear that women were not allowed to decide themselves whether to leave. They could only go if suitable relations decided to come and redeem them.
10.	Even then, the Galway material shows that it was very difficult for relatives – or others (such as potential employers) to obtain their release.

Were women forced to work?

- 11. The Report accepts that Wages were not paid either to the girls or women who worked in the Laundries [999].
- 12. However, I have not yet been able to find any conclusion as to whether women were forced to work.
- 13. That is doubtless because of our submission and Geoffrey Shannon's conclusion that "the detention and use of women and girls as workers without pay would amount to 'forced labour' under the 1930 Forced Labour Convention of the International Labour Organisation, which Ireland signed in 1931" (132-133).
- 14. It is at this point that it becomes highly relevant whether women were beaten (or subjected to other severe punishment) if they refused to work.
- 15. The relevant section of the Report starts off with a long list of quotes to the effect that there was no physical abuse in the Laundries [932-936].
- 16. It is then said that "A small number of women described physical punishment on at least one occasion" [936], but the only example given of physical assault is by *auxiliaries* and not by nuns. The other two examples are of "physical contact" what are described as a "slap" and a "dig".

Limerick. also says that she knew she had no choice but to work "or else I would get a good slapping". I think we can – and should – query why this evidence has not been recorded – it gives a highly misleading impression
not to do so.
Our witness evidence is corroborated by Sr Stan's recording of a survivor as saying that if she refused to work she would have received a "good malevoguing".
As to non-physical punishments for refusing to work, both give evidence about the use of solitary confinement as punishment for refusal to work. The Report does record two such instances of use of solitary (although one was for attempted escape) [939].
Our submissions that women were forced to work are supported by the Galway material. It is clear that the Senator visited the Diocesan Archive – and that he read the rules for the Galway Laundry, which he <i>partly</i> quotes [986]. What he does not record (for whatever reason) are the following passages:
It is plain that women were forced to work at the Galway laundry.

physically beat" – and gives similar evidence in relation to

Profitability of the Laundries

- 23. Chapter 20 concludes that the "Magdalen Laundries were operated on a subsistence or close to break even basis rather than on a commercial or highly profitable basis" [993].
- 24. The relevance of this is three-fold. If the Laundries were profitable, it would support our case that the nuns were actively recruiting disadvantaged women and that they were determined to retain their (free) workforce. If they were operating on a subsistence basis, the Orders would have had less of a motive to retain women unless they voluntarily wanted to stay. Secondly, the conclusion appears to be an attempt to argue that the resources gained from the Laundry work were spent at least partly on the women. Thirdly, if the nuns did not make profits from exploiting the women, it would reduce political pressure on the Laundries to contribute to any redress.
- 25. I have three observations here. The figures were compiled by the Orders' own accountants [998]. They have not been subject to independent audit [1000]. Looking at the figures for the Limerick laundry as an example [1006], the figures for laundry expenditure (excluding capital items) seem very high, given that the former figure represents power, fuel, detergent, etc. [999] and is over ten times the amount spent on capital items. I understand that Jim has seen the Galway accounts

- 26. The second point is that they have openly attributed the living costs of the nuns as costs of the Laundry since "to ignore their work contribution would distort the laundry costs" [1007]. Even assuming the nuns did significant work, there is a question mark as to whether this is valid. The nuns were not hired managers. They were there because of a vocation, which one assumes would have existed whether the nuns had decided to operate a laundry or do some other activity. The convents had not "recruited" additional nuns as managers to supervise the women. To offset the cost of the nuns' food, which they would have required anyway, against the Laundry profits does not appear (to me at least) to be justifiable. That would be akin to me trying to set off the cost of my lunch against the profits of being a barrister the Revenue would not allow it, as I would have required lunch whether I chose to be a barrister or not.
- 27. The third point is that the expenses of looking after the women have been deducted. It is true that this is in some ways a "cost" of running the Laundries. But it seems to me to miss the point about forced labour. The women were incarcerated. To deduct for the expense of imprisoning them amounts to a suggestion that the women should be forced to work to pay for their own imprisonment.

Raymond

9.2.2013