

CHAPTER 2

Outline of the Development of the Irish Housing System

Introduction

The Irish housing system has developed within and through the unique pattern of development of Irish society. This chapter traces the early Irish pastoral settlements, the poor housing conditions of Irish cities and towns and the creation of the large feudal estates and the poor law system. A philosophical, political and cultural landmark in Irish housing law and policy was the British policy of creating a large-scale peasant proprietorship with the redistribution of large landed estates. In a parallel development, subsequent to the failure of many philanthropic efforts to house the poor, local authorities began to take a proactive role in housing provision in the early 1900s. Indeed, the development of Irish public housing had created a new model of housing provision—the “charity rents” system, or social housing, later expanded in Britain as a whole.¹ 2-01

In Ireland, after Independence, major house-building programmes were undertaken and by 1940 some 41% of housing stock had been built by the State, benefiting a cross-section of the population. By the 1960s this critical mass of housing provided a foundation for the promotion by the State of a market in housing, with supports for mortgage lending, but with minimal regulatory systems. The consequences of the *laissez-faire* approach led to major price increases in development land, and the legacies of that time have significantly affected public perceptions of the integrity of Irish politics to the present day. Amongst all this development the housing needs of Travellers were only included in Irish housing policy and legislation in the 1980s. 2-02

Early Irish Housing

Little remains of early Irish housing, although there are enough records to construct some statements concerning its design and use. Early Irish housing 2-03

¹ Fraser, M, *John Bull's Other Homes. State Housing and British Policy in Ireland, 1883–1922* (Liverpool, Liverpool University Press, 1996), p 60.

corresponded with the settlement patterns of the inhabitants of the country.² The majority lived in circular huts constructed of wood or wickerwork, with the spaces between woven with saplings and twigs and covered with sods, clay or lime. The roof was thatched with straw or rushes.³ Stone was used in construction for the houses of the chieftains and nobility. Houses were often located within a circular settlement or fort, with a ditch to protect them from robbers and wild animals. The clay from the ditch was thrown up on the inside, creating a raised central area, where the house or houses would be built. Some 30–40,000 of these forts, which ranged in size from 40 feet to 300 feet in diameter, can be seen today, and are variously described as *lios*, *rath*, *dun* (for a king), *caiseal* (where surrounded by stones), etc.

Inside the circular houses there was only one room where the family ate, slept and lived, with a fire in the centre. In many of these forts there were underground rooms (known as subterrains) constructed with stones without mortar, and these were used (it is believed) to store food and protect family members during attack. Some people lived on artificial islands in the middle of lakes or in bogs and these forts were known as *crannogs*.

2-04

A significant archaeological find at Deer Park Farms, Glenarm, Co. Antrim of an early Irish house showed that a typical house was six metres in diameter, with 100 upright stakes creating the basis of the wall with a gap, one metre wide, and flanked by a pair of large post-holes, marking the site of the door.⁴ In the house uncovered in Antrim, dated AD 648, the walls were formed of hazel rods, tightly woven in a complex spiralling pattern around stouter uprights. The space between the walls and of the

² Evidence now exists of Neolithic circular and rectangular housing in Ireland dating from 3800 BC, with evidence of ten such houses in ones and twos on the shores of Lough Gur in County Limerick. One of the rectangular houses had internal dimensions of 9.7m. by 6.1m. The external walls were of mud with stone footings and lines of posts stood just inside and outside these footings, and together with internal posts may have supported a roof structure with a covering of thatch. See O’Kelly, MJ, “Neolithic Ireland”, in Ó Cróinín, D, (ed.) *A New History of Ireland* (Oxford, OUP, 2005). In the period from 400 AD there is much more evidence of housing based on ring-forts (often with attached souterrains) and crannogs. See Edwards, N, The archaeology of early medieval Ireland, c. 400-1169: settlement and economy in Ó Cróinín, D (ed.) *A New History of Ireland* (Oxford, OUP, 2005). Edwards points out, however, that other dwellings also existed for the lower echelons of society who had neither the power or wealth to construct anything so impressive. Aalen describes the approximate 45,000 ring-forts accompanied by their small patches of irregular fields as reflecting a rural economy with decided preference for stock-rearing over tillage. See Aalen, FHA, “The Irish rural landscape: synthesis of habitat and history”, in Aalen FHA, Whelan, K, & Stout, M, (eds.) *Atlas of the Irish Rural Landscape* (Cork University Press, 1997). For a detailed examination of the landholding and farming system see Kelly, F, *Early Irish Farming*, (Dundalغان Press, Dublin Institute for Advanced Studies, 1977). See also Kelly, F, *A Guide to Early Irish Law* (Dundalغان Press, Dublin Institute for Advanced Studies, 1988).

³ See Joyce, PW, *A Smaller Social History of Ancient Ireland* (Dublin, Gill & Sons, 1908).

⁴ I am grateful for the assistance of Professor Dáibhí Ó Cróinín, Department of History, NUI, Galway, in sourcing this information.

hazel rods and the outer wall of stones was “packed with a soft organic material, probably a mixture of straw, moss and heather, an early form of ‘cavity walling’”.⁵ Evidence of bedding areas and internal screens was found inside the house.

The laws applying in this area before the 12th century (and afterwards) in many areas were known as the Brehon laws, after the professional class of trained judges of that name. There is little recorded evidence of the laws (although some exist) as they relied almost entirely on the oral tradition. The society itself was decentralised, with the *tuath* or local kingdom ruled over by a lord of local king, but under the lordship of some higher king, such as the king of Connacht etc. The society had a hierarchal structure and status was associated with wealth. There were free and unfree classes in the societal structure.⁶ The free classes included property owners, higher craftsman and learned scholars. The unfree classes included lower craftsmen, and others without property, including some slaves and those captured in battle. A lower class known as *bothach* and *fuidir* were bound to the soil in a particular area after nine generations and could not then move.

2-05

Of course, larger settlements existed around the early Christian monasteries, which performed the functions of incipient towns, with market, educational and political functions.⁷ Kildare, Cashel, Armagh, Glendalough and Kells were significant centres with market-place functions, and by the 11th century had well-defined streets and artisan quarters. Clonmacnoise was a busy metropolis at the meeting of the drumlin tracks between the east and west of the country and between the upper and lower Shannon river routes. The Viking raids from the 9th century onwards established trading centres in Dublin, Wexford, Waterford, Cork and Limerick.

The Norman invaders from the 12th century brought their own unique style of housing or castle building, originally using the *motte and bailey*, created with timber and soil, and later in stone, numbering over 340 castles, mainly in Leinster and the Northeast of the country.⁸ The castle building period extended from the end of the 12th century for 130 years. Later, the walled towns and square four storey stone castles were developed across the country. The Normans also established manorial villages and towns, mainly in the south and east, and of the 270 chartered towns the great majority were in the fertile southeast of the country. Outside the towns, manorial villages following the feudal model were developed. Many stone buildings across the country remain, where the ruling families lived and these castle-like

2-06

⁵ See Hamlin, A, and Lynn, C, *Pieces of the Past – Archaeological Excavations by the Department of the Environment, Northern Ireland 1970–1986* (Belfast, HMSO, 1988), p 45.

⁶ Wiley provides an excellent overview of these issues in Wylie, JCW, *Irish Land Law* (Dublin, Bloomsbury Professional, 2010), chapter 1.

⁷ See Whelan, K, “Towns and villages”, in Aalen FHA, Whelan, K, and Stout, M, (eds.) *Atlas of the Irish Rural Landscape* (Cork University Press, 1997).

⁸ See Sweetman, D, *The Medieval Castles of Ireland* (Dublin, Duchas, 1999), p 17. None have been found in Cork, Kerry or west of the Shannon.

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structures are in fact hall-houses, later medieval fortresses, tower houses, fortified houses and stronghouses.⁹

2-07 Of course, this Normans also brought the feudal law on landowning which involved a centralising of the system under the power of the King (and later the Queen). This involved all the feudal incidents and rules around homage, but in Ireland many of these were quickly converted into money payments (socage).¹⁰ Indeed, feudal land law in Ireland (which still underpins the principles of land law today) developed along different lines to that in England resulting in a unique set of laws and institutions. There was a constant tension with the Brehon law system, and only after the 17th century was the feudal or English common law system prevalent throughout Ireland. This period, known as the confiscation and resettlement of Irish land in the 17th and 18th century, involved the plantation of settlers in Leix, Offaly and Northern Ireland, and the Cromwellian policy of “to hell or to Connacht”. Arising from this a unique legal system of landowning known as fee farm grants developed.

2-08 Much of the housing, at a basic or subsistence level, for ordinary people Ireland remained as before, until the 16th or 17th century when British rule, through a new class of landlords, was extended throughout the whole country. This was associated with an economic restructuring and social engineering, especially after the Cromwellian era.¹¹ Protestant landlords were eager to promote the Anglican Church by occupying fresh sites as the centrepiece of their new towns. Whelan describes it thus:

“The stripping of the medieval churches, the displacement of the old landowning elite and their dependants, and the new commercialised, pastoralist-oriented agriculture, all truncated old village roots, and culminated in their shrivelling away.”¹²

However, the “penal laws” imposing restrictions on ownership by Roman Catholics from the 1690s to the 1800s debarred these from purchasing or owning land and other property above a certain value.

New estate towns and villages were established in the 1700s, while the “big house” and demesne replaced the earlier castle as the focal point of settlements. The big house was the primary country residence of a landlord who held more than 500 acres, part of which was rented to tenant farmers.¹³

⁹ See Leask, HG, *Irish Castles and Castellated Houses* (Dundalk, Dundalgan Press, 1995).

¹⁰ See Wiley, *Irish Land Law* (Dublin, Bloomsbury Professional, 2010) p 15.

¹¹ See Whelan, K, “Towns and villages”, in Aalen FHA, Whelan, K, & Stout, M, (eds.) *Atlas of the Irish Rural Landscape* (Cork University Press, 1997).

¹² *ibid* at p 185–6.

¹³ Dooley points out that the Irish landed class was not a homogenous grouping and at the upper end were the landed magnates who owned tens of thousands of acres across the country, while at the lower end the lesser gentry might have estates of a few townlands in one parish. See Dooley, T, *The Decline of the Big House in Ireland* (Dublin, Wolfhound Press, 2001).

There were an estimated 4,000 big houses in the 26 counties at 1870, and in almost all cases the size of the landed estate determined the physical size of the house. Dooley points out that landlords spent between 20% and 40% of their income from rents on the upkeep of these houses.¹⁴

The big houses were not just the homes of the landed class, they performed a variety of important functions:

“Simultaneously, it could be a home, the economic nerve-centre of a large estate, a political gathering place, and a social arena capable of facilitating dinner parties, concerts, and balls. It had a multitude of rooms, a large dining area, sometimes a concert hall (if not, one of the drawing rooms sufficed), and often a ballroom. Elaborate reception rooms, such as the hall and saloon at Powerscourt or the picture gallery in Kilkenny Castle, were designed as display areas for collections of fine art. A big house doubled as a theatre, a school, and a gathering place for huntsmen and huntswomen. Its demesne and parkland provided the facilities for shooting and other outdoor pursuits popular in the late nineteenth century such as cricket, tennis, croquet, or ice-skating on ponds and lakes during the winter.”¹⁵

While most of the land was rented to an array of small tenant farmers through a pyramid of subletting, one area known as the demesne was kept for the use of the big house. This was often a walled area:

“Inside the demesne walls was a hive of industry, where gardeners, gamekeepers, farm labourers, masons, carpenters, grooms and a variety of other craftsmen and servants kept house and surroundings going, thereby making the big house a major employment centre in rural Ireland.”¹⁶

By the 18th century a new structure of society had emerged with the rise in “absentee landlord”, the owners of the large feudal estates, handing over the running of these estates to “middlemen”. To maximize their profits a system of subdivision of subleases was created, increasing the rental income and associated commissions. There was a major growth on leasehold law and conveyancers and middlemen devised special types of leases which would generate the most profit.¹⁷ There was also an increase in the remedies provide by the law for landlords against tenants, whose tiny leased acreage of land barely supported families and starvation was always a pressing issue. The growth of use of the potato led to a reliance on this crop with its high yields on poor and wet land and, of course, the failure of the crop in the 1840s resulted in the halving of the population, from eight million people to four million. The use of evictions and the complete support for landlords in law led to many protests and other forms of subversive action. The introduction of the Landlord and Tenant Law

2-09

¹⁴ See Dooley, T, *The Decline of the Big House in Ireland* (Dublin, Wolfhound Press, 2001), p 35.

¹⁵ *ibid* at p 11.

¹⁶ *ibid* at p 11.

¹⁷ See Wiley, *Irish Land Law* (Dublin, Bloomsbury Professional, 2010) p 26.

Amendment Act, Ireland) 1860 (Deasy's Act) which still forms the basis of landlord and tenant law in Ireland today, introduced the notion of contract into land tenant relations, and set out a range of implied terms. Of course, the notion of a free contract between landlords and tenants within the contemporary *laissez faire* political ideology of the time was completely inappropriate in Ireland, where the bargaining positions were not so much unequal but completely dependent.

- 2-10 A significant development in Irish settlements was the growth of chapel villages in the 18th and 19th centuries, under the sponsorship of influential Roman Catholic middlemen, strong farmers or mercantile families. Alongside the construction of a Roman Catholic Church, these 400 or more villages, often at a crossroads, attracted a public house, post office, school, barracks and shops.¹⁸

Poor Law

- 2-11 From 1634 the role of the Irish State (such as it was), with the passing by the Irish Parliament of an *Act for the Erection of Houses of Correction and for the Punishment of Rogues, Vagabonds, Sturdy Beggars and other Lewd and Idle Persons*, took primacy over the Brehon law kinship system.¹⁹ By the nineteenth century Irish housing policy and law had begun to develop a system of workhouses, while of course, the millions of landless peasants enjoyed very poor housing conditions.

Ireland was an integral part of Great Britain, a country where the population had increased from 11.9 million in 1811 to 40.8 million in 1911. Britain had become largely urban, except in outlying areas, such as large parts of Ireland, Wales, England and Scotland. Throughout Britain poverty and squalor were manifested in the condition of housing in towns and cities, as well as in the countryside. In England a "poor law" system had existed since the early 1600s, but this was only applied universally to Ireland from the mid-1800s.²⁰

- 2-12 The population of Ireland had increased dramatically from 1.1 million in 1672 to 3.8 million in 1791 as a result of the British/Irish trade during the Napoleonic wars, reaching some 8.5 million people by 1840. Indeed, by 1750, Dublin had a population of some 130,000 making it the second largest city in the British Isles. An account of the area in the Dublin northside parish of St. Michan's in the 1840s provides an insight of urban housing conditions for the poor at the time:

¹⁸ These villages are seen as exceptional in modern Europe, but have contributed to the development of the housing system in this century with their growth since the year 2000 as dormitory villages, commutable to larger urban centres, often with 2-300 new houses constructed.

¹⁹ See Cousins, M, *The Irish Social Welfare System* (Dublin, Round Hall, 1995), p 13.

²⁰ Bruce, M, *The Coming of the Welfare State* (London, BT Batsford, 1972), p 106.

“We may safely venture upon the average of eight persons to each house, which gives us 64,000 people out of a population of 249,733, 50,000 at least of whom reside in a fetid and poisonous atmosphere. The dwellings of the poor are chiefly confined to about 450 lanes, courts, and alleys, and about sixty streets. The worst districts are the Liberties on the south, and the parish of St Michan’s on the north side of the city. The entrance to the courts is very narrow—a sort of great stench valve, or over-ground sewer. As a general rule, there is a green slimy steam oozing from a surcharged and choked-up cesspool, through which the visitor is compelled to wade.”²¹

Another account of Dublin slums of the Liberties area in the early 1800s illustrates the contemporary housing situation: **2–13**

“In the ancient parts of this city, the streets are, with a few exceptions, generally narrow, the houses crowded together, and the rears, or back-yards, of very small extent. Of these streets, a few are the residence of the upper class of shop-keepers, and others engaged in trade; but a far greater proportion of them, with their numerous lanes and alleys, are occupied by working manufacturers, by petty shop-keepers, the labouring poor, and beggars, crowded together, to a degree distressing to humanity. A single apartment, in one of these truly wretched habitations, rates from one to two shillings per week; and, to lighten this rent, two, three, and even four families, become joint tenants. As I was usually out at very early hours on the streets, I have frequently surprised from ten to sixteen persons, of all ages and sexes, in a room, not fifteen feet square, stretched on a wad of filthy straw, swarming with vermin, and without any covering, save the wretched rags that constituted their wearing apparel ... The crowded population, wherever it obtains, is almost universally accompanied by a very serious evil; a degree of filth and stench inconceivable, except by those who have visited those scenes of wretchedness.”²²

The situation in many Irish towns was much the same, and the description of Cashel in Tipperary in the middle of the 19th century illustrated the poverty of the town: **2–14**

“The suburbs of Cashel—straggling and dirty in the manner of Irish towns – a legion of cabins of every variety of mud architecture, stretching nearly half a mile towards the next village, like a string of old sticks, clods and rubbish attached by the urchin to the tail of his kite and with a similar effect ...”²³

The Poor Relief (Ireland) Act 1838 formed the first nationwide system of welfare, but its system of workhouses and Unions was unable to cope with the huge levels of poverty and homelessness. In this first major State measure of housing action, 130 workhouses were built in Ireland in the **2–15**

²¹ Roninson, N, “The Condition of the Dwellings of the Poor in Dublin, with a Glance at the Model Lodging Houses”, in *Transactions of the National Association for the Promotion of Social Science 1861* (London, Parker, Son & Bourne, 1862), p 517–8.

²² Whitelaw, J, *An Essay on the Population of Dublin* (Dublin, Graisberry & Campbell, 1805), pp 50–52.

²³ See Whelan, K, “Towns and villages”, in Aalen FHA, Whelan, K, & Stout, M, (eds.) *Atlas of the Irish Rural Landscape* (Cork University Press, 1997), p 192.

early 1840s, providing accommodation for 93,860 persons.²⁴ Conditions at the workhouse were intended to deter all but the most desperately needy, and families were separated, visitors prohibited, and only minimal and basic levels of food and shelter were provided. The famine of the 1840s created large-scale homelessness, and auxiliary workhouses were set up to house 290,000 people at one time.²⁵ The numbers of homeless and destitute people had fallen back by 1850 to 176,700, in 163 permanent workhouses.²⁶ Powell points out that unlike Britain, where a sophisticated poor relief system had been developed, Irish poor relief was characterised by a system of punishments, supplemented by proselytization, and tended to treat the poor as a unitary category, with the exception of children.²⁷ Significantly, the large numbers of Irish emigrants to Britain during these years also led to a pressure on workhouses there, and led to huge increases in out-relief.²⁸

Industrial Revolution

2-16 The huge movement of rural people to the towns and cities of Britain following the Industrial Revolution in the early 19th century enabled urban employers to keep wages low, often at subsistence level.²⁹ During the first half of the 19th century, *laissez-faire* attitudes in Government prevailed, and this meant that in a free market almost all working class housing was privately rented. Urban landlords, in their desire to maximise profits on property, developed housing at a very high density and of poor quality.³⁰ All the new industrial cities had huge ghettos of migrant labour, and Irish areas such as Little Ireland in Manchester and the rookeries in London were renowned for their appalling conditions.³¹

2-17 Poor housing was first linked to ill-health by social reformers such as Edwin Chadwick in the mid-19th century in England, in the wake of the

²⁴ Meghen, "Building the Workhouses" (1955) *Administration*. Vol. 3, No. 1, p 44.

²⁵ One of the interesting features of the Poor Law system was that there was a mandatory duty on the Guardians to provide assistance to certain categories of poor, as set out in s 1 of the 1847 Poor Relief (Ireland) Act – "*The Guardians of the Poor of every Union in Ireland shall make provisions for the due relief of all destitute poor as are permanently disabled from labour by means of old age, infirmity, or bodily or mental defect ... and it shall be lawful to relieve such persons ... either in the workhouse or out of the workhouse ...*". See Charlesworth, L, "How poor law rights were lost but Victorian values survived: a reconsideration of some of the hidden values of welfare provision", in Hudson, A, (ed.) *New Perspectives on Property Law, Human Rights and the Home* (London, Cavendish, 2004).

²⁶ Meghen, *op. cit*, p 44.

²⁷ See Powell, F, "Social Policy in Ireland 1500–1800", *International Journal of Social Policy* (1981) Vol. 1, Issue 3, 19–28.

²⁸ Bruce, *op. cit*, p 105.

²⁹ See Thompson, EP, *The Making of the English Working Class*, (London, Penguin, 1963 & 2002).

³⁰ Balchin, P and Rhoden, M, *Housing: The Essential Foundations* (London, Routledge, 1998), p 2.

³¹ See Engels, F, *The Condition of the Working Class in England* (London, Penguin, 1987).

Industrial Revolution.³² Industrialisation in urban areas had led to a growth in slum housing, poor sanitation and the spread of disease. The link between poor housing and health was so obvious that the ensuing social reform which created the Public Health Acts of 1848, 1872 and 1875, incorporated the delivery of clean water, sewers and clearance of slum housing.

In Ireland, the effects of lack of adequate housing portrayed a similar picture. Dublin shared the housing sanitary and social problems common to other British cities, arising from the economic stagnation of the city following the Act of Union 1801.³³ This had led to the departure of the aristocratic and wealthy families out of the city centre, with their large former houses being rented as multi-occupied tenements. These tenement houses were seriously overcrowded and indeed: 2-18

“In the nineteenth and early twentieth centuries Dublin shared the housing and health problems of most major cities in an unusually extreme form. At the beginning of the twentieth century more than half of the families in the city lived in tenement houses and one-third of the entire population lived in one-roomed tenements, the bulk of them overcrowded and highly insanitary. Dublin long had the reputation of the unhealthiest, worst housed city in the British Isles, and the extremely high mortality rates were a central concern in all discussion of public health and housing reform. Degradation of the houses was obviously implicated in the excess of disease and death.”³⁴

Since 1851, the Common Lodging Houses Act had established a role for the State in enforcing minimum standards in housing provision. In the second half of the 19th century housing there had been a reaction to the *laissez-faire* approach to environmental and housing issues, and: 2-19

“... not only was an improvement in housing deemed necessary for health reasons, but it was thought that it would indirectly raise productivity at work and alleviate political agitation at a time when the majority of the population were disenfranchised.”³⁵

After the Public Health Act of 1848, housing legislation was introduced step by step to address the worst effects of the free market housing system. British measures to counteract growing squalor in the cities, such as Labouring Classes Lodging Houses Act 1851, Labouring Classes Dwelling Houses Act 1866, Labouring Classes Lodging Houses and Dwellings Act (Ireland) 1866 were largely attempts to deal with poor housing arising from industrialisation and urbanisation. The Artisans and Labourers Dwellings Act of 1868, (the Torrens Act) and the Artisans 2-20

³² Chadwick, (1842) *Report on the Sanitary Conditions of Labouring Population of Great Britain*.

³³ Aalen, FHA, *The Iveagh Trust, The First Hundred Years 1890-1990*. (Dublin, The Iveagh Trust, 1990), p 7.

³⁴ *ibid*, p 7.

³⁵ Balchin & Rhoden, *op. cit.*, p 3.

and Labourers Dwellings Act of 1875 (the Cross Act) were intended to promote slum clearance. This legislation allowed local authorities, aided by Government loans, to purchase and clear insanitary areas, and sell the sites to private builders to provide improved working class dwellings. However, slum clearance was not widespread due to the high cost of purchasing slum sites in inner city areas and the difficulty of re-housing displaced households. In 1890, the Housing of the Working Classes Act provided for the development of large areas with compulsory purchase provisions for local authorities, if needed, for the purpose of erecting houses for the working class.

Philanthropic Approaches in the Late 19th Century

2–21 A number of philanthropic efforts to provide housing took place in the late 19th century in Dublin. Their innovative schemes paved the way for a wider provision of urban social housing. While there were some charitable institutions housing homeless people, the provision of housing for poor households attracted greater public and private financial backing at the end of the 19th century.³⁶ Charitable trusts attempted to show that private enterprise could provide affordable and good quality housing for the working classes. These philanthropic trusts fell into three categories, and were the first instruments of social housing provision in many areas:

- Model dwelling companies
- Philanthropic housing trusts
- Model factory estates

2–22 Such benevolent and charitable efforts were far removed from the development of contemporary Marxist, social democratic and Fabian rights-based approaches, where the State would guarantee a minimum set of socio-economic and housing rights, a demand becoming increasingly popular at the time. Indeed, many of these early philanthropists felt that that their actions could quell the demands for socialism and socio-economic rights, including housing rights.

2–23 Firstly, model dwelling companies sought to provide working class housing in an economical way, guaranteeing a 4 or 5% return on money invested in these companies, at the end of the 19th century. The Dublin Artisans Dwellings Company (DADC) was set up in 1876 by the city's Unionist business elite, and was run as a business, paying a dividend of 4–5% to shareholders. However, the Company also received State assistance in terms of subsidised sites and public loans, at good rates.³⁷ The DADC built 3,600 dwellings and some shops, and “assumed the mantle of the major

³⁶ *ibid*, p 3. The Sick & Indigent Roomkeepers' Society, the oldest charity in Dublin, still helping the sick and the destitute in the inner city, was founded in 1790.

³⁷ Fraser, *op. cit*, p 71.

provider of new working-class dwellings”.³⁸ The Industrial Tenements Company provided new model dwellings of 50 apartments, a laundry and other facilities at South Earl St. Dublin. However, even the smallest of the houses were too expensive for low paid workers, and the houses were rented to the better-paid artisans. These new model dwellings were a poor start to the working class housing movement, as many degenerated into slums.

Secondly, and at the same time, a succession of major philanthropic trusts were set up in Britain and Ireland with large benefactions from wealthy industrialists. The Peabody Trust in 1862, the Guinness Trust in 1890, the Sutton Housing Trust in 1900, and others, provided many thousands of dwellings, often innovative in design, with low rents, in high density accommodation. They also helped pioneer the field of large-scale housing administration, and “developed the role of the caring landlord, thus preparing the ground for the later municipal efforts”.³⁹

The approach of Octavia Hill, who had established a Housing Trust in West London, was based on improving the character and standards of housing management of the poor, as part of the provision of housing. This also involved family visiting, and its dietary guidance for tenants was to resonate with the sympathies of philanthropic providers of the time.

The Octavia Hill housing management system was based on six central tenets, which formed the basis for social housing management for many years in the voluntary sector and later in the State sector in Britain. The social work aspects of housing provision was a key principle. Rather than working with the “respectable” working class Octavia Hill encouraged housing providers to work with those who needed to be “rescued from feckless and dissolute ways”.⁴⁰ The development of arrears procedures and prompt repairs encouraged reciprocity in the relationship between landlord and tenant. Encouraging self-help was also a key feature, and only those who wished to improve themselves, or the “deserving poor” were assisted. The landlord role was to involve a concern for other aspects of the tenants’ lives, including arranging outings for the children, social events, and even arranging employment for tenants during bad times. Great emphasis was placed on the redemptive aspect of contact between staff and tenants, which was seen as “outreach to the poor”. The whole undertaking was run on business-like lines with a 5% return on capital invested, and as a result space standards were often poor.⁴¹

In Dublin the Iveagh Trust purchased large areas of slums in the centre of the City, and provided a large-scale housing project in the Liberties, which endures today. The Trust, given statutory recognition in the Iveagh Trust

³⁸ *ibid.*

³⁹ Aalen, *op. cit.*, p 6.

⁴⁰ Malpass, P, *The Work of the Century, The origins and growth of the Octavia Hill Housing Trust in Notting Hill* (London, Octavia Hill Housing Trust, 1998), p 13.

⁴¹ *ibid.*

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Act 1899,⁴² was able to redevelop the area around the Liberties/Coombe following the Dublin Improvement (Bull Alley) legislation. The Victorian architecture and design of its housing in Bull Alley are widely recognised in housing literature. The Trust also developed the famous Iveagh Hostel, Baths and Market. Although established by Church of Ireland trustees, the Trust did not discriminate in its allocations of housing and targeted its housing at the poorest classes, setting an upper income limit for residents.⁴³ The management principles of the Iveagh Trust reflect many of those developed by the early pioneers of social housing, with its system of resident caretakers, tenant involvement and consultation, personal contact between managers and tenants and the weekly personal rent payments. Today, the Iveagh Trust it is still the largest voluntary social housing provider of its kind, and continues to develop successful housing schemes across Dublin under its Chief Executive, Mr. Gene Clayton.

2–28 The third type of early philanthropic housing was the model factory estate established with some level of philanthropy from industrialists “seeking to improve the living conditions and efficiency of their workers”.⁴⁴ Many of these provided imaginative approaches to housing design such as Lever’s Port Sunlight (1899), Cadbury’s Bourneville Housing (1879) and Reckitts Garden Village (1907). However, there were no such philanthropic endeavours in Ireland, until State bodies such as *Bord na Mona* began to provide housing for workers in the Midlands in the 1950s.

2–29 By the turn of the 20th century faith in the ability of philanthropy to banish the evils of overcrowding and poor housing had evaporated, and despite these enthusiastic but limited efforts, housing shortages were growing. The rise of the Labour Party in London influenced by Fabian approaches to large-scale municipal housing provision, led to the London County Council building thousands of houses on suburban estates. This signalled a new role for local authorities to provide housing for general needs throughout the UK. Dublin, however, was still facing a major housing crisis. At the turn of the century more than half the families in the city were living in tenement houses, and one-third of the entire population of the city lived in one-room tenements, the bulk of them overcrowded and highly insanitary.⁴⁵ A report on births, deaths and rates of mortality in Dublin and other cities in 1899, showed that the infant mortality rate for the city compared badly with other urban centres, leaving Dublin closer to Moscow and St. Petersburg than the British cities of London, Glasgow and Edinburgh.⁴⁶

2–30 Dublin Corporation had now begun to provide housing, using the Labouring Classes Act 1866, in the city centre areas, such as Benburb

⁴² See also The Iveagh Trust Act 1903 and Iveagh Trust (Amendment) Act 1961.

⁴³ Aalen, *op. cit.*, p 6.

⁴⁴ *ibid.*, p 6.

⁴⁵ *ibid.*, p 7.

⁴⁶ See Prunty, (1998) *Dublin Slums: 1800–1925*, p 153. In 1899, the infant mortality rate was higher in Dublin than London, Edinburgh or Glasgow.

Street, Dorset Street and Blessington Street. The Corporation was also beginning to acknowledge the importance of suburbanisation as a solution to the housing problems of the city centre. In 1903, following a conference on the housing of the working classes, attended by public representatives, large-scale urbanisation in the suburban estates of Inchicore and Clontarf were built. However, the lack of adequate transport led to poor uptake for these houses, thus demonstrating the need for overall planning in the provision of housing.

The demand for privately-owned houses was encouraged by the Small Dwellings Acquisition Act 1899, which enabled local authorities to advance loans for the purchase of owner-occupied houses. Building Societies, banks and insurance became involved in lending for house purchase, but the numbers of house purchasers were few.⁴⁷ 2-31

Rural Ireland

The population of the Republic of Ireland has been predominantly rural until the 1970s, the development of housing policy in rural Ireland was largely tied up with land reform. Indeed, the impact of this agrarian approach to housing still pervades many political policy approaches today. The vast majority of the Irish population lived in rural areas, and although most Irish families on the eve of the famine in the 1840s had adequate food and fuel, housing conditions were appalling.⁴⁸ Only a minority of landlords provided housing for tenant farmers, while many farmers were equally negligent, leaving cottiers to build their own cabins from basic materials. In 1841, over 40% of Irish families lived in fourth class accommodation (one-room only), and only 7% in houses of more than three rooms.⁴⁹ The one-roomed cabins were made from clay sods, and were in reality no more than mud huts. The Liberal commentator Joseph Kay described the situation at the time: 2-32

“Observe, this report was made at a period which have reference to no date posterior to the year 1844; and it states, that ‘it may be assumed that the fourth class of houses are generally unfit for human habitation; and yet it would appear that, in the best circumstanced county in this respect, the county of Down, 24¾ percent., or one fourth of the population, live in houses of this class: while in Kerry the proportion is 66⅓ percent., or about two-thirds of the whole; and taking the average of the whole population of Ireland, as given by the census commissioner, we find that in the rural districts about 43 percent of the families, and in the civic districts, about 36 percent, inhabit houses of the fourth class...

In Donegal the number of fourth class is 47 percent; in Leitrim, 47 percent; in Roscommon, 47 percent; in Sligo, 50 percent; in Galway, 52 percent; in

⁴⁷ Meghen, (1965) *Housing in Ireland*, p 29.

⁴⁸ Daly, (1997) *The Buffer State: The Historical Roots of the Department of the Environment*, p 200.

⁴⁹ By 1841 only 14% of the population lived in settlements of more than 2,000 people.

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Limerick, 55 percent; in Cork, 56 percent; in Clare, 56 percent; in Mayo, 62 percent; in Kerry, 66 percent.”⁵⁰

- 2–33 The insecurity of tenure and the regular evictions which involved demolishing those basic homes appalled Kay, who pointed out that over 50,000 evictions took place in 1849.

“If they do not pay their rent at the proper time, they are liable to be turned adrift, even in the middle of the night, into the bleak road, without a shelter, and with their helpless wives and children. No notice is necessary; no notice is given.”⁵¹

The first attempts to improve rural housing were aimed at getting landlords to build cottages for their tenants. The Dwellings for the Labouring Classes (Ireland) Act 1860 enabled landlords to obtain loans for the provision of cottages with up to half an acre of land. The census of 1881 showed that there were still some 215,000 cottiers mainly living in single-roomed cabins with mud walls and thatched roofs. In addition, there were approximately 60,000 agricultural labourers in the countryside in similar poor housing.⁵² This situation was raised in Parliamentary debates alongside the agitation for land reform.

- 2–34 It is possible to interpret some of the elements of the social movement for land reform from the 1880s as being driven by housing need. Since security in possession of land corresponded with security and quality of housing tenure, access to secure housing required security of tenure in land. Evictions from land were evictions from homes, and combating the threat of homelessness was an integral part of the demands for landholding rights, including security of tenure.

- 2–35 From the 1860s Fenian revolutionaries, the Land League and other organisations were promoting the idea that a successful political revolution would result in the redistribution of land.⁵³ Landownership (and with it security of housing), became indelibly linked to the other national issues of identity and independence from England. This agitation coincided with the English Liberal onslaught on the feudal land laws, which had perpetuated the permeability of large inherited estates from the market, and the absence of a free trade or market in land. Writers at the time showed that such feudal land laws ensured that in 1872 half of the whole of Ireland was owned by 744 persons and two-thirds by some 1,942 persons.⁵⁴ Indeed, Liberal politicians endorsing land reform social movements, such as was taking place in Ireland, also recognised that the distribution of land to the many landless peasants across

⁵⁰ Kay, J, *Free Trade in Land* (5th ed.) (London, Kegan Paul, 1880), p 304; See also Davitt, M, *The Fall of Feudalism in Ireland or the Story of the Land League Revolution*, (London and New York, Harper and Bros., 1904).

⁵¹ Kay, J, *Free Trade in Land* (5th ed.) (London, Kegan Paul, 1880), p 305.

⁵² Meghen, *op. cit.*, p 14.

⁵³ Dooley, T, “*The Land for the People*” — *The Land Question in Independent Ireland*. (Dublin, UCD Press, 2004), p 2.

⁵⁴ Kay, J, *Free Trade in Land* (London, Kegan Paul, 1880), p 61.

Europe from 1789 had led to some significant social and political changes.⁵⁵ The new peasant proprietors “are always found to be conservative in the best sense of the word, deeply interested in public peace and order, self-denying and saving, prosperous and anxious to promote the good education of their children”.⁵⁶ This consequence of the freeing of land from its feudal fetters of extended ownership, leading to free trade in land, was a central part of Liberal political approaches.⁵⁷ Of course, many of the leaders of the Land League in Ireland, such as Michael Davitt, did not seek a free trade in land but rather they sought State ownership. They were, however, unable to influence the powerful political forces of the day.

The Land Commission

One of the major contributors to the current dispersed settlement pattern in Ireland is the Land Commission, established under the Land Law (Ireland) Act 1881 (and abolished under the Land Commission (Dissolution) Act 1992.⁵⁸ The sheer scale of the work of this State body in rearranging the property ownership and population structure of rural Ireland is nowadays hardly recognised. Following the social agitation in the latter half of the 1800s, the prevalence of absentee landlords and the clamour for Home Rule, the British Government established a coherent and compensatory system for redistributing the lands of the large estates to the millions of people who had no property rights. The successful agitation and protests of the Land League, formed in 1879 by Michael Davitt, led to a series of Land Acts from 1881 to the demise of British rule. Tenant farmers first won the successive benefits of fair rents, which could be judicially fixed for their holding, fixity of tenure, and then the right to purchase their holdings from the landlords with assistance of State loans.

In the last quarter of the 19th century, it is estimated that approximately 13,000 landlords owned and controlled the whole rural area of Ireland. As a result of this land reform and redistribution legislation, which included the Landlord and Tenant Act 1870, Land Law (Ireland) Act 1881, Irish Land Act

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⁵⁵ Since 1789, the greater part of feudal control of land throughout the republics of Switzerland, France, empires of Germany and Austria and Kingdoms of Holland, Belgium and Italy had started to break up into smaller estates. Great Britain and Ireland were the exceptions at the end of the 19th century.

⁵⁶ Kay, J, *Free Trade in Land* (London, Kegan, Paul, 1880), p 16.

⁵⁷ Remarkably, there has been little change in land ownership patterns in Britain since that time, although the extent of titles for individual homes has grown enormously. See Cahill, K, *Who Owns Britain* (Edinburgh, Canongate, 2002).

⁵⁸ See Sammon, P, *In the Land Commission* (Dublin, Ashfield Press, 1977). See also the Annual Reports of the Land Commission. The Land Commission was established under the Congested Districts Board, which was later merged with the Land Commission, had been established under the Land Act 1891 to relieve the problem of congestion especially along the Western seaboard. It was an innovative agency which acted to improve and redistribute lands and encourage better farming methods. Among its notable achievements was the introduction of the Spanish jack-ass to Ireland.

1903 (Wyndham's Act)⁵⁹ and the Irish Land Act 1909 (Birrell's Act), some 316,000 holdings were purchased by tenants on some 11.5 million acres by 1920.⁶⁰ Some 750,000 acres were also distributed to 35,000 allottees, and 10,000 holdings were created from intermixed or rundale lands, mainly through the Congested Districts Board.⁶¹ After 1923, the work of the Land Commission in the new State was even more important in upholding the *raison d'être* of the State itself.⁶²

2-38 The Land Act 1923 provided for the compulsory acquisition of tenanted land and its State-assisted sale to tenants, under a reconstituted Land Commission.⁶³ The Act specified that all tenanted agricultural or pastoral land and all untenanted land in a congested district was to vest automatically in the Land Commission on an appointed day to be used by the Commission to further its statutory duties. This provided that a group of smallholders or others could begin the acquisition of an estate, and the land could be compulsorily acquired and divided by the Land Commission following a number of procedures, including placing a notice in *Iris Oifigiúil* setting out the list of lands to be acquired. The owner had then one month to lodge an objection, and such objections were heard and determined by two lay Commissioners in the Land Commission Court. When agreement on price was not forthcoming, a notice fixing price was published in *Iris Oifigiúil* and served on the owner. An appeal was possible and the Commissioners decided on the market price.⁶⁴ However, under the Land Act of 1923 the purchase price could be paid in Land Bonds.

2-39 The case of *Dreher v Irish Land Commission*⁶⁵ challenged this provision under the protection of property rights within the 1937 Constitution, since the value of the Bonds could vary depending on the market for Bonds, and might not be equivalent to the market price. Walsh CJ, in the Supreme Court, held that land acquisition carried out under the Land Acts was in accord with Article 43, and could by definition not be unjust for the purposes of Article 40.3.2. He went on to state that:

⁵⁹ According to Wylie, *Irish Land Law* (2010), p 40, some 220,000 holdings were bought by tenants under this Act.

⁶⁰ See Wylie, *Irish Land Law* (2010), p 45. Dooley points out that many of these estates were facing ruin through accumulated mortgages and other encumbrances. Depressed agricultural prices, rental income reduced or unpaid and the absence of private credit ultimately forced many landowners to sell at prices lower than market price (if one existed). The Landed Estates Court had been established under the Landed Estates Court (Ireland) Act 1858 which supervised the sale of unviable estates and granted a clean title to purchasers. Wylie points out that up to 1870 some 10,655 estates were sold but the depressed economic conditions also meant that many estates were left in the hands of the court who had to seek leases etc. See Dooley, T, *The Decline of the Big House in Ireland* (Dublin, Wolfhound Press, 2001).

⁶¹ See *Report of the Irish Land Commissioners* (various years) (Dublin, The Stationery Office).

⁶² Dooley, T, "*The Land for the People*" - *The Land Question in Independent Ireland*, (Dublin, UCD Press, 2004).

⁶³ See Lyall, A, *Land Law in Ireland* (Dublin, Round Hall, 2000), pp 156-159.

⁶⁴ Land Act 1923, s 25.

⁶⁵ *Dreher v The Irish Land Commission* [1984] ILRM 94.

“... in some particular cases social justice may not require the payment of any compensation upon a compulsory acquisition that can be justified by the State as being required by the exigencies of the common good.”⁶⁶

Walsh CJ, pointed out that the Land Purchase Acts had as their object the creation of what has been referred to as a “peasant proprietorship of a certain standard”.⁶⁷ Lyall has described the legislative nature of this Irish land redistribution as where “The State, instead of acting as guarantor of the commodity form of land, intervenes directly to create a social class and to maintain it”.⁶⁸ The Land Act 1933 empowered the Land Commission to redistribute any land it found suitable, except ordinary owner-occupied farms. The Commission could acquire land not used “in the same manner as an ordinary farmer in accordance with proper methods of husbandry”.⁶⁹ 2–40

In the period 1923–1982, a further 155,000 holding comprising 1,800,000 hectares had been sold to tenants under the land purchase scheme.⁷⁰ Between 1923 and 1959 the Land Commission built some 20,000 houses in the Irish countryside based on a standard design which was of a high quality for its time, albeit too small for the larger families.⁷¹ There were also some 3,700 assisted migrations from poorer Western Districts to the Midlands and East resulting in some *Gaeltacht* areas being established. 2–41

The effect of the work of the Land Commission was to transform almost half a million households into fee simple owners of land. While this created the social conditions for a mass owner-occupation system of housing the policy was short-sighted, and many of the holdings were uneconomical even at the time, even though the model was advocated in many developing countries, such as Zimbabwe under Robert Mugabe.⁷² Such populist and emancipatory reforms are not necessarily economically sustainable. The World Bank has pointed out that: 2–42

⁶⁶ A number of cases in relation to the acquisition of land were taken to the European Court of Human Rights at Strasbourg, but none succeeded.

⁶⁷ *ibid*, p 2.

⁶⁸ See Lyall, A, *Land Law in Ireland* (Dublin, Round Hall, 2000), p 158.

⁶⁹ Dooley, *The Decline of the Big House in Ireland* (Dublin, Wolfhound Press, 2001), p 134.

⁷⁰ See Wylie, *Irish Land Law*, 2010, p. 47; Dooley, T, *Sources for the History of Landed Estates in Ireland* (Dublin, Irish Academic Press, 2000). See also Sammon *op. cit.* Appendix 23.

⁷¹ See Dooley, T, “*The Land for the People*” - *The Land Question in Independent Ireland* (Dublin, UCD Press, 2004).

⁷² See Centre on Housing Rights and Evictions, *Land, Housing and Property Rights in Zimbabwe*, (Geneva, Cohre, 2001). One contribution in this report (at p 8) points out that “the Zimbabwean independence war was mainly fought on the land issue, and the rural people were the main force behind the war, because of their strong historical attachment to the land. The Lancaster House Agreement was a bad compromise; it made it impossible for the government to carry out any meaningful land reform. In fact it contained very humiliating aspects for the Zimbabwean people. In 1992, the Land Acquisition Act came into being. One of the most important aspects of that Act is that it allowed the government to designate land for acquisition. At the same time it guaranteed compensation for the farmers. The problem, however, was that the government had no money to compensate the farmers; therefore the whole project was meaningless”. Of course, events have now moved on and there were only 400 white farmers left by end 2010, with claims that 40% of land was then held by government party figures.

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“Given that the historical evolution of property rights is not only a response to purely economic forces, it is not surprising that the arrangements found in many countries are often not optimal from either an economic or social perspective.”⁷³

2-43 The number of farms in Ireland had reduced to 141,500 by 2000, with major reductions in farms of between 5 and 30 hectares, and increases in farms of more than 50 hectares. The National Farm Survey for 2008 showed that there were some 128,200 farms nationally.

2-44 This major State redistribution of land in Ireland had significant consequences. The manner in which the land reform was carried out in the Irish State, the use of political affiliation to influence access to new land, and the role of politicians in extracting benefits from the machinery of the State for loyal supporters, have all left a continuing legacy. Land reform in Ireland turned neighbour against neighbour in a scramble for more land to enhance an inadequate holding against a powerful state ideology of rural self-sufficiency. As Dooley has pointed out the “manoeuvring and advancement of self and family through access to material resources and socio-political advantage is the great constant of history”,⁷⁴ and nowhere has this taken root better than in Ireland.

2-45 One of the most significant outcomes of the land reform and division programmes carried out by the British State in Ireland was the establishment of the land registration system. This involved the mapping and registration of every new title created under the Land Purchase Acts, and set up the current recording system for registered land in Ireland. The system of registration of deeds had applied since 1707, known as unregistered land, but the Local Registration of Title (Ireland) Act 1891 firmly established a central register of title.

“That act was designed to relieve the smaller holders in fee from the ruinous expense of a system of Land Transfer and Registry of Assurances, developed under circumstances and suitable to conditions, widely different from those of a peasant proprietary...”⁷⁵

2-46 The result was that all land bought under the Land Purchase Acts was compulsorily registrable, and almost all rural land today is registered.⁷⁶ The land registration system was based on the Torrens registration system, designed to facilitate exchange, and the Registrar issues a guaranteed Land Certificate signifying ownership. Once the title to land was registered subsequent dealings in registered land could only be effective by registration

⁷³ See *Land Policies for Growth and Poverty Reduction* (Washington, World Bank, 2003), p xviii.

⁷⁴ Dooley, (2004) *op. cit.*, p 231.

⁷⁵ Madden J, quoted in Wylie, JCW, *Irish Land Law* (3rd ed.) (Dublin, Butterworths, 1997), p 1040.

⁷⁶ Some 90% of land is registered in Ireland, facilitating easy exchange and the creation of the new system of electronic conveyancing.

in the central registry.⁷⁷ The mortgage market was facilitated by the provision for charges to be recorded on the register.⁷⁸

The establishment of a comprehensive and reliable system of registration of new titles was a major factor in the evolution of housing law and policy in Ireland.⁷⁹ A State guaranteed system of title registration is an important instrument for the protection of property owners and the facilitation of innumerable financial transactions which are the hallmark of a market economy. An efficient and reliable land registration system is a precondition for the operation of an efficient land and housing market. The Land Acts of the British State have had significant consequences for the development of the housing market system in Ireland.

There were, of course, many who lived in rural Ireland, but who were not to become part of the new peasant landholding class. In 1883, the Labourers (Ireland) Act was passed, which shifted the onus on providing cottages from the landlords, who had hitherto failed to act, to local sanitary authorities. This Act provided the basis for a huge movement in social housing in Ireland and a new approach whereby rents were subsidised by the rates.⁸⁰ Under the Act of 1883 a representation signed by 12 ratepayers stating that existing house accommodation for agricultural labourers and their families was deficient or unfit, and that there was a need for new dwellings, could be presented to the sanitary authority. The authority was required to hold a special meeting to consider the representation, and if satisfied that it was true, and if they had sufficient resources, could proceed with a housing scheme. There was great resistance from landlords, ratepayers and farmers in some areas.⁸¹ However, by 1900, approximately 16,000 labourer's cottages had been built or authorised, with 9,000 in Munster, 6,500 in Leinster, but only 300 and 160 in Ulster and Connacht respectively.⁸²

This early piece of Irish legislation for social housing provision was enhanced by the Wyndham Land Act 1903. It extended the definition of an agricultural labourer to include all persons other than domestic servants

⁷⁷ The Registration of Title Act 1964, Registration of Deeds and Title Act 2006 and Land and Conveyancing Law Reform Act 2009 provide the updated legislation.

⁷⁸ Indeed, the creation of informal or equitable mortgages was facilitated in their recognition under s 105 of the 1964 Act by deposit of the Land Certificate with the lender, a practice which has been ended since the end of 2009 under s 73 of the Registration of Deeds and Title Act 2006.

⁷⁹ Contemporary writers on development such as De Soto, H in *The Mystery of Capital*. (London, Bantam Books, 2000) claim that one of the principal reasons for underdeveloped nations is the absence of a property registration system which facilitates property ownership and exchange. This prohibits the development of capital and lending. "The moment you focus your attention on the title of a house, for example and not on the house itself, you have automatically stepped from the material world into the conceptual universe where capital lives." (p 48) The example of Ireland cited by De Soto is false since the British State created the social and financial means for mass ownership of land.

⁸⁰ Daly, *op. cit.*, p 203.

⁸¹ Meghen, *op. cit.*, p 14.

⁸² Daly, *op. cit.*

working for hire (even if only temporarily), who occupied a maximum of one quarter of an acre of land, and whose wages did not exceed 2/6d a week. By 1920, more than 47,966 cottages had been built, largely in Munster and Leinster.⁸³ This was a major social development and nowhere else had such efforts been made to sustain a large-scale non-landowning rural population, in a developing country. The result of this State action to provide subsidised social housing is the comparatively high rural population of Ireland today. The flight from the land of non-landowning peasants to industrial cities, so common across Europe at the time, was actively counteracted.

2-50 Alongside the various Land Acts from the 1880s to encourage peasant ownership of land and houses, the various Labourers Acts up to 1914 had initiated the policies of direct State subsidy for housing. The scale of the Labourers Acts programme produced a complete “municipalisation” of new working class dwellings in rural Ireland. This can only be explained by “seeing the Labourers Acts as a response to the economic and political problems engendered by an uneven process of modernisation in the United Kingdom”.⁸⁴ It has been pointed out that the principle of State aid in the shape of British Exchequer contributions and loans secured on the rates had resulted in a bloodless social revolution in the condition of the Irish rural labourer.⁸⁵ But it is sometimes forgotten what a remarkable achievement this rural housing programme was, and “there was in those years nothing like it attempted anywhere else in the world”.⁸⁶

2-51 The plea for peasant proprietors was supported by Liberal pioneers, such as John Stuart Mill, and the complex legislation required for the transfer of ownership rights from large estates to small holders by State action had been drafted principally by Hugh Law, Professor of law at Queens College, Galway.⁸⁷

The Irish Party had offered better housing to landless labourers, should they win power, and the British Liberal Government was willing to concede this social improvement. Thus, “ultimately action to improve the dwellings of Irish rural workers in the early 1880s was due to political factors other than a perceived shortage or housing need *per se*”.⁸⁸

2-52 Of course, the transfer of land and homes from the large estates to hundreds of thousands of smallholders created a mass of owner-occupiers of housing. This was to foster many political and conceptual approaches to housing policy for generations ahead. Indeed, at some point a bizarre interpretation developed, that Irish landowning was a reflection of

⁸³ Meghen, *op. cit.*, p 23.

⁸⁴ Fraser, *op. cit.*, p 60.

⁸⁵ *ibid.*, p 43.

⁸⁶ *ibid.*, p 60.

⁸⁷ Now National University of Ireland, Galway. See O'Malley L, “From Queens College to National University - 150 year Anniversary, University College Galway”, in *Essays on the academic history of QCG/UCG/NUI Galway* (Dublin, Four Courts Press, 1999).

⁸⁸ Fraser, *op. cit.*, p 27.

Lockean-type natural law principles, where the frontiersman farmer who had mixed his labour and sweat with the untamed natural resource, was entitled through natural law, to a right to property in that land.⁸⁹

Housing and Labour

The Housing of the Working Classes (Ireland) Act 1908, (the Clancy Act), extended the maximum repayment loan period for local authorities to 80 years, and set up the Irish Housing Fund, the first subsidy towards urban housing in Ireland. This Act marked the end of the development of housing by the DADC, and from then on, local authorities would be virtually the sole builders of new rented homes for low-income households. However, local authority efforts in the towns and cities had made little impact before 1914, with Dublin Corporation having built only 1,400 houses, accommodating 2.5% of the city's population.⁹⁰ The *Dublin Housing Inquiry Report* in 1914⁹¹ stated that about 45% of the working population of Dublin lived in tenement houses, and about 50% either in tenement houses or second and third class small houses. The tenement houses were for the most part houses that were originally built to accommodate one wealthy family, but by 1913 these were exceedingly old structures in an advanced state of decay.

The Sanitary Staff of Dublin Corporation had classified tenement houses into three classes:

- a. 'Houses which appear to be structurally sound; they may not be in good repair, but are capable of being put in good repair, called first class'.
- b. 'Houses which are so decayed or so badly constructed as to be on or fast approaching the border-line of being unfit for human habitation, called second class'.
- c. 'Houses unfit for human habitation and incapable of being rendered fit for human habitation called third class'. ...

At the time of the Report there were 1,516 tenements of class (a) found to be occupied by 8,295 families and by 27,052 persons; 2,228 of class (b) found to be occupied by 10,698 families and 37,552 persons and 1,518 of class (c) found to be occupied by 6,831 families and 22,701 persons. The Report also stated that there were many tenement houses with seven or eight rooms that housed a family in each room, and contained a population

⁸⁹ The All-Party Oireachtas Committee on the Constitution, *Ninth Progress Report – Private Property* (Dublin, Stationery Office, 2004) criticised this approach when used in relation to development land and pointed to the need for a new “mind-set” in relation to the origins of the value and ownership rights in land which was suitable for development. “Managing and controlling urban land and planning for the physical development of towns and cities requires a different approach to that required for managing a rural and agricultural environment. It demands a different mind-set”(p 68).

⁹⁰ Daly, *op. cit.*, p 202.

⁹¹ *Report of the Departmental Committee into the Housing Conditions of the Working Classes in the City of Dublin* (CD 7273), Parliamentary Papers, Vol. 19 (1914).

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of between forty and fifty people. One house visited was occupied by 98 persons, another by 74, and a third by 73.⁹²

These poor housing conditions in Dublin and elsewhere were contributing to labour struggles and support for Independence and national sovereignty. The onset of World War I exacerbated the situation, with loans to Dublin Corporation for the provision of housing being suddenly halted.

2-54 The politicisation of the working class in Dublin by James Larkin and James Connolly, the 1913–14 lock-out and the collapse of two tenements killing seven in Church Street in 1913, had “turned the housing issue into an active element in class relations”.⁹³ The struggle for better housing was to become part of union demands by James Connolly. The Irish TUC passed a resolution in 1914 declaring that:

“Labour unrest can only be ended by the abolition of the capitalist system of wealth production, with its inherent injustice and poverty, and among the first steps to that end demands legislation to secure ... the building of healthy homes for all.”⁹⁴

2-55 The connection between labour agitation and poor housing was made by conservative institutions. The need to use housing provision to stem the growth of socialism was put forward by those who wished to maintain the status quo, in an almost identical way as the British ruling class had espoused. The Irish Roman Catholic hierarchy issued a pastoral letter in 1914, calling for improved housing, arguing that if such work were done ‘it will kill socialism’.⁹⁵ The *Irish Times* stated that:

“The condition of the Dublin slums is responsible not only for disease and crime, but for much of our industrial unrest. The members of the ITGWU live for the most part in the slums like Church Street. Their domestic conditions make them easy prey for plausible agitators.”⁹⁶

2-56 The Housing (Ireland) Act 1919 marked a major development, with the extension of the post-World War I “Homes fit for Heroes to live in” provisions of British post-war housing to Ireland. In Britain, after 1918, there was great fear in ruling class circles that the return of five million trained soldiers could result in a Bolshevik-type revolt. The British Government promoted better housing as a means of appeasing labour demands, and convincing the working class that there was no reason to overthrow the existing social order. This view was shared by Conservative and Liberals alike. However, “it signified the end of the *laissez-faire* ‘liberal hegemony’, which had

⁹² For an account of the lives of people who lived in these houses see Kearns, KC, *Dublin Tenement Life – An Oral History* (London, Penguin, 1994).

⁹³ Fraser, *op. cit.*, p 103.

⁹⁴ *ibid.*, p 105.

⁹⁵ *ibid.*, p 107.

⁹⁶ *ibid.*

collapsed in Britain due to the inroads made by the working class political organisation".⁹⁷

Public housing provision had become an insurance against revolution, and the previous use of the social housing provisions in rural Ireland, under the Labourers Acts, were recognised as an effective avenue in this control. This public provision in rural Ireland was often referred to as the "Irish System" of State subsidy, or "charity rents".⁹⁸ The UK Housing and Planning Act of 1918 introduced subsidised housing for local authorities on a large-scale, along similar lines to the now established Irish system, throughout Britain. 2-57

The Housing (Ireland) Act 1919 set out arrangements for high levels of subsidies to local authorities, similar to UK schemes. Where the Local Government Board believed that a local authority was failing to provide "adequate" housing it had the power to carry out the task directly. Local authorities would be obliged to carry out an assessment of the housing needs in their districts, and within three months to prepare a scheme showing the number and nature of houses to be provided. 2-58

"It shall be the duty of the Local Authority of every urban district or town for the purposes of Part 111 of the Act of 1890 to consider the needs of the district or town with respect to the provision of houses for the working classes, and within three months after the passing of this Act and thereafter as often as occasion arises, to prepare and submit to the Local Government Board a scheme for the exercise of their powers under the said Part 111."⁹⁹

The Local Government Board operating at national level, could give notice that a scheme was necessary, and had power to act in place of the local authority, recovering its expenses from that local authority.¹⁰⁰ By the time the Act of 1919 was passed half of the Irish local authorities had carried out surveys of their needs. These had shown an overall need for 61,648 dwellings, and the authorities had submitted schemes for 42,000 homes in urban areas.¹⁰¹ All dwellings were to be completed by August 1922, unless an extension of time was granted.¹⁰² The Act of 1919 was not implemented because of the establishment of *Dail Éireann*, and subsequent *Sinn Fein* battles over control of local government in Ireland took a greater political priority. 2-59

Post Independence

The original *Democratic Programme* for *Dail Éireann*, based somewhat on the submission of Thomas Johnson of the Labour Party to Sinn Fein leaders in January 1919, did not propose universal State housing provision 2-60

⁹⁷ Fraser, *op. cit.*, p 186.

⁹⁸ Daly, *op. cit.*, p 121.

⁹⁹ Housing (Ireland) Act 1919, s 1(1).

¹⁰⁰ Meghen, *op. cit.*, p 10.

¹⁰¹ Daly, *op. cit.*, p 206.

¹⁰² Fraser, *op. cit.*, p 225.

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or regulation.¹⁰³ However, major intervention in the housing system would have been inevitable under the policy provisions for the protection and support of children. This document is worth recounting, to assess how such housing and social policy has shifted since that time.

“The Irish Republic shall always count wealth and property by the measure of health and happiness of the citizen. It shall, therefore, be the first duty of the Government of the Republic to make provisions for the physical, mental and spiritual well-being of the children to ensure that no child shall suffer hunger or cold from lack of food, clothing or shelter, that all shall be provided with ample means and facilities requisite for the education and training of free citizens of a free Nation.”¹⁰⁴

2-61 The first *Dail* managed to fend off demands to provide funds for housing with the excuse the country was at war, but even this argument lost currency once the Treaty had been signed.¹⁰⁵ The *Dail* stated, through the then unofficial Ministry of Local Government, that they were alive “to the urgency of the housing problem and they hope that at a later stage it may be found possible to make provision for affording financial assistance to local bodies in dealing with it”.¹⁰⁶

After 1921, the only part of British housing policy to be implemented in Ireland was the provision of cottages for returning Irish sailors and soldiers, who had fought in the first World War.¹⁰⁷ Eventually, some 3,700 of these dwellings were built, mainly in Leinster.

2-62 The Provisional Government announced a brief injection of funds, which also acted as a transitional employment measure, in 1922. The “Million Pound Scheme”, resulted in local authorities producing over 2,000 units by 1924, although this took place in the context of a shortage of funds for housing under the control of the new Government in the 1920s. But there was also another factor, which led to the major delay in housing provision between 1921 and 1931. This was described as:

“... an entrenched ideology of social and cultural conservatism among the groups that constituted the new ruling class. State action was frowned upon and there was little interest in the redistribution of wealth.”¹⁰⁸

After 1924, the Cosgrave Government abandoned any pretence that it was trying to solve the housing problem. Instead, there was:

“... an explicit orientation towards the provision of larger dwellings for better paid workers and the lower middle classes, on the grounds that the Free State simply could not afford to build for the very poor.”¹⁰⁹

¹⁰³ Mitchell and O Snodaigh. (1985) *Irish Political Documents 1916-1949*, p 59.

¹⁰⁴ *ibid.*

¹⁰⁵ Daly, *op. cit.*, p 207.

¹⁰⁶ Fraser, *op. cit.*, p 230.

¹⁰⁷ Irish Land (Provision for Sailors and Soldiers) Act 1919.

¹⁰⁸ Fraser, *op. cit.*, p 279.

¹⁰⁹ *ibid.*, p 280.

This approach was facilitated by the 1924 Housing (Building Facilities) Act, which provided subsidies for new houses containing three to five rooms, payable equally to local authorities and private builders. The 1924 Act proved to be the beginning of a long tradition of State assistance to the private sector in housing provision, and most of these grant-aided houses were owner-occupied, with farmers benefitting to a large extent.¹¹⁰ A restriction was placed on the sale price and rents of houses on which grants were paid. However, this Act and its successors made a huge impact in rural areas, particularly along the western seaboard, and in many cases “the most admirable determination involving often personal privation and sacrifice was shown by persons of little or no means in the provision of healthy homes for their families”.¹¹¹ Indeed, the prophetic words of the English Liberals of the 1880s on the social and political effects of a peasant proprietorship were being slowly realized in the new State.

By 1927, over 7,000 of the new subsidised houses had been completed with 5,588 in rural areas. In the years from 1922 to 1932 some 10,000 subsidised dwellings were built by local authorities, while a further 16,500 were provided by private builders. However, there were some criticisms in relation to addressing serious housing need and it was “evident that the houses provided under the Housing Acts 1924–30 did not cater for the casual worker nor did their provision make any impression on the problem of the slums”.¹¹²

The Housing (Miscellaneous Provisions) Act 1931 brought about some major changes, including the introduction of Compulsory Purchase Orders by local authorities, following precedents from Britain and Northern Ireland. This rendered it considerably easier for local authorities to eliminate slum areas, and the Act augmented powers to compel owners of slum property to repair or demolish the premises. Local authorities could also enter a building in poor condition and carry out the repairs itself, with the cost assigned to the owner. The Act of 1931 sought to distinguish between the better-paid artisan class and the casual unskilled worker,¹¹³ concentrating funding subsidies on assisting the latter in poor housing. However, the Act also amended the Small Dwellings Acquisition Act 1899 to allow instalments of the loans for house purchase to be drawn down in stages rather than on completion, thus encouraging a market in private building. The Act of 1931 was inherited by the incoming *Fianna Fail*/Labour Government of 1932, which increased the level of subsidies available to local authorities in the Housing (Financial and Miscellaneous Provisions) Act 1932. These Acts established the formula for the subsidy of low-income housing in the Republic for decades, advancing the system

¹¹⁰ Daly, *op. cit.*, p 209.

¹¹¹ Meghen, *op. cit.*, p 33.

¹¹² Monahan, “Housing — The Social Background” (1959) *Administration* Vol. 7. No. 2. p 166.

¹¹³ Daly, *op. cit.*, p 216.

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of State assistance to local authorities in the form of annual subsidies on loan charges.

2-66 During the 10 years 1932-42, local authorities built 29,000 urban houses and flats and 20,000 labourers' cottages. Private individuals and public utility societies constructed 22,000 rural and 11,000 urban houses—a total of 82,000 houses. During that time a substantial number of rural houses were reconstructed, and demolition orders were passed on 10,855 properties occupied by 13,933 families.¹¹⁴

2-67 The Labourers Act 1936 allowed local authority tenants of labourers' cottages to purchase their homes, and broadened the definition of an agricultural labourer. Despite a slow take-off this resulted in the widespread sale of labourer's cottages—47,762 or 56.3% of all built to date being sold by March 1961.¹¹⁵

2-68 An innovative proposal in 1932 to establish a Housing Board would have entailed substantial national State intervention in the housing system.¹¹⁶ The Board would have all the powers of the Minister of Local Government in relation to housing, and would assume responsibility for all aspects of housing policy.¹¹⁷ It would have the authority to requisition land compulsorily, and could take over the role of a recalcitrant local authority. It could also engage in the manufacture, sale and purchase of building materials, and establish co-operatives for this purpose. The Board which was eventually established was a much weaker body, and often enlisted the assistance of *Fianna Fail* deputies to put pressure on dilatory local authorities.

2-69 While there was an impressive record in the numbers of houses provided in the period 1932-1942, some have questioned whether the objectives of the 1931-1932 Acts were achieved. Did Government assistance go to those in greatest need? Fraser posits that:

“... de Valera's housing campaign stemmed from the realisation of the pragmatic benefits of State intervention rather than a radical attempt to meet working class housing needs. The aim was populism not socialism.”¹¹⁸

2-70 Although in principle targeted at those in the worst housing, the impact of housing policy in the new State only gradually benefitted those in the worst housing conditions, such as the one-roomed tenement family dwellers

¹¹⁴ *ibid*, p 221.

¹¹⁵ Pfretzschner, (1965) *The Dynamics of Irish Housing*, p 34.

¹¹⁶ Daly, *op. cit*, p 233.

¹¹⁷ One of the problems with developing a coherent housing policy in Ireland is the separation of the policy-makers and funders from the implementers of the policies—the local authorities. The situation in Northern Ireland with one Housing Executive dealing with policy and operations was proposed as a good model for the Republic of Ireland by the National Economic and Social Forum. (2000) *Social and Affordable Housing and Accommodation: Building the Future*, Forum Report. No. 18. Dublin, NESF.

¹¹⁸ Fraser, *op. cit*, p 283.

Table 1. Numbers of Private Families in Occupation of Tenements of One-Room (1911–1936).¹¹⁹

Size of family	1911	1926	1936
One person	14272	13304	13758
2 persons	12670	10683	9734
3 persons	7984	7567	6554
4 persons	5798	5554	4788
5 persons	4292	3936	3332
6 persons	2873	2729	2178
7 persons	1756	1619	1418
8 persons	1002	836	836
9 persons	465	427	403
10 persons	212	186	178
11 persons	91	46	67
12 persons	36	15	22
Total	51,451	46,902	43,268

The Irish Republic had achieved a situation where 41% of its housing stock in 1940 was built by local authorities, far higher than that in England and Wales (25%). However, the central programme of De Valera was: 2–71

“... the creation and success of native industries behind the tariff walls he had so single-mindedly established. Strenuous efforts were made to encourage private investment, but despite the protection of the tariff walls provided, private Irish capital investment proved almost as shy as it had done under the Cosgrave’s administration. By default the State was forced to increase its involvement in Irish manufacturing industry in the building of houses and in the provision of services such as air transport ... Furthermore, in the countryside the Land Commission built large numbers of small houses thereby creating employment, whilst the Housing Act of 1932 brought central government into the support of local authorities policies to such a degree that the Act amounted to a public works policy.”¹²⁰

The new State and its politicians had discovered that the careful development and allocation of social housing could be a very useful means of social and political patronage, clientelism and control. Thus began a long and questionable relationship between housing policy, certain industries, key politicians and political parties, akin to the legacy which had emerged in the rural land reform actions of the State. The building boom of the 1930s created employment, consolidated working class support for the government and improved housing conditions. But this housing programme provided great financial benefits to builders. Lee has pointed out that “Fortunes were made in this field more easily than in manufacturing. The building industry soon came to be widely regarded as an extension of the *Fianna Fail* patronage system.”¹²¹ 2–72

¹¹⁹ *Census of Population 1936, Vol. IV, Housing*, p 111.

¹²⁰ Brown, (1985) *Ireland, A Social and Cultural History, 1922–1985*, p 44.

¹²¹ Lee, JJ, (1989) *Ireland 1912–1985*, p 193.

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2-73 An average of 12,000 new houses were built annually between 1932 and 1942, compared to 2,000 per year between 1923 and 1931.

“It was a particularly effective social policy since it targeted directly at the most deprived sections of the community. The housing programme functioned as a Depression-era public works scheme; housing, along with other welfare reforms encouraged working class support; and new house construction enhanced Fianna Fail’s relationship with another important group—property speculators and builders ... Development of social rights in Ireland had to wait until the 1960s.”¹²²

The outbreak of war in 1939 resulted in a decline in housing activity, and this did not recommence until 1948–1949. After 16 years in power *Fianna Fail* were succeeded by a coalition Government in 1948.

Post War and Keynes

2-74 The 1948 White Paper *Housing - a Review of Past Operations and Immediate Requirements*, highlighted the need for a large-scale housing programme to eradicate existing slums and other unfit housing, as well as eliminating overcrowding. A survey carried out by local authorities indicated that some 43,000 houses were needed in urban areas, and 16,000 were needed in the countryside, to meet existing needs. Dublin, Cork, Limerick, Waterford and Dun Laoghaire would account for 70% of the total required. The figures were based on surveys of housing conditions carried out between 1943 and 1947, except in Dublin, where they were based on figures from a survey undertaken in 1938.¹²³ The estimate did not include provision for future changes in population, or increases in demand due to new industries or centres of growth. Some improvements in design were put forward. The White Paper had as its objective the production of 100,000 houses within 10 years, of which 60,000 were to be provided by local authorities and 40,000 by private builders. This 60:40 ratio between publicly and privately provided new homes now appears quite remarkable in the context of the small proportion of new social housing built.

2-75 The first post-war housing drive may be considered as starting with the Housing (Amendment) Act 1948, which increased grants for private houses to £275, and reconstruction grants for farmers and labourers. It introduced regulations for the management and letting of local authority houses, with new priorities for newly-weds and elderly people, followed by those where a family member suffered from tuberculosis, and then persons living in unfit and overcrowded housing. The maximum advance under the Small Dwellings Acquisitions Act 1899 for house purchase was increased to £2,000 in 1948 to facilitate greater owner-occupation. Housing was accorded a high place in the priority of claims on the finances, material

¹²² Goldthorpe and Whelan, (1992) *The Development of Industrial Society in Ireland*, pp 232–3.

¹²³ Meghen, *op. cit.*, p 63.

resources and administrative organisation available.¹²⁴ Strict licensing of building work was introduced, with State-aided housing being at first afforded priority, and later being decontrolled. In 1949–1950 local authorities built 5,299 houses, compared with 619 in the period 1946–1947. The number of houses built and reconstructed by private persons and public utility companies rose from 1,146 in 1946–1947 to 3,916 in 1949–1950.

The Housing (Amendment) Act 1950 empowered local authorities to provide houses with State aid for all classes of the community, but also introduced more favourable treatment for newly-married couples in the allocation of local authority housing. In rural areas, priority in allocations was given to agricultural labourers, rather than on the basis of need generally. Indeed, as Daly points out, “the character, industry, occupation and family circumstances of applicants” for local authority housing were part of the factors considered in allocating properties.¹²⁵

The Act of 1950 increased the size of house eligible for grants to 1,400 square feet, and applicants could claim the grant without having signed a construction contract. In effect, they could shop around, and buy their houses as a commodity from a number of developers. New grant-aided houses became eligible for rates remission and stamp duty. Local authorities could acquire land by compulsory purchase to provide sites for private houses. The loans paid by local authorities to owner-occupier purchasers under the Small Dwellings Acquisitions Acts (SDAA) were reaching up to 90% of the cost of houses purchased, although based on the “market value”. Under the Housing (Amendment) Act 1948 interest rates were set at 0.5% above cost to local authorities borrowing money.¹²⁶ This indicates the growing importance being given in Government expenditure to owner-occupation. The sale of local authority houses was not widespread at that time except in rural areas, where about 80% of all dwellings provided under the Labourers Acts were being bought by their occupants.¹²⁷ Indeed, up to March 1963 only 6,393 local authority urban dwellings had been sold to tenants.¹²⁸

The Housing (Amendment) Act 1958 increased grants for new serviced houses and reconstruction, as well as the installation of water and sewage services. There were loans available for reconstruction, repair or improvement to houses. The Housing (Loans and Grants) Act 1962 provided a new approach, with a grant of £300 being made available to bodies providing a separate dwelling for elderly persons, grants for small farmers living in remote areas and persons with low incomes in urban areas.

¹²⁴ Meghen, *op. cit.*, p 58.

¹²⁵ Daly, *op. cit.*, p 343.

¹²⁶ *ibid.*, p 363.

¹²⁷ *ibid.*, p 14.

¹²⁸ *ibid.*, p 5. The expansion of this policy later led to the subsequent diminution in urban social housing stock in Ireland, and the rise of owner-occupation. See Fahey *et al.*, *Social Housing in Ireland (1999)*.

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2-79 Expenditure on housing provision rose dramatically, and this high level of continued throughout the 1950s.¹²⁹ In the 16 years from April 1948, about 137,000 dwellings were built with State aid, of which 74,000 were provided by private enterprise and 63,000 by local authorities.¹³⁰ Capital expenditure in the period 1948–1964 on housing was estimated at £225m. Of which State aid and local authorities contributed £192m. The balance—less than 15% of total capital, was provided by banks, building societies, assurance companies and savings.

2-80 Post-war European governments had adopted a new economic model to modify the booms and recessions of capitalist systems, known as Keynesianism.¹³¹ This involved more State intervention in the economy, demand management, and the prevention of the damaging cycles of growth and recession of untrammelled capitalism. In this way the worst recessions, and consequent political turmoil, which was seen as the root cause of the rise of fascism, could be avoided. Demand management meant increasing public expenditure to boost demand, and a subsequent rise in production. This was also promoted through the Marshall Plan¹³² and Marshall Aid to European countries, followed by the establishment of the Organisation for Economic Co-operation and Development (OECD) to advise and monitor recipient Government action on economic matters. By the late 1940s, some of these approaches had begun to filter through to Ireland, including a macroeconomic approach, and the concepts of Keynesian economic policies. Data on national income caused public expenditure to be viewed in terms of its impact on the economy as a whole, rather than in a purely sectional or departmental manner.¹³³

2-81 Described as the period when “Keynes came to Kinnegad”, the council house programme was used as one of the principal method of Keynesian State expenditure to create demand:

“When finance (Dept of Finance) objected to a further extension of private housing grants in 1952, Local Government countered with a quasi-Keynesian argument that £1.5m spent on housing grants generated £10m in private capital expenditure and additional sales of Irish goods.”¹³⁴

¹²⁹ *ibid*, p 323. Some State agencies built houses for workers and their families, such as the Bord na Mona estates containing over 500 homes in the midlands including the iconic estate of 100 houses at Rochfortbridge, Co. Westmeath.

¹³⁰ White Paper, *Housing Progress and Prospects*, (1964), p 7.

¹³¹ Keynes, JM, (1936) *The General Theory of Employment, Interest and Money*. Keynes provided a critique of the *laissez-faire* economic policies of the time, and promoted enlightened government intervention to curb the inherent inequalities and instability of unregulated capitalism.

¹³² The Marshall Plan (officially the European Recovery Program, ERP) (1947–51), involved large scale US aid for the rebuilding of Europe. During that period some US \$13 billion in economic and technical assistance was given to help the recovery of the European countries that had joined the Organization for European Economic Co-operation.

¹³³ Daly, *op. cit*, p 324.

¹³⁴ *ibid*, p 361.

Even Whitaker extolled the benefits of Keynesianism at the time:

“Planning and government intervention are required to try to ensure that a country’s resources are constantly employed and developed, to keep a balance between aggregate demand and aggregate supply, and to raise the level of both at the same rate over time. If intervention had not occurred in democratic countries, social anarchy would have developed. Indeed, it is generally recognised that Lord Keynes’s persuasion of governments that it was not only right but necessary for them to intervene was a powerful factor in saving Western Europe from economic collapse.”¹³⁵

The question arises, as to whether from that time, Irish housing policy has been driven by national economic models, political exigencies, or an attempt to address the need for adequate, affordable and sustainable housing. Alongside the new demand management approach many European countries, such as Britain, had introduced universal provision of welfare, income support, education and health benefits (the Welfare State). However, the introduction of such universal benefits was resisted by powerful interest groups in Ireland, and consequently the widespread eligibility for assistance to health, education and social welfare was much slower to develop. 2-82

Housing was treated differently because of its perceived wider benefits, but yet there was no reference to anything like a right to housing, enforceable against the State by people in housing need. The approach to increased housing provision in Ireland at the time was particularly interesting. Large-scale Government subsidies creating a high level of social rented housing were not strictly necessary in Ireland in the 1950s, where the population was declining, and there was little of the war damage of other European countries. 2-83

Towards the end of the 1950s the housing programme was largely seen as complete. There were questions as to whether or not housing absorbed too high a proportion of national capital expenditure compared with other infra-structural improvements. This was a reflection of economic policy in which expenditure on housing was expected to generate more demand across the economy. However, the approach had been largely unsuccessful in creating a vibrant economy on the European standard, largely because Ireland still had “a stagnant protected economy”.¹³⁶ The construction industry was heavily dependent on imports, i.e. timber, steel, fixtures and fittings, etc. even though the direction of the house-building industry towards officially specified home-produced materials and construction methods formed a significant part of that policy. Irish government policy, from the 1930s, of encouraging import substitution (ISI) in the economy was linked to a range of social policy measures, including the introduction of an extensive 2-84

¹³⁵ Whitaker, K, “Economic Planning in Ireland” (1966) *Administration*, Vol. 14, No. 4, p 279.

¹³⁶ Daly, *op. cit.*, p 377.

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house-building programme and a range of new social security payments.¹³⁷ A major policy shift to the encouragement of export led industries (ELI) in the late 1950s corresponded with a period of decline in most areas of social policy expenditure:

“... something which was explicitly called for by the planners of the move to ELI, who sought to prioritise ‘productive’ expenditure investment and to defer further improvements in the social services until a steady growth in real national income was well established.”¹³⁸

2-85 The post-war period achieved an enormously successful housing programme through State aid, which brought long-term advances to the quality and supply of Irish housing. However, one distinguished American commentator, based for a short time at the Institute of Public Administration in 1965, pointed out the social significance of this development:

“The vast effort to create a large citizenship of home owning families has unleashed a thoroughly conservatizing force in the Republic ... The people of Ireland today live in what might be regarded as the world’s most heavily subsidised houses built under the *aegis* of a most complex set of economic supports.”¹³⁹

2-86 Indeed, by the early 1960s new questions were being raised in relation to these housing policies. The absence of planning to create communities, the wisdom of subsidising private purchase, and the official design plans for dwellings, were being raised. The huge State subsidy to the construction industry had created a political system of “powerful organisational influences”,¹⁴⁰ which had major consequences for other areas of Irish society and life. There was a close connection between certain political personalities and builders, and the power of the trade unions was constantly referred to in many reports.¹⁴¹

2-87 A political dynasty had evolved, with the associates of builders, developers and others connected with the construction industry reaching extremely powerful positions. They were able to influence large areas of government policy in a positive or negative way, outside the knowledge or accountability of the electorate. Indeed, it could be said that a political culture and set of networks was established at this time which led to a blatant disregard for the instruments of the State in promoting a rational planning policy in the public interest. Yet, the need to provide subsidised housing for the inhabitants of a poor country was widely accepted, even

¹³⁷ Cousins, “Ireland’s Place in the Worlds of Welfare Capitalism” in *Journal of European Social Policy*, Vol. 7 (3), p 229.

¹³⁸ Cousins, *op. cit.*, p 229.

¹³⁹ Pfretzschner, *op. cit.*, p 125.

¹⁴⁰ *ibid.*, p 130.

¹⁴¹ Daly, *op. cit.*, p 455.

if its production and provision created a hierarchy of tenures and social classes. Pfretzchnesner articulated the political dilemma:

“There is little doubt that without public intervention, the investment in housing would tend to be slanted towards the needs of the upper income sector of the population, and there is no question that Irish society stands behind the subsidies for public housing both in rural and urban areas to assure that all members of the society have access to at least minimum shelter ... There is a portion of the society which, because of the current system of wages, pensions and social welfare benefits cannot afford to pay an economic rent for a safe, decent sanitary, and by modern standards, adequate house. There are two obvious courses of action which a nation can follow in order to meet the problem. Either it can take the steps to raise the level of wages, pensions and benefits sufficiently so that each family can afford to pay an economic rent, or it can take steps to provide the shelter, or to assure its provision, and absorb the loss itself, meaning that the burden of the loss is passed along in the form of higher taxation and/or rates to the rest of society.”¹⁴²

The 1960s and 1970s

The White Paper of 1964, *Housing – Progress and Prospects*¹⁴³ set out the Governments plans for housing provision until 1970, as well as a review of existing legislation in the field of housing. The White Paper contained a chapter on housing need, which demonstrated that in order to deal with unfit houses, overcrowding, changes in population and depreciation of dwellings, 12–14,000 new units were needed annually. The White Paper also outlined the Government’s plans to introduce new building methods, with invitations to firms to submit proposals for the erection of 3,000 dwellings at Ballymun, Dublin. The National Building Agency, which had been established in 1960 to facilitate the provision of housing for workers in new and expanding industries and State employees outside major urban areas, was to become more involved in building houses on behalf of local authorities. There would also be a requirement on local authorities to carry out regular assessments of housing need in their areas, including future need. The procedure for the sale of local authority houses was to be simplified and other changes in relation to grants, subsidies, unfit and overcrowded houses were proposed. Payments to approved housing bodies for the provision of housing for elderly persons and persons eligible for local authority housing was mooted. 2–88

In relation to legislative proposals it was envisaged that all the previous legislation would be consolidated into one Act and that “Local Authority programmes will aim at the provision of houses for those who need them, irrespective of class or vocation, with due regard to their financial circumstances”.¹⁴⁴ 2–89

¹⁴² Pfretzschner, *op. cit.*, p 56.

¹⁴³ White Paper, *Housing — Progress and Prospects* (1964).

¹⁴⁴ *ibid.*, p 27.

2-90 The Housing Act 1966 translated most of these proposals into legislation. There was a new emphasis on the role of private house-building, and in the 1960s, for the first time, the rate of private house-building was higher than that of local authority building. Of course, this took place in a context of encouraging workers to remain or return to Ireland to staff the planned new industries, established with foreign direct investment. The 1964 White Paper had expected the trend of private house building to continue and be supported by private finance.¹⁴⁵

2-91 Although the previous decades had seen a large level of emigration there was still a relatively high level of housing need in Ireland in the 1960s. There was a public outcry in 1963 after two children were killed when a building in Fenian Street collapsed on them.¹⁴⁶ Public demands for the demolition and clearance of slum areas in central Dublin prompted political action. Assessments carried out under the Housing Act 1966, in 1967, showed that there was need for 35,000 homes to replace unfit dwellings, and a further 24,000 units were required to deal with overcrowding and related problems.¹⁴⁷ In 1965, it was estimated by the Department of Environment that 10,000 publicly provided houses were urgently needed in Dublin, and further houses in Limerick, Waterford and Cork.¹⁴⁸ The development of system-build and high-rise housing in the now iconic estates of Ballymun, Moyross and Mayfield was seen as justified, and responding in an effective and speedy way to the build-up of housing need in inner city areas. In Ballymun 3,265 dwellings had been constructed by 1970 in high-rise blocks, based on the model of the architect Corbusier of the “towers in the park”.¹⁴⁹ Seven 15-storey blocks were named after the seven signatories to the Proclamation of 1916. However, little attention was paid to the need for amenities, shops and other requirements of the new community, which was established there.¹⁵⁰ Other large-scale local authority housing estates were developed by the National Building Agency in Dublin, Cork and Limerick. This coincided with the new initiatives in Ireland to attract foreign capital and encourage new industries in selected locations under the *Programme for Economic Expansion* promoted by Sean Lemass from the late 1950s.

¹⁴⁵ White Paper, *Housing — Progress and Prospects* (1964), p 26.

¹⁴⁶ *The Irish Times*, 13 June 1963.

¹⁴⁷ White Paper, *Housing in the Seventies* (1969).

¹⁴⁸ Daly, *op. cit.*, p 475.

¹⁴⁹ For a very valuable study of Ballymun see Sommervill-Woodward, R, *Ballymun — A History*. (Dublin, BRL, 2002).

¹⁵⁰ See McDonald, F, *The Construction of Dublin*, (Dublin, Eblana, 2000); see also Connolly, L, *the Mun, Growing up in Ballymun* (Dublin, Gill & Macmillan, 2006); McCrann, A (ed.) *Memories Milestones and New Horizons, Reflections on the Regeneration of Ballymun* (Belfast, Black Staff Press, 2008). Anne Power adapted the successful elements of estate regeneration in the UK Priority Estates Project to Ballymun Regeneration, involving actions tackling, not just housing, but physical, environmental, organisational, social and financial problems. See website of Ballymun Regeneration at: <http://www.brl.ie/>.

There was a recognition that spatial planning was necessary in the new Ireland, despite the opposition of the Roman Catholic Church to planning in Irish society up to that time. Under the Local Government (Planning and Development) Act 1963 each local authority was obliged to prepare a development plan for its area, but this did not directly cover planned housing provision. The United Nations was asked to assist in the national planning process in 1964, and recommended Colin Buchanan and Associates, who prepared a report covering the whole country.¹⁵¹ Together with another planning expert (Myles Wright), who had worked on the creation of Britain's new towns in the 1950s, he recommended that growth centres be developed in Tallaght, Clondalkin, Lucan and Blanchardstown, as well as the Shannon/Limerick Region, with large-scale housing provision.¹⁵² Some model plans were prepared, such as the plan for the development of Galway city, incorporating the creation of new housing and industry suburbs to the east of the city, while preserving the character of the city centre.¹⁵³ The *Buchanan Report* of 1968 provoked a political response to its proposed creation of a limited number of large towns and cities, and the migration of people to these urban centres. The urbanisation and industrialisation of Ireland was seen as a major danger to the continuation of conservative social policy in the State by those who sought to maintain a predominantly rural, conservative and mono-cultural society. Up to the end of the 1960s the provision of housing reflected somewhat the geographic location of the population, which was primarily rural.

2-92

It was only when industrialisation in the 1970s increased the movement of workers to large towns and cities that the inadequacies of Irish housing and social policies really emerged. Increased industrialisation and urbanisation was expressed in the huge demand for housing, but there was no clear policy for addressing this need, save a reliance on market forces. There had been a policy shift away from direct provision and towards establishing a housing market in recent official reports, and the new urban dwellers were steered towards private developers for their housing. Reduced levels of local authority and other rented social or private, good quality, rented housing had led to a demand for owner-occupation, with the subsequent rises in prices, and huge increases in the price of building land.

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The White Paper – *Housing in the Seventies* (1969) again set out the plans for providing housing in a developing Ireland. This White Paper showed that since 1964 some 57,000 homes had been built, and a further

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¹⁵¹ Daly, *op. cit.*, p 471.

¹⁵² *Regional development in Ireland a summary ... a project of the Government of Ireland, assisted by the United Nations Development Programme*, prepared by Colin Buchanan and Partners in association with Economic Consultants Ltd. and An Foras Forbartha (Dublin, Foras Forbartha, 1967).

¹⁵³ Colin Buchanan & Partners, *Galway city plan – a planning study commissioned by the United Nations on behalf of the Government of Ireland* (London, Colin Buchanan & partners, 1969).

47,000 reconstructed. While there had been concern at the beginning of the 1960s that a large amount of capital expenditure was being diverted into housing, the White Paper showed that this figure had, in fact, more than doubled between 1964 and 1969, from £23.4m to £52m. Since the publication of the White Paper, *Programme for Economic Expansion*, in 1958, designed to create industrial growth in Ireland, there had been a strong desire by Governments to shift public expenditure from “social” to “productive” investment, “initially by reducing expenditure on housing”.¹⁵⁴ Whether through political or industry-led pressure it is remarkable that the housing expenditure or subsidies continued to increase during that time.

2-95 The proportion of fixed capital formation in housing as a percentage of the GNP had risen from 2.2% to 4.1% in these years. Concerns were being expressed that the economy could finance expenditure of this order only if it prospered.¹⁵⁵ For the 1970’s, the Government “consider it desirable to set out their basic objectives in housing in the context of the Third Programme: Economic and Social Development, 1969–1972”.¹⁵⁶ A new arms-length approach was evident in the housing policy objective of the Government, to ensure that “As far as the resources of the economy permit, every family can obtain a house of good standard at a price or rent they can afford”.¹⁵⁷ Indeed, this remains the basis of State housing policy today.

2-96 The White Paper (1969) considered the increased need for housing from migration and economic growth, and estimated that the number of houses required by the mid-1970s would be 15–17,000 annually. The authors looked forward to continued growth, with unofficial estimates putting the likely level of needs in the mid-1980s at 21,500 houses a year.¹⁵⁸

2-97 The State was disengaging from large-scale housing provision in favour of allowing the market and the construction industry to provide housing for the general population. This policy of encouraging the housing market to produce and allocate new homes was replacing the direct provision of housing as a political objective. A new approach to the funding of housing involved a greater role for building societies, insurance companies, more housing built for sale, efficiency in building to reduce housing costs, increased capital receipts by local authorities and “it will be the Governments policy to ensure conditions favourable to private investment in housing”.¹⁵⁹

2-98 The drive towards increasing the role of the market was very powerful, and the activities of construction and private housing finance industries in catering for the new working class of Ireland’s towns and cities intensified. But already, the simple market approach was beginning to reveal its

¹⁵⁴ Lee, (1989) *Ireland 1912–1985*, p 345.

¹⁵⁵ *ibid.*

¹⁵⁶ White Paper, *Housing Progress and Prospects* (1964), p 3.

¹⁵⁷ *ibid.*

¹⁵⁸ *ibid.*, p 45.

¹⁵⁹ *ibid.*, p 47.

shortcomings. Indeed, the current Tribunal Reports reveal a lot more about this abandonment of any coherent housing policy by the State, than official documents of the time. Land zoning decisions became the primary instrument of State housing policy at local level. As we now know, many of these decisions were taken against the advice of planners, in contravention of development plans and at the behest of powerful developers of urban housing.¹⁶⁰

The New Land Question

Rising house prices were leading to, or encouraging, escalating development land process at the end of the 1960s. The rises in the price of building land in the major cities as a result of the urbanisation of the country was in turn leading to a consequent growth in house prices. This was revealing some major paradoxes in the housing and planning system. The Government set up the Kenny Committee in 1971 “to consider, in the interests of the common good possible measures for ... controlling the price of land required for housing and other forms of development”.

2-99

The *Kenny Report*¹⁶¹ showed that the price of serviced land in County Dublin had leaped from £1,100 per acre in 1960 to £7,000 per acre in 1971. The sudden urbanisation of the country, lack of emigration and increase in the household-forming age group in the population, were seen as the causes of the increased demand for housing. The 1960s had seen the first sustained increase in the Irish population in more than a century, and the urban population had increased from 1,229,000 in 1961 to 1,556,000 in 1971. The *Kenny Report* considered a number of solutions to the problem of high land prices. These included price control, nationalisation of all building land and development rights, taxes on profits, a betterment levy, right of pre-emption for local authorities, payment for local authority’s services, stamp duty and other taxes, compensation for compulsory purchase and public acquisition of lands within designated areas. Of these, the Report recommended that the latter proposal would be least likely to be unconstitutional and most workable.¹⁶² This would involve designated areas where land was needed for building being approved by the High Court, with local authorities then acquiring this land at current value, plus 25% of the increase in price caused by the zoning. The land could then be sold to developers or used for public housing as required, at this lower than market price, and in this way the cost of new houses would be lower. However, the recommendations of the *Kenny Report* have never been implemented by the Government.

2-100

Yet, the need for housing in the areas where the new industries were set up was recognised as a priority. Owner-occupation was greatly encouraged

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¹⁶⁰ See Cullen, P, *With a little Help from my Friends – Planning Corruption in Ireland* (Dublin, Gill & McMillan, 2002).

¹⁶¹ Government of Ireland, *Committee on the Price of Building Land, (Kenny Report)* (1973)

¹⁶² *ibid.*

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and subsidised, and the justification for grants and discounts paid to this sector was set out in the White Paper of 1969¹⁶³:

“First, they help persons who would otherwise have been compelled to seek Local Authority houses to provide their own houses; in this way they remove part of the rehousing burden from Local Authorities. Next, they encourage owner-occupation, which is desirable not only on social grounds, but on the economic ground of a saving in maintenance costs. Finally, since a house is an addition to the assets of the community which will outlast the original purchaser, it is in the interests of the community that it should be built to a higher standard than that to which the original purchaser would have built himself. The grants and inspection system which accompany them help to achieve this object.”¹⁶⁴

The clamour and political support for owner-occupation began to have an impact on local authority housing, with ever increasing numbers of better off tenants exercising their right to buy, assisted by substantial discounts on the value of the property purchased.

2–102 A report by the National Economic and Social Council (NESC) in 1977¹⁶⁵ analysed the range of subsidies towards housing in Ireland. At that time, the tenure pattern had become predominantly owner-occupied housing (70%), local authority tenancies (16%) and private renting (14%).¹⁶⁶ The NESC report highlighted the high level of subsidy which was being directed at owner-occupation though tax exemption of net imputed rent, mortgage interest relief, reconstruction and repairs grants, exemption from stamp duty, rates remission and exemption from capital gains tax. It estimated that in 1975, the aggregate proportionate subsidisation of owner-occupiers was greater than that of local authority tenants, while private rented tenants received no direct subsidy at all.¹⁶⁷

2–103 In 1973 and 1978 the terms for local authority tenant purchase were revised, with a subsidy for tenant purchasers equal to that of the grant available to first time buyers in the private house market, in addition to the discount already available.¹⁶⁸ While a large-scale local authority housing programme was maintained in the 1970s, with 60,630 houses built between 1970 and 1979, some 60,026 houses were sold to tenants in the period. There were some 179,011 completions of private housing in the decade, almost three times the local authority output.¹⁶⁹ The trend for market

¹⁶³ White Paper, *Housing in the Seventies* (1969).

¹⁶⁴ *ibid*, p 17.

¹⁶⁵ NESC Report No. 23, *Report on Housing Subsidies*.

¹⁶⁶ *ibid*, p 8.

¹⁶⁷ *ibid*, p 13.

¹⁶⁸ This led to the residualisation of local authority housing in Ireland and by the 1990s, the small size and disadvantaged profile of the urban public-sector tenant population meant that public-sector housing in Ireland provided an appropriate context for the emergence of “underclass” processes. See Nolan & Whelan, “Urban housing and the role of ‘underclass’ processes: the case of Ireland” (2000) 10(1) *Journal of European Social Policy* 5.

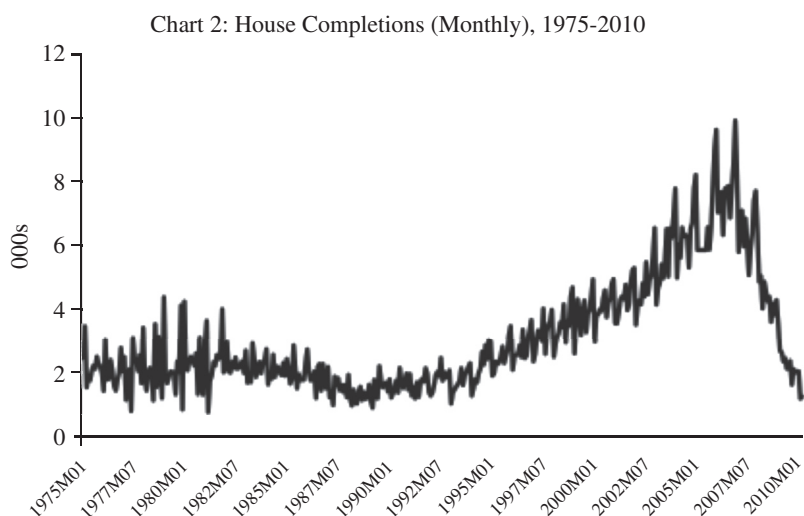
¹⁶⁹ Corcoran, T, “Government Policies towards Public Housing”, *Administration*, (1995) Vol. 3, 614.

reliance on new housing was becoming established. However, there appears to have been little debate or legislation to create any effective regulation or accountability in the burgeoning housing market. There was certainly no consumer legislation for the protection of the new class of consumers of housing for sale in the new housing market.

Between 1975 and 2010 the housing market in Ireland became the primary producer of new homes, through the extension of city suburbs, greater rural housing and the growth of small towns and villages. Completions of new homes displayed minor peaks and troughs, as shown in the chart, below during the 1970s and 1980s, but a gradual increase in production is evident from 1995, culminating in the peak of production in 2007, followed by a collapse.

2-104

Chart 2. Monthly House Completions 1975–2010¹⁷⁰



The Excluded

Aside from the forced emigration of Irish people, amounting to half those born since the foundation of the State, many groups of people in Irish society were excluded from housing policy.¹⁷¹

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¹⁷⁰ From Honohan P, *The Irish Banking Crisis—Regulatory and Financial Stability Policy 2003–2008*, — *A Report to the Minister for Finance by the Governor of the Central Bank* (Dublin, Central Bank, 2010).

¹⁷¹ The levels of homelessness and poor housing conditions of Irish emigrants in the UK and the US have been described in many reports—*Irish Homeless Families in London* (London, Brent Irish Advisory Service, 1988); O’Connor, T, *The Irish in London* (London, GLC, 1988).

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2-106 The housing needs of Travellers have long been recorded in Irish social history, yet any formal policies for their housing have only been put in place relatively recently.¹⁷² All the housing policy White Papers, legislation, and Government housing reports until the late 1980s failed to refer to the Traveller community's housing needs. Not until the Housing Act 1988 are Travellers mentioned in housing legislation, while housing arrangements for specific groups in Irish society, such as agricultural labourers, farmers, *Gaeltacht* residents and Irish speakers, TB sufferers, newly-weds, elderly and disabled people, and those living in overcrowded and unfit housing appear throughout Irish State housing reports and legislation.

2-107 The development of housing policy in the State with regard to Travellers has been described as treating "tinkers" as wards of the State.¹⁷³ The first report on Traveller needs, the *Report of the Commission on Itinerancy* (1963) showed that there were 1,150 Traveller families living on the roadside.

2-108 Travellers have lived a nomadic lifestyle and migrated around the country to regular sites each year. The industrialisation and urbanisation of Ireland since the 1960s has resulted in many of these sites being developed and there is no longer the same opportunity for the nomadic lifestyle. Travellers are forced to camp in what are now described as "unauthorised sites" which may be unsuitable in many ways. The *Report of the Commission on Itinerancy* (1963) noted:

"Itinerants [*sic*] frequent the same camping places each time they return to a district. They are well known to local residents and to the Gardai. Constant use in all weathers usually means that they are ungrassed, very muddy in wet weather, littered with papers, rags, unwanted scrap and other debris. They usually look untidy and filthy. While sufficiently convenient to centres of population for purposes such as begging and dealing, they are usually remote from water, sanitation, light and power services and inconvenient to schools."¹⁷⁴

2-109 The *Annual Report of the National Traveller Accommodation Consultative Committee* (2008) stated that the population of Traveller families in the State, as enumerated in the Annual Count, increased by 299 in 2008 and stood at 8,398 persons.¹⁷⁵ This had increased to 8,943 persons in the Department of Environment Annual Count of 2009.¹⁷⁶

¹⁷² The term "housing" is used here in the generic sense to include all forms of accommodation, including transient Traveller accommodation. Crowley, "Travellers and Social Policy" in Quin, *et al.* (eds), *Contemporary Irish Social Policy* (Dublin, UCD Press, 1999).

¹⁷³ MacLaughlin, "The evolution of anti-Traveller racism in Ireland" 37(3) *Race & Class* 47.

¹⁷⁴ *Report of the Commission on Itinerancy*, (Dublin, The Stationery Office, 1963), p 52; See also Murphy, F, "Bringing Mabo to Ireland: The Case for Traveller Title", (2006) 11(1) *CPLJ* 10.

¹⁷⁵ *National Traveller Accommodation Consultative Committee Annual Report* (2008). Available at: <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,21840,en.pdf>.

¹⁷⁶ Travellers Annual Count 2009 — Department of Environment, Heritage and Local Government, available at: <http://www.environ.ie/en/Publications/Statistics and Regular Publications/TravellerAccommodation/>.

The Irish State also excluded from its proper consideration many of those who had been termed as outsiders by the influences of Roman Catholic norms, people with disabilities, homeless people, unmarried mothers, children born in poverty or to unmarried parents, lesbians, gay men and others. The State provided some institutional “care” through contracts with agencies (often religious agencies), thereby insulating it from political accountability or consideration. The abuses which took place in these institutions and the discrimination against groups of people is only now coming to light. Of course, today, the housing system operates with the highest waiting list for State supported housing ever. **2-110**

Conclusion

The early Irish housing system reflecting its pastoral society with its Brehon laws was gradually replaced by the Norman feudal large estate system. As we have seen, the development of Irish housing law and policy from the 1800s has largely been motivated by factors other than the provision of housing for people’s needs. From the Poor Law system, which aided the industrialisation of society, to improvements of rural housing of the late 1880s, political factors rather than a perceived need for housing were often the critical drivers. The large-scale UK municipalisation of housing after 1918, to avoid social upheaval, formed a central policy plank for later housing policies in Ireland. **2-111**

In the 1930s and 1940s, a new housing policy in Ireland resulted in a major increase in the role of the State, and this was, in principle, directed at those who were in the poorest housing conditions. However, it is now largely viewed as being aimed at encouraging home industries, establishing popular political support through patronage from the working class, and creating a “public works policy”. This included the requirement that Irish materials should be used in all grant-aided houses such as Killaloe slates, Dolphin’s Barn bricks, cast iron from Hammond Lane and Irish cement, where the urge for self sufficiency proved overwhelming. **2-112**

The Post-war Keynesian approach led to significant spending on housing, where “Keynes came to Kinnegad”, but there was a major policy shift after the 1960s. The switch to encouraging the private developer-led homebuilding market to take a primary role from the mid-1960s onwards was also influenced by economic factors, i.e. the desire to divert capital towards investment in production. Housing policy was channelled to supporting the new “Export-Led Industries”. By the 1970s, there was clear disengagement of the State from the provision of new housing, with the rising powerful property developers taking on a major role, both in housing production and policy influence. The State encouraged owner-occupation, but confined its role to grant making, land zoning, and (very limited) inspections of the privately-built new homes. In terms of taking a wider social responsibility for the zoning of land, planning of communities, and other people-oriented aspects of housing, **2-113**

the State played a minimalist role. The concept of rights was almost largely unknown in this context, where the culture of owner-occupation was even creating pressures on local authority tenants to join the ranks of this new social class.

2-114 In rural areas, the “bungalow bliss” of self-build homes was transforming the Irish countryside. The large-scale development of rural bungalows in the 1970s symbolised this new approach of perceived prosperity and the bible of bungalow standard house plans – *Bungalow Bliss*.¹⁷⁷ This iconic publication contained some interesting observations by one Mr R. Burke, TD. Minister for the Environment, where he described the conservative nature of the Irish race with its desire to own their own homes.¹⁷⁸

2-115 It would appear that from the 1960s, a turning point was reached, with private sector production and a market in housing being primarily promoted by the State. This was accompanied by the rise of the powerful political-developer dynasties, which have indeed shaped all housing and urban policy since then. Equally, the tradition of the politician-clientelist role, which had emerged from the extensive rural struggle for more land, created a political culture where the usurpation of the largesse of the State for personal or family advancement was regarded as the norm. This would develop into corrupt practices in the housing system as now revealed in the various Tribunal Reports into corruption in Ireland. The instruments and institutions of State were unable to prevent widespread corruption and disregard for the public interest and planning authority. The codification of existing housing law in 1966 did not introduce any notion of a rights-based approach to housing, although there was a shift in perspectives within allocation policies. However, some notion of equal opportunity was beginning to emerge in the State sector. The allocations criteria set out in the Housing (Amendment) Act 1950 involving considerations of “the character, industry, occupation and family circumstances of applicants”,¹⁷⁹ had moved by 1964, in a government White Paper, to recommending allocations “irrespective of class or vocation, with due regard to their financial circumstances”.¹⁸⁰

2-116 The development of the Irish housing system from the iconic period of the 1840s to the 1970s, when a new era of development began in Ireland, laid the foundations for the system today. The extent of early British and Irish State support for social housing provided a stock of housing from which a market could develop after the 1970s. While different political philosophies were applied to the housing system over time, one stood above all else—political

¹⁷⁷ Fitzsimons, J, *Bungalow Bliss* (Kells, Co. Meath, 1971).

¹⁷⁸ The Foreword of The Flood Report in 2002 — *Second Interim Report of the Tribunal of Enquiry into Certain Planning Matter and Payments* at p 138 pointed out that the same “Mr R. Burke did not purchase his home at Briargate, Malahide, Swords from Oakpark Developments Limited in 1973 in a normal commercial transaction”.

¹⁷⁹ Daly, *op. cit.*, p 343.

¹⁸⁰ White Paper, *Housing – Progress and Prospects* (1964), p 27.

pragmatism and populism. Such a potent mix served to conceal the abuses of power and position of landowners, developers and some politicians. This legacy, when applied to an overheated housing market with a flood of cheap credit, led to the housing crisis of 2008 and 2009.

Ultimately, Irish State housing policy has, in many ways continued that of the pre-Independent State, namely the protection and extension of property ownership. This was originally implemented through the widespread State sponsored ownership of tenanted land, and in the past five decades through subsidised and bolstered owner occupation.

2-117

