

Northern/Irish Feminist Judgments Project
Drafting Workshop – The Embodied Subject: Dublin (Griffith College & UCD)
Thurs 16th , Fri 17th & Sat 18th April 2015



The photograph is from [Rose Commiskey's exhibition, Against the Tide](#), which chronicles protests around women's reproductive rights in Ireland in the 1980s and 1990s.

Venues:

- **Thurs & Fri:** AF104, Ground Floor, Academic Facilities Building, Griffith College Dublin, South Circular Road, Dublin 8. Campus map [here](#). Details of public transport [here](#).
- **Thurs Night:** Green Street Courthouse: Research event and screening with Sarah Browne and Jesse Jones.
- **Sat:** Moot Courtroom, Sutherland School of Law, University College Dublin. Campus map etc [here](#). Details of public transport [here](#).

Attendance is by invitation only, but some proceedings will be recorded. If you would like to attend, please email irishfeministjudge@gmail.com.

For further information on the Project, see our website: www.feministjudging.ie

We acknowledge and appreciate the support of our friends and colleagues at:

Centre for Gender, Sexuality and the Law, Kent

Department of Law, LSE

Gender and Law @ Durham

Irish Women Lawyers Association

School of Law, Griffith College Dublin

School of Law, QUB

School of Law, UCC

School of Social Justice, UCD

Social and Legal Studies: An International Journal

Transitional Justice Institute, Ulster

Thursday 16th April

8:30 - 9:00	<p>Registration, Tea & Coffee</p> <p>More information on the legal history associated with the Griffith College buildings is here.</p>
9.00 -9:15	<p>Workshop Welcome</p> <p>Tanya and Judy (hosts), Julie, Máiréad and Aoife</p>
9:15-11:15	<p><i>McGee v AG</i> [1973] IESC 2</p> <p>This case concerned a challenge to the prohibition on the importation of contraception and whether such an action interfered with the constitutional right to marital privacy.</p> <p>Máiréad Enright (Judge) & Emily Cloatre (Commentator)</p> <p><i>McKinley v. Minister for Defence</i> [1992] 2 IR 333</p> <p>This case centres on an injury at work which prevented a married couple from continuing their sexual relations.</p> <p>Joanne Conaghan (Judge) & Fergus Ryan (Commentator)</p>
11:15 -11.30	<p>Break</p>
11:30 - 12:30	<p>Mark Coen 'Fitting the jury box with mirrors and hairpins': The Woman Juror Question in Ireland, 1919-1976'</p> <p>Máiréad Enright 'Regulation, disobedience and the socio-legal construction of condoms in Ireland 1935 - - 1993'</p>
12:30 - 1:15	<p>Lunch Break</p>
1:15 - 3:00	<p><i>BJM v CM</i> [1996] 2 IR 547</p> <p>This case focuses on marriage nullity under Irish constitutional law in circumstances where a husband was unaware of his wife's scars at the time of marriage.</p> <p>Aideen Ryan & Katie Dawson (Judge) & Christine Ryan (Commentator)</p> <p><i>Foy v. An t-Ard Chláraitheoir (No. 1)</i> (2007) IEHC. 116</p> <p>This case considers the right to change the petitioner's gender identification on the birth registry and the right to privacy and family life.</p> <p>Tanya ní Mhuirthile (Judge) & Ivana Bacik (Commentator)</p>
3:00- 3:15	<p>Break</p>
3:15 – 5:00	<p><i>Barnes v Belfast City Council</i> [2012] NICA 19</p> <p>The case focuses on the state's listing of dangerous animals and the question of whether a particular dog should be destroyed.</p>

	<p>Marie Fox (Judge) & Fiona Cooke (Commentator)</p> <p><i>Zappone and Gilligan v. Revenue Commrs</i> [2006] IEHC 404</p> <p>This case focuses on the recognition of a same sex foreign marriage within Irish tax law.</p> <p>Fiona de Londras (Judge) & Siobhán Wills (Commentator)</p>
5:00	Close
7.00 -10:30	<p><i>The voice emerges from the body; the speculum is inserted into the body; and architecture surrounds the body.</i></p> <p>Artists Sarah Browne and Jesse Jones will present a research event as part of their collaborative work in progress, In the Shadow of the State at the historic Green Street Courthouse. This is an art project co-commissioned by Create (Ireland) and Artangel (UK) to be realised in 2016. In this work the artists are investigating the position of the female body as the focus of repressed histories and political desires under the regulation of the State. More information about the project is available here.</p> <p>This event will examine the conflicted relationship between female body and female voice, exploring different constructions of the plausibility of female testimony.</p> <p>6:30 to 6:45 Arrival and Registration, audience ushered to seats</p> <p>7:00 Lynnette Moran, Sarah Browne and Jess Jones Welcome</p> <p>7:15 – 8:00 Presentations</p> <p>8:00 – 8:30 Discussion/Refreshments</p> <p>8:30 Film screening</p> <p>10:35 Finish</p> <p>(Suggested pub nearby is M. Hughes if anyone wishes to discuss the event further there)</p> <p>Presentations:</p> <p><i>Tina Kinsella (National College of Art and Design / DIT / Centre for Gender and Women’s Studies, Trinity College Dublin)</i> discusses the roots of female testimony in Greek myth and drama, with reference to contemporary psychoanalytic thought.</p> <p><i>Lisa Godson (National College of Art and Design)</i> analyses the history of gynaecological instruments from a material culture perspective, considering how the users are configured and implied by their design, and the resonances of such implements being used today.</p>

	<p><i>Linda Mulcahy (London School of Economics and Political Science)</i> will present extracts of her research into judicial imaging and the role of court architecture in disciplining female bodies during trials.</p> <p>These presentations will be followed with a discussion and a screening of the feature film <i>The Entity</i> (1983), introduced by Sarah Browne and Jesse Jones.</p>
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Friday 17th April

9.00-11.00	<p><i>DPP v. Tiernan</i> [1988] 1 I.R. 250 This case centres on the law of sentencing. Louise Kennefick & Caroline Fennell (Judge) & Liz Campbell (Commentator)</p> <p><i>People (DPP) v C</i> [2001] 3 IR 345 This is the leading Irish case on consent to sex. It concerns issues of mistake, capacity and voluntariness. It also deals with the accused's <i>mens rea</i> regarding consent. Eilionóir Flynn & Sinéad Ring (Judge) & Anna Arstein-Kerslake (Commentator)</p>
11.00-11:15	Break
11.15-12.15	<p>Mary Gilmartin, Geography, NUI Maynooth 'Bodies, borders and scales'</p> <p>Ailbhe Smyth, Feminist activist and former academic 'Judging Patriarchy'</p>
12.15-1.30	Lunch
1:30 - 2:30	<p><i>CC v Ireland</i> [2006] IESC 33 This case concerned a constitutional challenge to the statutory rape offence. David Prendergast (Judge) Cian O'Concubhair (Commentator)</p>
2:30 -3:30	<p>Mary McAuliffe, Women's Studies, UCD 'Virtue, purity and respectability' - gender and citizenship in post independence Ireland'</p> <p>Ronan Burtenshaw, ICTU Youth and Greek Solidarity Committee and Right2Water campaigner 'A Constitution for a New Republic?'</p>
3:30 - 3:45	Break
3:45 - 5:45	<p>Chair: Philomena Canning <i>P.M. v. St. Vincent's Hospital</i> [2003] IR 321</p>

	<p>This case centres on the right of refusal to medical treatment and the assessment of legal capacity. Mary Donnelly (Judge) & Claire Murray (Commentator)</p> <p><i>I.O'T v B and others</i> [1998] 2 IR 321</p> <p>This case centres on the right of a child to know the identity of natural parent and the right to confidentiality Katherine O'Donnell & Claire McGettrick (Judges), James Smith (Commentator)</p>
5:45	Close
Workshop Discussants	Sorcha Ui Chonnachtaigh, Imelda Maher, Erika Rackley, Mark Coen, Rosemary Hunter, Niamh Howlin, Nikki Godden, Claire-Michelle Smyth, Linda Mulcahy, Ruth Fletcher.
8.00pm	Dinner at Fallon and Byrne, 11-17 Exchequer Street, www.fallonandbyrne.com .

Saturday 18th April

9:45 -10: 00	Welcome
10:00 - 12:30	<p>Judges' Roundtable. The Craft of Judgment-Writing and Legal Argument. Hosted in collaboration with the Irish Women Lawyers' Association.</p> <p><i>Further details TBC.</i></p> <p>Mary Shine Thompson, BL undergraduate, The Honorable Society of King's Inns: "How do we <i>do</i> feminist jurisprudence?"</p>
12:30	Lunch

Workshop Panels: Abstracts and Biographies

Máiréad Enright, Kent Law School

'Regulation, disobedience and the socio-legal construction of condoms in Ireland 1935 - - 1993'

In Ireland, over a 60 year period, condoms changed from symbolic objects of deviance to medical devices. Until 1993, the sale and distribution of condoms were heavily regulated, being limited first to narrowly defined groups and conditions, and later to specific points and mechanisms of sale. In our work, based on documentary analysis and qualitative interviews with activists involved in resisting the restriction to the sales and distribution of condoms up to 1993, Emilie Cloatre and I explore this shift in Irish political and legal discourse, the various meanings attached to law by those who sought to resist and challenge it, and the parallel transformation of condoms as social objects. In doing so, the paper questions the entanglement of law, social movements and technologies. It starts by mapping the history of the prohibition and legalisation of condom sales in Ireland 1935-1993, and situating it in the context of broader governmental projects designed to control sexual expression and reproductive autonomy. It then turns to analysing the emergence of resistance to state regulation of condoms by various social networks, and explore how this history sheds light on the complex ways in which legal change relates to resistance, disobedience and social movements in the context of medical technologies. Throughout we explore how shifting socio-legal constructions of the condom, organised practices of daily resistance, and official articulations of the public good evolved around a 60 year period to move from prohibition to the settling of condoms as an essential technology of health.

Mark Coen, UCD Law School

'Fitting the jury box with mirrors and hairpins': The Woman Juror Question in Ireland, 1919-1976'

One of the ways in which the independent Irish state demonstrated its antipathy to women was by endeavouring to make jury service the sole preserve of men. For over fifty years it achieved this objective with almost total success. A variety of reasons were invoked over the decades for excluding women from juries, including those relating to female intellect, sensitivity and, inevitably, domestic responsibilities. Within the first five years of the new state, Minister Kevin O'Higgins twice amended legislation in order to curb jury service by women. One of his biographers has described his attitude to issues of gender as "almost mediaeval." This presentation will outline the curious tale of the woman juror in Ireland, from the enlightened Sex Disqualification (Removal) Act 1919 through the regressive measures of the Juries (Amendment) Act 1924 and the Juries Act 1927. It will try to evoke something of the atmosphere and discourse between 1927 and 1976, when the de facto exclusion of women from juries was declared unconstitutional by the Supreme Court. The story of the woman juror in Ireland is a tale not just of repression and discrimination, but of activism and opposition. It also stands as a reminder that the exclusion of women from the public sphere was total, and extended even to roles of a fleeting nature.

Mary Gilmartin, NUI Maynooth

'Bodies, borders and scales'

In this presentation, I draw on insights from feminist geographies to show the ways in which power is inscribed on bodies through processes of bordering. I first discuss the delineation and enforcement of borders between 'public' and 'private', and the complex ways in which those borders are challenged in feminist geographies. I then discuss the concept of scale, which has been the subject of detailed scrutiny in the discipline of geography. I show how attention to scalar practices and scalar politics offers new insights into the ways in which borders are embodied and bodies are bordered.

**Ronan Burtenshaw, ICTU Youth and Greek Solidarity Committee and Right2Water campaigner
'A Constitution for a New Republic?'**

Ronan Burtenshaw is a student, journalist and activist based in Dublin. He was a founder of youth campaigning group We're Not Leaving and is currently a member of the ICTU Youth Committee. In recent years he has been active in campaigns in support of the Paris Bakery and Greyhound workers, participated in the Gezi Park uprising in Istanbul, organised popular commemoration of the Dublin Lockout with 1913 Unfinished Business and served on the editorial board of alternative magazine Rabble. He is currently working on bringing lessons of the international left to the Right2Water campaign.

Screening and Panel Discussion of ['The Entity'](#)

Sarah Browne

[Sarah Browne](#) is an artist based in Ireland. Her research-driven practice investigates the labour and materiality of how we communicate and create meaning through exchange and transaction. This process often includes the production of objects that are used to instigate discussions about economy, ritual and value: these generate further material such as film, radio projects and printed publications. Collaboration is fundamental to how the work is developed, whether with practitioners from other disciplines (anthropology, dance, amateur radio) or certain individuals whose experience become key to the narrative of a given project. These include the overlooked and the deceased (artists Charlotte Posenenske and Cynthia Moran; architect Eileen Gray) as well as the living, in an attempt to forge an unexpected series of correspondences.

Recent exhibitions: 'The Invisible Limb' at basis, Frankfurt, 'Hand to Mouth', CCA Derry-Londonderry and the Institute of Modern Art, Brisbane (2014); 'The Peacock', Grazer Kunstverein, Austria; 'One Foot in the Real World', Irish Museum of Modern Art, Dublin; 'Still, We Work', a touring commission for the National Women's Council of Ireland (2013); 'How to Use Fool's Gold', Ikon Gallery, Birmingham and Contemporary Art Gallery, Vancouver (2012); 'Minimalism and Applied II', Daimler Contemporary, Berlin, and 'Unto This Last', Raven Row, London (2010). In 2009 she co-represented [Ireland at the 53rd Venice Biennale](#) with Gareth Kennedy and their collaborative practice, [Kennedy Browne](#). Forthcoming projects include a durational collaborative project with CCA Derry-Londonderry and a residency at the

Weltkulturen Museum, Frankfurt in 2015. She currently lectures at the National College of Art and Design, Dublin.

Jesse Jones

Jesse Jones is a Dublin based artist. She studied Sculpture at the National College of Art and Design in Dublin. Her films and videos explore historical gestures of communal culture through processes of disruption and ambiguity which may hold resonance in our current, social and political landscape. Jones often employs Brechtian theatre techniques of estrangement to play out narrative s of conflicted or dystopic communities. Drawing from the archival research she has recently developed works with transcripts of encounter therapy groups from the late sixties and early seventies. Using these as scripts to be performed by actors as verbatim theatre, the script becomes a dramatisation of the moment of origin rather than re-enactment. With a strong reference to the history of cinema, Jones use melodrama and performance to heighten the re-experiencing of the archival material. Seeing group therapy as script reveals the interpersonal exchanges and textures of gender, sexuality, race and class as the fabric of social construction itself.

Solo exhibitions include 'The Other North', Artsonje Centre, Seoul and The Centre for Contemporary Art, Derry~Londonderry (2013); 'Sleepwalkers', The Hugh Lane Gallery, Dublin, (2012); 'The Struggle Against Ourselves', Spike Island, Bristol (2012) and REDCAT, Los Angeles (2011). She also took part in Real DMZ project, on the border of North and South Korea in summer 2013. Jones will be participating in group exhibitions in 2014 such as 'Otherwise', Alternativa Festival WYSPA, Gdansk, Poland; 'Invisible Violence', Museum of Contemporary Art, Belgrade and ARTIUM Basque Country; 'The Talking Cure', Oakville Galleries, Toronto and IMA Brisbane, Australia. Other forthcoming exhibitions include 'Primal Architecture' at the Irish Museum of Modern Art, the Seoul Media City Biennial at SEMA Seoul Museum of Art 2014 and a solo exhibition at The Hugh Lane Gallery, Dublin. The final artwork from 'The Prosperity Project' a major commission by Jones , for the Office of Public Works (OPW) and the Convention Centre Dublin (The CCD) will be completed later this year.

Tina Kinsella

Dr. Tina Kinsella's research draws on philosophy, psychoanalysis, gender studies and visual culture to institute conversations between performance, performativity, affect, aesthetics, ethics and the politics of the body. Recent and forthcoming publications include 'Amongst Female Familiars: Surrealism to Subrealism,' catalogue essay for exhibition of works by Bracha L. Ettinger, Medusa-Eurydice, Museo Leopoldo Flores, Toluca, and Galería Polivalente, Guanajuato, Mexico (2014) and 'Sticky Mothers—From Crypt to Transcript,' *Transculturality Journal* (2015) Further information can be found at: <http://tinakinsella.wordpress.com/> and <https://ncad.academia.edu/TinaKinsella>.

Linda Mulcahy

Professor Linda Mulcahy's work has a strong interdisciplinary flavour and she holds qualifications in law, sociology, architecture and history of art. Her recent work on legal architecture addresses how the environment of the trial can be seen as a physical expression of our relationship with ideals of justice. *Legal Architecture : Justice, Due Process and the Place of Law* (Routledge : 2010) provides an alternative

account of the trial, which charts the troubled history of notions of due process and participation. She is currently in receipt of two grants from the AHRC and one from the Leverhulme Foundation.

Lisa Godson

Lisa Godson researches the history of material culture, and is currently Acting Director of the MA in Design History and Material Culture at the National College of Art & Design. Publications include the volume *Making 1916: Visual and Material Culture of the Easter Rising*, co-edited with Joanna Bruck, to be published this summer.