



National Mens  
Council of Ireland

# **The Rights of Women**

## **and the Violation of their Marriages by the State.**

### **Some Observations**

**National Men's Council of Ireland**

## **Marriage and the Social Functions of Men & Women**

An understanding of Marriage starts with the oldest story in the world - that of the wonder of human biology and of the miracle of conception and the birth of a child.

This requires a woman who is 'willing to receive' the seeds of creation from a man who is 'willing to give them' to her so that together in an act of mutual love they initiate a new life which, after a gestation period inside the woman, is born into the world as a newly formed baby needing love and care.

Especially at the point of birth, but also during the period of the pregnancy and breast feeding, the woman is utterly vulnerable. She is emotionally all at sea and physically exhausted and not capable of providing shelter and sustenance for herself and the baby. They have to be looked after.

When a woman gives birth and the Father is not present the task of caring for her and the child falls on her family if they are agreeable. In the past, if they weren't we referred to her and the child as being a "burden on the parish".

In modern terms we now say that a Mother in this position is 'entitled' to welfare payments, this time from the State rather than the parish but in both instances she is cared for by money provided by the community at large and not by someone who is within the loving trinity of Father, Mother and child.

When a woman marries, her Husband relieves the parish or State of that burden and takes on the liability himself to protect and provide for his Wife and any children they are blessed with.

Through his sacrificial love the Husband is able to provide a Family home situation for his Wife and children where all social science studies show they enjoy better health, more educational potential, more wealth, the most happiness and longevity of life than any other type of living arrangement!

The children born to his wife take his surname as they are now legally his duty to protect. It is also primarily his responsibility to instruct them in the ways and rules of society and because they bear his name he is judged as to whether they are turning out well and are a credit to him or not in his job of socialising them. If they commit any public offence it is him who is held accountable by the community and the law.

In order that he can properly carry out his duties the Husband must necessarily be given some authority within the Family hierarchy to do it. The State regards him as the public representative of the Family unit - as the head of the Family and promises, in the Constitution, not to interfere with his authority. This secures for the family a strong barrier to regulation of family life and family values by the State.

His position regarding the children is that in legal terminology we say he is held wholly accountable for their 'Custody' - their keeping and safe-keeping..

## **Rights of Mothers under the Constitution**

Because of the Father's accountability Mothers do not have or ordinarily need the right of Custody of their children but can apply for Custody, from the courts, if there is compelling evidence that the Husband has failed to properly carry out his Custodial duties of protecting and providing for his children, i.e. Where he has actually abandoned his children. (The statistics show that it is very rare for a Married Father to abandon his children.)

This logically means that the Mother is asking the court for the right to provide for and protect the children HERSELF. This makes no sense. If the Father has actually abandoned the Family, what she needs from the court is an order to compel her Husband to provide, in his absence, sufficient money to properly maintain the Family. She assumes a form of Custody by default and uses his money to provide for the children and she protects them as best she can.

Once he has gone she has no need to apply to the court for an order to have Custody of the children. This is easily demonstrated by the fact that there is no legal requirement of a Mother to apply for Custody if her Husband were to die.

What is happening in the vast majority of these Family law cases (denoted as private Family law as it is considered a matter without public concerns for the welfare of anyone in the Family) is that the Mother is encouraged to apply to the courts for the Husband's Custody to be removed in situations where the Father has not abandoned his duty to provide for and protect his children. Far from it.

These are cases where there is definitely not any abuse going on.

If there were any concerns about a child being abused the Mother would be obliged to notify the Health Board and if their investigations showed that there was a case to answer it would become a public Family law matter instead of a private Family law matter and the Health Board, and not the Mother, would now bring the case to court under the Child Care Act, 1991.

Similarly if an adult in the Family was being physically or sexually assaulted this becomes a criminal matter and after investigation by the police to ascertain if there is a case to answer it is the State, through the Director of Public Prosecutions who would bring the case to court and not the Mother.

Private law cases, which are by definition brought where there is no concerns for the welfare of any Family member, account for the vast majority of cases.

Anecdotally a common theme is where the Mother deserts her commitment to the Marriage and deserts with the children without the Fathers consent. She is then in the legal position of having "unauthorised possession of the children". Any application by her under these circumstances is merely a legal ploy to legitimise what she has done.

In many other cases reported to the Council the Mother applies because she wants to wrest control of the children from a Father where she considers he has too much input into the children's lives. She might have a multitude of reasons for doing this - jealousy, anger, narcissism - but none of these applications, as we

have seen, would, contrary to the myths we have all been fed, are out of concern for the welfare of the children or herself.

If we look at the outcomes of these cases we see that the granting of Custody to the Mother is actually just an intermediate step towards the court making lucrative awards of money and property for her benefit either from the Husband or from the State through entitling her to preferential social welfare payments and housing.

The fact that in gaining this form of Custody she is able to control and sever her Husband's relationship with his children and be feted, as a victim by the couples' circle of friends and society as a whole. is a bonus for many women.

It is in the interests of lawyers who benefit from fat fees for little work and the State who wants to destroy Marriage to ensure these pre-determined outcomes of financial and social benefits to women. They fuel the expectations of the next generation of women induced to end their Marriage..

Eamon de Valera saw clearly back in 1937 that the western world was going to be under pressure from what he dubbed, "the modern evil" of women being encouraged by exploitative lawyers to grab the Family assets for their exclusive use.

With prophetic astuteness and uniquely amongst all the Constitutions of the world, he introduced Articles 41 and 42 into the Constitution specifically to strengthen the position of the Married family, to guard against this modern evil. Knowing where the greatest threat was to come from he made the State pledge itself to carry out this task.

Unfortunately, as we show in our report, "An Analysis of Parental Rights and Marriage in Ireland and the Constitutional Review, November 2004" which is available to download from our website [www.family-men.com](http://www.family-men.com), subversive elements within the State have gained control and have done everything they can to undermine Marriage.

In case the position of the father as the Custodial parent with all the liability to maintain his dependent wife and children is not clear enough the Constitution further reinforces this position by declaring that, "The State shall, therefore, endeavour to ensure that Mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home."

Reference to comments made by Eamon De Valera in the debate of June 1937, on this article are worth noting,

*"President De Valera: It is perfectly obvious to anybody who takes the trouble of reading the section what its intention is. This is dealing with the family and states: "In particular, the State recognises that, by her life within the home, woman gives to the State a support without which the common good cannot be achieved".*

*I should like to know if anybody will controvert that. Then it goes on: "The State shall, therefore, endeavour to ensure that Mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home." Surely that is a*

*praiseworthy object for the State to set before itself — that Mothers, whose work is essential for the common good, should not be compelled by economic necessity to abandon that fundamentally important work and be forced to undertake duties which would compel them to neglect their duties in the home.*

*I have not been able, from the start, to understand why there should be any antagonism of any kind to that section. I do not understand the attitude of any woman who objects to it. There is no suggestion in that that a woman should not be free to take up any avocation she chooses; no suggestion that a woman should not exercise her liberty of marrying or not marrying. What is stated here is, if women choose to marry and found a home, that they should not be compelled by modern conditions, which very often force Mothers to engage in outside labour, to do that, and that it should be the duty of the State to endeavour to see that that shall not happen. How the State may endeavour to see that is quite another question. We leave the methods completely and absolutely open, as it is right that we should.*

*For example, to indicate my own mind in regard to the attitude the community should have towards men and women in that particular matter in regard to the home, I would say this, that if work and the means of livelihood are not available for the father of a family, the State should itself, if it cannot be found in ordinary industry, in ordinary commerce and in the economic life, endeavour to provide that work somehow. If the State is unable to do that, it is only then that the obligation of maintenance would fall upon the community as a whole.*

*But, if I were able so to organise it, I certainly would try to get for the community as a whole some immediate return from a man who is getting assistance in that particular way. In other words, I should try so to organise it that work of public utility, something of value to the community as a whole, should result from the assistance which the community had to give in that particular matter. I think the man ought to render back to the community in the way of some work something for the assistance he is given.*

*But, if it were a woman, I take quite the other attitude. I say a woman, by her duties in the home, is, in fact, performing for the community as a whole a fundamental service. I would say that she, by doing that work, was rendering invaluable service to the State and I would not require of a Mother, under these circumstances, any other form of return, such as I would be inclined to demand in the case of a man.*

*That makes quite clear what our attitude is in regard to woman's position in the home. She is rendering in the home a fundamental and indispensable service to the State. The greatest service she can*

*render is to perform her duties in the due manner and anything that would compel her to neglect these duties would be, in my opinion, a loss to the State as a whole.*

*This is a just recognition of the important part that Mothers play in society as a whole in their homes. That does not mean to say that women are not playing important parts elsewhere. Does it mean that men, the fathers of families, are not playing important parts both in the home and out of it? It does not, because that particular aspect did not demand attention from us. Here we are dealing with Mothers. We are trying to deal with a great modern evil, as I have already said. All that is done here is to try to get people to agree, as part of their fundamental law, that it should be the purpose of the State to try to secure that Mothers will not be forced to neglect their duties in the home by economic necessity compelling them to labour outside."*

This means that only men can be held liable for the maintenance of their family. Clearly with this situation still pertaining to this day there can be no equality in accountability and to reflect this the law and government policies must strongly favour the employment and higher earning capacity of HUSBANDS.

This is how it was prior to the seventies. For the same work a Husband was paid more than was given to single men and women - it was called 'a family man's wage' - BECAUSE the State and society acknowledged then that he, and only he, HAD THE LIABILITY IN LAW TO MAINTAIN HIS FAMILY.

The great confidence trick that has been perpetrated is the broadcasting of the myth by the State that parents have "joint custody" and for the past thirty years the State has employed groups to articulate what we call 'feminist' ideology to promote the lie that there is 'equality' in responsibilities within the Married Family.

The Constitution, in its recognising of the vital role that Mothers perform in a Marriage for the Common Good, actually created true equality which is real and not the feminist form of 'equality' we are constantly deluged with which is the centrepiece of flawed Marxist ideology designed to empower the State to control every aspect of our lives. The State's ultimate aim is to destroy Marriage and with it our private lives, the extent of which is a measure of a free society.

True equality was achieved in the Constitution where it recognises that Married Mothers attain the right to nurture their children by nature and that Fathers gain their right to a Family life and Custody of the children by Marriage.

These distinct and complementary roles of men and women are known in legal terms as differences in their 'social function' and are recognised in Article 40.1

"All citizens shall, as human persons, be held equal before the law.

This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function."

This allows for the State to treat men and women as "not equals" and shows that so-called 'Equality' legislation and government policy in this area is a sham.

Incredibly with all the resources open to them no feminist or women's group has ever asked for there to be 'equality' in law regarding this major difference in social function. Instead, to their shame, certain feminist groups have ruthlessly exploited the privileged position of women in law without heed to the consequences to their children and society.

They have set out specifically to upset the delicate balance that necessarily exists within every Marriage by encouraging the Wife to believe that she should not respect her Husband. They do that in a variety of ways - though so-called 'assertiveness training' where women are provoked into challenging the Husbands role and through 'domestic violence education' programmes where the normal performance of the Husband's statutory duty of being the person responsible for the family's finances and the children's discipline is interpreted as an act of Domestic Violence!

## **The Violation of Marriage by the State**

It is vitally important to note that all these feminist groups are funded by the State. They are in fact employed specifically to do the State's dirty work. The State's aim is to foment a mutiny within the home and so cajole the Mother into wrecking the Marriage and allowing the State to transgress the rights of privacy obtained through Marriage.

Since the Guardianship of Infants Act in 1964 the legal system has cheated society by denying Married Fathers their remedy of 'habeas corpus' for the return of his children to his Custody and whilst there is no remedy available to him any involvement by a Father with the family courts can only be detrimental to his position and to his ability to protect his children.

In a Supreme Court judgment handed down by the Chief Justice the State claims that it can do supersede a Father's Custody who has not in any way misconducted himself. Therefore a Married man bereft of his children has no defence and no remedy in law.

In this situation, once the Mother is enticed to apply to the court the only outcome for a Married Father is to have his protective Custody of his children removed!

If the basis for this judgment and the subversive elements within the State who support it are not repelled it means that the rights which a Father acquires through Marriage to a family life and which he should be able to vindicate to protect his children can be violated at will and Marriage per se in Ireland will have been successfully subverted by the State .

The National Men's Council of Ireland have documented evidence which they have presented to the Minister for Justice and the Human Rights Commission which shows beyond a shadow of a doubt that the State's legal system is responsible for gross violations of the rights of every Married Family.

The situation exists now where Fathers, Married and unmarried are being manoeuvred into being treated as nothing more than debt-bonded slaves with no power to protect their Families from State interference.

Much of the documentation in support of the statements made in this article is available to download at our website [www.family-men.com](http://www.family-men.com). Our hope would be that by making this information available it will severely curtail the ability of the State to interfere with and break up Marriages and so provide security and happiness to Families again.