

The Politics of Sexual Knowledge: The Origins of Ireland's Containment Culture and the Carrigan Report (1931)

JAMES M. SMITH

Boston College

“IN IRELAND—whenever a child is born out of wedlock, so shocked is the public sense by the very unusual occurrence, that it brands with an irreparable stigma, and, to a large extent, excommunicates the woman guilty of the crime.”¹ Writing in 1922, the same year that the Irish Free State was founded, James F. Cassidy, himself a Catholic priest, captured the inherent contradictions informing contemporary Irish attitudes toward women's virtue and outlined the ramifications for those women who violated that social and moral ideal. Branded by the public as simultaneously a mother and a criminal, a family member and an outcast, the unmarried mother faced shame, betrayal, and exile. With little or no social welfare system to fall back on, her choices were limited to entering the county home, begging on the streets, or possibly resorting to prostitution. Cassidy's scenario carefully avoided the unmarried mother's male partner, father to her “illegitimate” child. Similarly, he ignored the social powerbrokers—Church and state—that facilitated these communal responses.

The historically powerful Catholic Church and the fledgling Irish Free State cooperated increasingly throughout the 1920s as the self-appointed guardians of the nation's moral climate. Already by 1925 this partnership had provoked legislation establishing censorship of films and proscribing divorce, characteristic hallmarks of the socially repressive Free State society. These initiatives were followed by a series of official investigations, for

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¹James F. Cassidy, *The Women of the Gael* (Boston, 1922), 206.

example, the Inquiry Regarding Venereal Disease (1925), the Committee on Evil Literature (1927), and the Commission on the Relief of the Sick and Destitute Poor Including the Insane Poor (1928). Such inquiries typically generated lengthy reports that subsequently resulted in legislation addressing social and moral issues, including the Censorship of Publications Act (1929), the Illegitimate Children (Affiliation Orders) Act (1930), the Legitimacy Act (1931), the Registration of Maternity Homes Act (1934), and the Dance Halls Act (1935). This essay examines the historical contexts informing one final Church-state initiative from the early Free State years, the Committee on the Criminal Law Amendment Acts (1880–85), and Juvenile Prostitution (hereafter referred to as the Carrigan Committee), its ensuing report, and the subsequent Criminal Law Amendment Act (1935). The Carrigan Report, I propose, was a formative moment in establishing an official state attitude toward “sexual immorality,” and the subsequent legislation authorized Ireland’s containment culture.

In its concrete form Ireland’s architecture of containment encompassed an array of interdependent institutions: Industrial and Reformatory Schools, mother and baby homes, adoption agencies, and Magdalen asylums, among others. These institutions concealed members of society who had been marginalized by a number of interrelated social phenomena, including illegitimacy, incest, and infanticide. In its more abstract form this architecture comprised both the legislation that inscribed these issues and the numerous official and public discourses that resisted admitting to the existence and function of their affiliated institutions.² In arriving at a hegemonic discourse that responded to perceived sexual immorality, the Carrigan Report and the Criminal Law Amendment Act not only sanitized state policy with respect to institutional provision but also disembodied sexual practice, concealing sexual crime while simultaneously sexualizing the women and children unfortunate enough to fall victim to society’s moral proscriptions. Moreover, this official discourse helped construct an illusion of political nonpartisanship against the backdrop of post-civil war divisiveness. Finally, it helped to engineer widespread public consent by way of the legislative agenda, even while the operative functions of the institutional response to sexual practice were shrouded in secrecy. Examining the Carrigan Report and its political reception in this context underscores how the discourse of “sexual immorality” enabled, even as it was perceived to threaten, post-independent Ireland’s national imaginary.

²See James M. Smith, “Remembering Ireland’s Architecture of Containment: ‘Telling’ Stories in *The Butcher Boy* and *States of Fear*,” *Éire-Ireland: An Interdisciplinary Journal of Irish Studies* 36 (2001): 111–30; and “Retelling Stories: Exposing Mother Ireland in Kathy Prendergast’s *Body Map Series* and Mary Leland’s *The Killeen*,” in Jennifer Grinnell and Alston Conley, eds., *Re/Dressing Cathleen: Contemporary Works from Irish Women Artists* (Boston, 1997), 42–51.

Recent feminist historiography has considered how the project of national identity formation in the decades following independence mobilized Catholic notions of sexual morality in ways that were particularly oppressive for Irish women. Against the backdrop of partition and fueled by the desire to “create a new imagined community within the boundaries of the twenty-six-county state,” Church and state fashioned a seamlessly homogeneous society. Working in unison, these two institutions closed off internal challenges and contradictions even as they represented society as pure and untainted by external corruption.³ In the *Field Day Anthology of Irish Writing: Irish Women’s Writing and Traditions*, Marjorie Howes illuminates this alliance, arguing that “one method of defining and asserting the national character that enjoyed wide popular support, accorded with the Free State’s now legendary social and economic conservatism and marked a clearly visible difference between Ireland and England was the formal and informal enforcement of Catholic social teachings, particularly in the area of sexual morality.”⁴ Catholic morality became at once a hallmark of Irish identity, differentiating the national community from its near neighbors, and an emblem of the uncontested political territory, enabling politicians to eschew party affiliation and seek unanimity through religious conformity.⁵ Maryann Valiulis outlines the consequences of this strategic allegiance between Church and state, arguing that “political and ecclesiastical leaders in the Irish Free State constructed an identity for Irish women solely in domestic terms—women were mothers, women were wives.”⁶ This idealization and objectification required a series of legislative vehicles with which to constrain women so that they might

³Breda Gray and Louise Ryan, “The Politics of Irish Identity and the Interconnections between Feminism, Nationhood, and Colonialism,” in Ruth Roach Pierson and Nupur Chaudhuri, eds., *Nation, Empire, Colony: Historicizing Gender and Race* (Bloomington, 1998), 121–38, 126–27. Also see Caitriona Clear, *Women of the House, Women’s Household Work in Ireland 1922–1961: Discourses, Experiences, Memories* (Dublin, 2000); and Mary E. Daly, “Women in the Irish Free State, 1922–39: The Interaction Between Economics and Ideology,” *Journal of Women’s History* 6–7 (Winter–Spring 1995): 99–116.

⁴Marjorie Howes, “Introduction: Public Discourse, Private Reflection, 1916–70,” in Angela Bourke et al., eds., *Field Day Anthology of Irish Writing: Irish Women’s Writing and Traditions* (New York, 2002), 4:923–30, esp. 923–24.

⁵This was increasingly the case after 1927, when de Valera’s recently formed political party, Fianna Fáil, entered the Dáil to form the largest party in opposition. Irish politicians’ allegiance to Catholic values, which traditionally was simply presumed, suddenly adopted partisan political significance as Cosgrave and de Valera each attempted to out-Catholic the other.

⁶Maryann Valiulis, “Neither Feminist nor Flapper: The Ecclesiastical Construction of the Ideal Irish Woman,” in Mary O’Dowd and Sabine Wichert, eds., *Chattel, Servant or Citizen: Women’s Status in Church, State and Society* (Belfast, 1995), 169. Also see Carol Coulter, *The Hidden Tradition: Feminism, Women and Nationalism in Ireland*, Undercurrents, ed. J. J. Lee, no. 4 (Cork, 1993); and Clair Wills, “Women, Domesticity and the Family: Recent Feminist Work in Irish Cultural Studies,” *Cultural Studies* 15, no. 1 (2001): 33–57.

visibly conform to the prescribed national paradigm.⁷ The process also necessitated a series of punishments to negate and render invisible those women unlucky enough to countermand social conventions.

Retelling the history of the Carrigan Report and the Criminal Law Amendment Act (1935) exposes the state's willing abdication of responsibility for matters of sexuality and sexual education to the Catholic Church. Examining this mutually benefiting collusive relationship also challenges the general avoidance of sociosexual issues in favor of the political aspects of Church-state relations in much Irish historiography.⁸ Recent scholarship allows for a fuller understanding based on the release, in 1991, of the Department of Justice's official files relating to the Committee on the Criminal Law Amendment Act.⁹ More recently still, in 1999 the National Archives made available the minutes of meetings and the files relating to persons and organizations giving evidence before the committee.¹⁰ My essay synthesizes this new archival material.

The political reception of the Carrigan Report—first the suppression of the report, then a legislative response—established a precedent for Church-state management of sociosexual controversies, proscribing visible manifestations of “sexual immorality” while failing to address—or choosing to ignore—the social realities attending them. This political response reveals how the term “sexual immorality” depended on perceptions of sexual behavior that were invariably disembodied. Consequently, the discourse of “sexual immorality” marginalized the real-life sexual practice that resulted in single motherhood and illegitimacy while it simultaneously elided the pervasive reality of rape, incest, and pedophilia. Both the report and the ensuing legislation demonstrate a significant discursive distortion, one that would enable Ireland's partnership of Church and state effectively to criminalize sexual relations outside of marriage and thereby inscribe moral

⁷See Sandra L. McAvoy, “The Regulation of Sexuality in the Irish Free State, 1929–1935,” in Greta Jones and Elizabeth Malcolm, eds., *Medicine, Disease, and the State in Ireland, 1650–1940* (Cork, 1999), 253–66; and Maria Luddy, “Moral Rescue and Unmarried Mothers in Ireland in the 1920s,” *Women's Studies: An Interdisciplinary Journal* 30, no. 6 (December 2001): 797–817.

⁸See, for example, J. H. Whyte, *Church and State in Modern Ireland, 1923–1979*, rev. ed. (Dublin, 1980), 24–61; Dermot Keogh, *The Vatican, the Bishops and Irish Politics 1919–39* (Cambridge, 1986), 163–66, 205–8, and *Twentieth-Century Ireland: Nation and State* (New York, 1995), 71–73; J. J. Lee, *Ireland, 1912–1985: Politics and Society* (Cambridge, 1989), 157–60.

⁹See Mark Finnane, “The Carrigan Committee of 1930–31 and the ‘moral condition of the Saorstát,’” *Irish Historical Studies* 32, no. 128 (November 2001): 519–36, 525; and Finola Kennedy, “The Suppression of the Carrigan Report: A Historical Perspective on Child Abuse,” *Studies: An Irish Quarterly Review* 89, no. 356 (Winter 2000): 354–62. See National Archives of Ireland (NAI), Department of Justice (D/Jus) file 247/41 A–E.

¹⁰Information received by the author from Tom Quinlan, head of the Records Acquisition Division, National Archives, Bishop Street, Dublin 2. See NAI D/Jus 90/4/1–31 and D/Jus 8/20.

purity into the project of national identity formation. Thus, representations of “sexual immorality” buttressed this collusive relationship. Moreover, in concealing actual crimes against women and children, the discursive distortion neatly collapsed sexual abuse into the disembodied discourse of “sexual immorality.” But by suppressing the compromising realities of sexual abuse within this broader discourse, the politics of abstraction helped constitute a fiction of Irish cultural purity upon which the national imaginary depended.

This essay explores the discursive claims of the Carrigan Report and thereby reveals the distortion’s inherent instability. By focusing, in part, on women witnesses who presented testimony before the committee, I will examine the extent to which a subversive challenge to the Church-state conception of “sexual immorality” was possible during the early decades of the Free State. These women represented a variety of medical and social welfare organizations, including the Irish Women Doctors’ Committee, the Irish Women Workers’ Union, the Irish Women Citizens and Local Government Association, Saor an Leabha (Irish Save the Children Fund), the Leeson Street Magdalen asylum, Dublin’s Lock Hospital, the National Association for the Prevention of Cruelty to Children, St. Patrick’s Guild, the Dublin Union Committee, Hotel Pelletier, Harcourt St., the Probation Service, and the National Council of Women of Great Britain. Their testimony certainly proposes a model of social welfare different from accepted practice and thereby implicitly critiques the state’s incapacity to address the social realities confronting Irish women and children. These witnesses reveal how the Free State’s political response, in fostering a culture of ignorance with respect to human sexuality, ensured that young Irish women would remain uneducated regarding their own reproductive biology and unaware of their civic and legal rights. Likewise, the women’s testimony makes clear how the state’s reliance on a “sexual immorality” that was narrowly focused on illegitimacy stigmatized young women even as it exculpated their male partners. This testimony underscores how political discourses legitimized state practices of institutionalizing many of its most vulnerable citizens in mother and baby homes, Magdalen asylums, and Industrial and Reformatory Schools. Finally, the women’s testimony betrays the state’s willingness to export sociosexual problems through emigration, despite fears about proselytism and moral decay in Britain especially, thus committing those individuals deemed aberrant in the Irish Free State to lives spent in exile.

Does the women’s testimony represent a striking instance of potential dissent from hegemonic practice or, as seems more likely, a response by women themselves unable to imagine an alternative to the regulation, prosecution, and incarceration of social behavior deemed aberrant by both Church and state? Certainly, the women witnesses offered an institutional response to seemingly transgressive sexuality, arguing that unmarried

mothers be confined to state-funded mother and baby homes and juvenile prostitutes to religious-run Magdalen asylums. Operating as they were within a prescribed social and political system, however, the female witnesses' very participation obliquely contests the containment culture that the Carrigan Report effects. In the final analysis, nobody—not a single committee member nor witness, not a lone politician nor member of the judiciary—argued against or offered an alternative to institutionalization as the solution to “sexual immorality.” Similarly, nobody suggested that the problem of sexual abuse and pedophilia should take precedence over the “problem” of the unmarried mother. In the absence of any overt contestation, the report and subsequent legislation licensed the state’s abstract, secretive, and punitive response to “sexual immorality.” The origins of Ireland’s containment culture, in short, are rooted in the Carrigan Report and the Criminal Law Amendment Act (1935).

I

What was the Carrigan Committee, what did its report recommend, and how did it influence the Criminal Law Amendment Act? James Fitzgerald Kenney, minister for justice in the Cumann na nGaedheal government, appointed the committee on 17 June 1930.¹¹ Historians generally consider the appointment a deliberate attempt by William T. Cosgrave, president of the Executive Council, to deflect Church pressure for legislation to ban contraceptives and to close the loophole in the Censorship of Publications Act (1929), which outlawed the advertisement of contraceptives while not legally proscribing their importation or sale.¹² The committee’s terms of reference were ambiguous; it sought recommendations to amend the 1880 and 1885 governing statutes as well as legislative proposals to “deal” with “the problem of juvenile prostitution.”¹³ William Carrigan, K.C., was appointed chairman, and his name remains indelibly linked with the committee and its highly contentious report.¹⁴

¹¹Saorstát Éireann, *Report of the Committee on the Criminal Law Amendment Acts (1880–85), and Juvenile Prostitution* (Dublin, 1931), 3, hereafter referred to as the *Report*. While the *Report* was never officially published, the Stationery Office did produce a limited print run for government use. NAI D/Jus 90/4.

¹²The formation of a committee deflected a potentially sectarian debate over public morality and allowed Cosgrave to protect the minority Protestant vote from encroachments by Fianna Fáil. See Keogh, *The Vatican*, 163–64; Lee, 158; and Whyte, 49.

¹³NAI D/Jus 90/4, *Report*, 3.

¹⁴The other committee members included Rev. John Hannon, S.J.; Rev. H. B. Kennedy, dean of Christ Church Cathedral, Dublin; Surgeon Francis J. Morrin; Mrs. Jane Power, a commissioner of the Dublin Union; and Miss V. O’Carroll, matron of the Coombe Hospital. *Ibid.*, 42.

On 20 August 1931, after seventeen sittings during which members heard twenty-nine witnesses present evidence and considered eight resolutions and memoranda from a range of national and international sources, the Carrigan Committee submitted its final report to the minister for justice.¹⁵ The report recommended a combination of enlightened social reforms together with a series of punitive legislative proposals, for example, raising the age of consent to eighteen years; abolishing the “reasonable belief” clause (allowing male defendants to argue that they had reason to believe their female partner was old enough to give informed consent); extending to twelve months the period within which a prosecution could be initiated; revising judicial practice requiring corroboration of a young person’s testimony; allowing for courts to hear cases *in camera*; offering suggestions for the licensing of dance halls; and instigating a general prohibition on the sale of contraceptives, together with recommendations for a series of strict fines and custodial sentences for procurement, solicitation, and public indecency. Most controversially, the report recommended the reintroduction of flogging as punishment for those convicted of sexual crimes against young people and the blacklisting of those found guilty of public indecency.¹⁶ As Mark Finnane argues, the report’s findings proved profoundly unsettling for the political and clerical elites governing Irish society.¹⁷ The committee’s findings pointed to a general moral degeneration, evident both in rising illegitimacy rates and unassailable proof of sexual crimes against children. Such findings starkly contradicted the prevailing language of national identity formation, with its emphasis on Catholicism, moral purity, and rural ideals.

The reception of the Carrigan Report reveals much about how political decision-making established a new Free State moral order. In August 1931, as Cumann na nGaedheal faced a looming general election, Cosgrave undoubtedly wanted to avoid placing the potentially polarizing aspects of the contraception debate before the public eye. In addition, having just successfully negotiated the divisive and partisan political posturing associated with Letitia Dunbar-Harrison’s appointment as county librarian in Mayo and the ensuing sectarian debate regarding medical appointments, Cosgrave sought to prevent further controversy with the Catholic hierarchy or to provide electoral ammunition to the newly energized Fianna Fáil.¹⁸ Consequently,

¹⁵See “Appendix. List of Witnesses Examined,” in *ibid.*, 43–44.

¹⁶See “Summary of Recommendations,” in *ibid.*, 40–41.

¹⁷Finnane, 525.

¹⁸Letitia Dunbar-Harrison’s appointment was rejected by various local groups and especially by the Catholic archbishop of Tuam. The fact that she was a Protestant was deemed incompatible with her role in choosing suitable literature for Catholic children. Fianna Fáil actively politicized the confrontation, siding with the hierarchy so as to demonstrate their adherence to Catholic values. Cosgrave ultimately compromised but moved decisively to close down a subsequent sectarian challenge regarding the appointment of medical practitioners in rural and predominantly Catholic areas. See Keogh, *The Vatican*, 166–77; Whyte, 44–46.

although the Carrigan Report as well as a fourteen-page Department of Justice memorandum were shared with members of the Executive Council on 2 December 1931, no action was taken.¹⁹ The memorandum argued that Carrigan's committee and its report "should be taken with reserve." More specifically, the memorandum called into question the committee's "judicial" experience, indeed, its very impartiality.²⁰ Moreover, the Department of Justice suggested that the witnesses' testimony presented a narrowly defined and publicly endorsed version of the facts and that these were singularly consistent with Catholic teachings on morality.²¹ Finnane suggests that the memorandum conveys the fundamental conflict between the aims of a religious state and the protocols expected of a secular polity.²² Thus, the Department of Justice characterized the Carrigan Report as overly anxious to increase prosecutions and convictions for "sexual immorality" but as insufficiently concerned with measures to prevent crime. The memorandum concluded by stressing the undesirability of publishing the report and making its findings public: "The obvious conclusion to be drawn is that the ordinary feelings of decency and the influence of religion have failed in this country and that the only remedy is by way of police action. It is clearly undesirable that such a view of conditions in the Saorstát should be given wide circulation."²³ Almost immediately, therefore, the Carrigan Report became a de facto censored government document.

February 1932 witnessed a general election and the first democratic change of political power in the history of the Free State. Feelings of animosity and suspicion ran high, and Dermot Keogh offers anecdotal evidence suggesting that members of Fianna Fáil carried concealed weapons as they walked the halls of Dáil Éireann with "the pockets of their trenchcoats bulging."²⁴ The Eucharistic Congress later that year probably eased partisan political tensions, for by the ensuing autumn, when the newly appointed minister for justice, James Geoghegan, again took up the issues raised by the Carrigan Report, political discord had dissipated. At

¹⁹A copy entitled "Department of Justice Memorandum" is attached to the "For Agenda of Meeting of Executive Council" dated 28 October 1932, NAI D/Jus 90/4. The copy on file is stamped "CONFIDENTIAL" and has the following written across the top: "To be returned to the Minister for Justice."

²⁰Ibid., 13.

²¹Ibid., 1.

²²Finnane, 525–26.

²³NAI D/Jus 90/4, Department of Justice memorandum, 13–14. Given Gen. Eoin O'Duffy's influence on the Carrigan Report (discussed below), it is worth considering the Department of Justice's negative response in light of its ongoing struggle with the Garda commissioner regarding his seemingly constant desire for enhanced state regulation across a broad spectrum of social and political issues. See, for example, John M. Regan, *The Irish Counter Revolution, 1921–1936* (New York, 1999), 279–304, 287.

²⁴The suggestion being that certain Fianna Fáil members of parliament feared that there would not be a peaceful transition of power and therefore brought weapons into the Dáil. See Keogh, *The Vatican*, 185–86.

the 27 October meeting of Eamon de Valera's Executive Council, the cabinet decided to establish "a committee consisting of representatives of all parties" to consider on a "strictly confidential" basis what course to follow in response to the Carrigan Report.²⁵ There ensued a series of communications between Geoghegan and Cosgrave, now leader of the opposition, to ensure that the eight-member committee "be so representative as to be likely to fully criticize the report and to advance any further suggestions which might be helpful to the Oireachtas, with a view to avoiding as far as possible public discussion of a necessarily unsavoury nature."²⁶ The process of closed-door deliberations, however, had only begun.

Geoghegan sought counsel from two leading members of the Catholic clergy and subsequently met a delegation representing the Standing Committee of the Catholic hierarchy. Ironically, both clerics—Rev. J. Canavan, S.J., and Rev. M. J. Brown—agreed in large part with the Department of Justice's negative estimation of the report as too "drastic, lacking in judgment, and unworkable."²⁷ Canavan and Brown both recommended that the report form the basis of new legislation, with Canavan specifically calling for a bill reflecting the committee's findings being "passed into law without public discussion in the Dáil."²⁸ Neither priest accepted the department's criticisms of Carrigan's proposals to raise the age of consent as merely "punitive" and "vindictive," arguing instead that "the object of this law is certainly [a] deterrent."²⁹ Canavan maintained that the "Government should seek, in the first place, to stop the earth, to remove as far as possible, the occasion of offence"; he particularly asserted the need for "rigorous control" of dance halls and motorcars used for immoral ends.³⁰

²⁵See the retrospective summary of these decisions in "Department of the President Memorandum, to Each Member of the Executive Council," dated 10 November 1933, attached to the "For Agenda of Meeting of Executive Council," dated 15 November 1933, NAI D/Jus 90/4.

²⁶See correspondence between Geoghegan and Cosgrave dated 26 November 1932, 29 November 1932, and 1 December 1932, NAI D/Jus H247/41 C. Cosgrave nominated Mr. Fitzgerald Kenney and Mr. D. Fitzgerald as representing Cumann na nGeadheal, although all eight members were deemed "nonparty" for the duration of this committee. They joined Geoghegan, the attorney general, Deputies Morrissey (Independent Labour/Cumann na nGeadheal), Davin (Labour), Thrift (Independent), and Dillon (Independent). The "Oireachtas" comprised both houses of parliament, the Dáil and the Seanád.

²⁷Geoghegan forwarded copies of the final report together with a copy of the Department of Justice memorandum to both Canavan and Brown. Both responded with detailed critiques—five pages and three pages, respectively. See NAI D/Jus H247/41 B.

²⁸Canavan, "Memorandum," NAI D/Jus H247/41 B, I.

²⁹Brown, "Memorandum," NAI D/Jus H247/41 B.

³⁰Canavan, "Memorandum," NAI D/Jus H247/41 B, II. Canavan concludes his memorandum with a "classification of various sexual offences from the psychological or moral point of view," listing them as "(a) Sodomites, (b) Men who traffic in young women . . . , (c) The 'Reprobates'—men interested in all girls indiscriminately . . . , (d) Man who has had carnal intercourse with a particular young woman for what may be called 'natural' reasons . . . , (e) Men guilty of 'indecent' with girls" (H247/41 B, V).

Whereas Brown recognized the potential benefit of shocking the Free State population into greater awareness through public debate, in the end he joined his fellow cleric in advising against publication, admitting that the report's findings "would rejoice our enemies."³¹

Geoghegan's negotiations with members of the hierarchy required delicate handling, especially as he navigated between the government's secular and religious loyalties. Meeting with Dr. David Keane, bishop of Limerick, and the bishops of Ossory and of Thasos on 1 December 1932, Geoghegan assured the bishops that "he would like to see a Bill go through which would bring the law into accord with the best Catholic practice and teaching."³² However, when the delegation of bishops sought greater influence over the proposed legislation and on the deliberations of the "informal" committee of Dáil deputies, Geoghegan informed Keane that "the committee could best do its work privately and that to avoid 'lobbying' there should not be any announcement of the names for the present."³³ However, in his response, the minister did solicit a memorandum representing the hierarchy's views that would be seriously considered by the committee. Keane's reply to this request arrived shortly after the Standing Committee of the Irish Hierarchy met on 17 January 1933; it amounted to a wish list of concerns that the Catholic Church sought to have addressed in any legislation.³⁴ Specifically, the hierarchy gave priority to four issues: a general prohibition on the sale and importation of contraceptive appliances, raising the age of consent to eighteen years, effective licensing of public dance halls, and legislation dealing with the moral abuse of motorcars.³⁵

In absolute secrecy, the informal committee of Dáil deputies met eight times between December 1932 and May 1933, while, with the cabinet's consent, Geoghegan organized preparation of legislation to amend the criminal law.³⁶ So high was the level of secrecy that members of the Dáil were unaware of the committee membership. Moreover, at its eighth and final

³¹Brown, "Memorandum," NAI D/Jus H247/41 B.

³²"Rough Notes made by the Minister for Justice after an interview on the 1st December, 1932, between the Bishop of Limerick, the Bishop of Ossory, the Bishop of Thasos and the Minister," NAI D/Jus 90/4.

³³Geoghegan to bishop of Limerick, Friday, 9 December 1932, NAI D/Jus 90/4.

³⁴David Keane, bishop of Limerick, to Geoghegan, 20 January 1933, together with memorandum entitled "View of Standing Committee on points discussed at interview on Dec. 1st 1932," NAI D/Jus 90/4.

³⁵"View of Standing Committee," NAI D/Jus 90/4. Keane's memorandum concludes with the following challenge to Geoghegan: "Finally, if the heads of any agreed bill should be ready in the next month or two the Standing Committee requests that these heads be communicated to the members of the recent deputation before April the 26th."

³⁶After the snap election in February 1933, de Valera appointed Mr. P. J. Ruttledge as the new minister for justice. Despite normal protocols where the sitting minister would serve as committee chairman, Ruttledge was happy to have Geoghegan continue to serve in that capacity. NAI D/Jus H247/41 D.

meeting, the informal committee decided not to forward the draft bill to members of the hierarchy for their review, claiming that any such step would constitute “a breach of privilege.”³⁷ Geoghegan and his cohort finally arrived at a watered-down version of what the Carrigan Report initially proposed, but one that substantially incorporated the hierarchy’s concerns. The draft “heads” proposed that the age of consent would be seventeen, not eighteen, and that unlawful carnal knowledge of a girl between fifteen and seventeen would remain a misdemeanor, not a felony, as would attempted unlawful carnal knowledge with a girl under fifteen years. The committee resisted the report’s suggestion both that the offense of solicitation be redefined and made applicable to men as well as women and that whipping be reinstated and sex offenders’ names be published.³⁸

At the meeting of the Executive Council on 17 November 1933 de Valera and his cabinet accepted all but two of the informal committee’s suggestions for what became the Criminal Law Amendment Bill, 1934. First, after extended deliberations, the cabinet replaced the general prohibition that allowed for “exceptional circumstances” based on religious conviction or medical need with an absolute ban on the sale or importation of contraceptive appliances and drugs.³⁹ Second, the cabinet excised the heads pertaining to licensing of dance halls and, after minor revisions, created a separate Dance Halls Bill, 1934.⁴⁰ These bills were considered and approved at the Executive Council meeting in June 1934, followed by the “second stage” and “committee stage” hearings in both the Dáil and the Seanád. Throughout, the government maintained the secret and closed nature of

³⁷“Minutes,” Committee on the Criminal Law Amendment Acts, Eighth Meeting, 31 May 1933, NAI D/Jus 90/4. A more cynical reading might suggest that the committee circumvented the hierarchy’s displeasure by concluding its business after the deadline of 26 April, thereby avoiding, in the strictest sense, any obligation to forward the draft heads to the Standing Committee. See note 35.

³⁸See Department of Justice memorandum entitled “To each Member of the Executive Council,” dated 10 November 1933, and “Heads for a Bill to amend the Criminal Law (Amendment) Acts,” NAI D/Jus H247/41 E.

³⁹In fact, the “general prohibition” allowing for “exceptional conditions” or “medical prescription” was common to the Carrigan Report, the Department of Justice memorandum, the hierarchy’s “View of Standing Committee,” as well as Geoghegan’s draft heads. In a personal letter dated 20 February 1934 to members of Geoghegan’s informal committee, the secretary of the Executive Council informed them of the cabinet’s unexplained revision: “The committee recommended that the new provisions relating to contraceptives should be limited to appliances as serious difficulties would be involved in legislating for substances or drugs sometimes used for this purpose. The committee were also of opinion that medical practitioners should have power in their discretion to prescribe and supply appliances. The Executive Council have now decided that there should be a definite prohibition on the sale or importation of all appliances and substances used for contraception and that no exceptions are to be made” (NAI D/Jus 8/20).

⁴⁰See memorandum from Sean Moynihan, secretary, Department of the President, to S. A. Roche, secretary, Department of Justice, dated 11 December 1933, NAI D/Jus 8/20.

deliberations leading to both pieces of legislation, with P. J. Ruttledge, now serving as the minister for justice, informing his colleagues in the Seanád that “the subject is not one which lends itself to a public discussion and the points involved can best be settled in private committee. This is in fact the way the matter has been dealt with.”⁴¹ In the end, both the Criminal Law Amendment Act (1935) and the Dance Hall Act (1935) passed into law without any substantive debate or public participation.

II

The traditional history of the Carrigan Report and the Criminal Law Amendment Act, outlined above, only partially captures the full significance of these moments in the early Free State period. Archival material released in 1999, specifically, the minutes of evidence and the various memoranda submitted by organizations and individuals presenting testimony, permit excised segments of this story to be reinserted.⁴² Public access to this material is significant for a number of reasons but especially because in August 1931 only Carrigan’s final report, with its eight-page “General Statement” summarizing witness testimony, was forwarded to the minister for justice. The Department of Justice memorandum points out the problems related to the withholding of the various witnesses’ memoranda and the committee’s official minutes of meetings: “The Committee explains that it was considered necessary to take evidence in private and while difficulty would probably have been encountered if any other course had been adopted, the fact remains that the reader of the report is presented with the Committee’s conclusions without having access to the evidence on which those conclusions were based. In these circumstances, it is not easy to assess the value of the Report.”⁴³ It is unlikely that the civil servants who authored the Department of Justice’s critical evaluation ever

⁴¹The minister of justice prepared remarks entitled “Criminal Law Amendment Bill. Seanád. Second Stage,” NAI D/Jus 8/20. Even at this late stage Carrigan’s final report remained a strictly proscribed document, as evinced by correspondence between D. Coffey, assistant clerk of the Seanád, and S. A. Roche, secretary, Department of Justice, regarding the former’s request for copies of the report for use by the Seanád’s special committee working on amendments to the bill. While Roche ultimately shared his personal copy after being “authorized” to do so by the minister for justice, he still saw fit to remind Coffey that “there is on the records a decision of the Executive Council . . . to the effect that this Report should not be published” and that “it is lent on the strength of your assurance that the members of your committee will regard it as strictly confidential” (letters dated 7 and 8 January 1935, NAI D/Jus 8/20).

⁴²See note 10. The minutes of evidence exist in two formats. The original is a longhand version recorded in a departmental ledger, and a typescript copy, running some seventy-two pages, was obviously created while the final report was being written.

⁴³NAI D/Jus 90/4, Department of Justice memorandum, 1.

had access to the “evidence,” just as it is certain that the politicians who comprised Geoghegan’s informal committee did not.⁴⁴

The witness testimony was never discussed in public either: at the committee’s very first meeting the members decided to withhold evidence from the press.⁴⁵ The following analysis, initially focusing on the clerical witnesses and Gen. Eoin O’Duffy, resituates the significance of their testimony in light of my argument that the Church-state formulation of “sexual immorality” became a doubly enabling discursive distortion. The political responses to these witnesses—first the report and then the legislation—foreground how perceptions of sexual practice (in the case of the clerics) and the reality of sexual abuse (in O’Duffy’s testimony) were accommodated and therefore contained by the discourse of “sexual immorality.” This accommodation, I argue, buttressed even as it helped to constitute Ireland’s national imaginary.

Of the twenty-nine witnesses, six were members of the Catholic clergy. The most prominent was Rev. R. S. Devane, S.J., author of sociological writings on illegitimacy, the unmarried mother, and proselytism in publications such as *Studies* and the *Irish Ecclesiastical Record*.⁴⁶ For much of the 1920s Devane and like-minded social thinkers heralded the Free State’s opportunity to fix the “legal standard of morality in true consonance with the ideals set before them by the teachings of the Catholic Church.”⁴⁷ In pointing to underlying problems determining “immorality” in the Free State, Devane was unique among his religious brethren who appeared before the

⁴⁴Beyond the criticism in the Department of Justice’s memorandum above, I also base this conclusion partly on the repeated references to the secrecy and nonpublic nature of the committee’s proceedings but more particularly on the absence of a copy of the minutes of evidence or of copies of the various witness memoranda (except O’Duffy’s) in the official departmental files available since 1991, that is, NAI D/Jus H247/41 A–E.

⁴⁵The following was recorded in the minutes for the first meeting of the committee, dated 20 June 1930: “It was decided that the sittings of the Committee should not be open to either the Press or the Public. The Press however to be kept informed of the progress of the enquiry” (NAI D/Jus 90/4, minutes of evidence, 2).

⁴⁶The other clergy members included Rev. M. Fitzpatrick, C.C., St. Michael’s, Limerick; Very Rev. John Flanagan, P.P., Fairview, Dublin; Rev. Denis Gildea, Charlestown, county Mayo; Very Rev. John Canon Lee, P.P., Bruff, county Limerick; and Rev. P. J. Roughneen, administrator, Ballaghaderreen, county Mayo. Devane’s publications include “The Unmarried Mother: Some Legal Aspects of the Problem. Part I—The Age of Consent,” *Irish Ecclesiastical Record* 23 (January–June 1924): 55–68; “The Unmarried Mother: Some Legal Aspects of the Problem. Part II—The Legal Position of the Unmarried Mother in the Irish Free State,” *Irish Ecclesiastical Record* 23 (January–June 1924): 172–88; “The Unmarried Mother and the Poor Law Commission,” *Irish Ecclesiastical Record* 31 (January–June 1928): 561–82; “The Dance-Hall,” *Irish Ecclesiastical Record* 37 (January–June 1931): 170–94; and “The Legal Protection of Girls,” *Irish Ecclesiastical Record* (January–June 1931): 20–40.

⁴⁷Devane, “The Unmarried Mother: Some Legal Aspects of the Problem. Part I—The Age of Consent,” 58. Also see Rev. M. H. MacInerney, O.P., “The Souper Problem in Ireland,” *Irish Ecclesiastical Record* 18 (July–December 1921): 140–56, and “A Postscript

committee. He articulated critical concerns that would remain prominent in sociological debates for decades to come, for example, “the dual standard of morality accepted in this country, *as in perhaps no other*, where the woman is always hounded down and the man dealt with leniently.” Devane was especially alert to the implicit hypocrisy of the well-meaning in Free State society, suggesting that the citizen too often appeared interested in the welfare of “any other’s child or sister . . . rather than his own.” Most devastatingly, perhaps, he surmised how an exclusively male point of view in “the administration as well as legislation” elided any “adequate appreciation of female psychology in matters involving morality.”⁴⁸

The Carrigan Report largely ignores Devane’s significant challenges.⁴⁹ Instead, it disproportionately privileges those elements of the cleric’s testimony that were loudly echoed by his fellow priests, in particular, a seeming obsession with the dangers associated with popular amusements, especially the dance hall. In contrast to Devane’s sociological observations, Frs. Fitzpatrick, Lee, Flanagan, Roughneen, and Gildea reported how they waged war against moral degeneration in their respective parishes. Such anecdotes conjure a level of authenticity more in tune with the committee’s predilections: “boys and girls lay[ing] by the roadsides near Limerick,” the dangers arising from “the return home late at night of young boys and girls from dance halls,” and “2 cases of domestic servants—both under 20 years of age—who had been seduced.”⁵⁰ Lobbying to eradicate “sexual immorality” at its point of origin, these clerics attributed the recent rise in illegitimacy almost entirely to the “vice” imported by popular entertainments. This conflation of vice and immorality was not necessarily exclusive to the Catholic Church; indeed, the committee’s very name—the Committee on the Criminal Law Amendment Acts (1880–85), and Juvenile Prostitution—and the official report of the same title similarly elide immorality and juvenile prostitution. In effect, then, such discourse transformed every unmarried mother into a prostitute. Devane also joined his colleagues in identifying

on the Souper Problem,” *Irish Ecclesiastical Record* 19 (January–June 1922): 246–61; Sir Joseph Glynn, “The Unmarried Mother,” *Irish Ecclesiastical Record* 18 (July–December 1921): 461–67; and “An Sagart,” “How to Deal with the Unmarried Mother,” *Irish Ecclesiastical Record* 20 (July–December 1922): 145–53.

⁴⁸NAI D/Jus 90/4/7, “Rev. Richard Devane, S.J.,” emphasis in original. This file includes copies of two of Devane’s publications submitted at the time of his presenting evidence, namely, “The Dance-Hall” and “The Legal Protection of Girls” (see note 46).

⁴⁹Despite Devane’s four-page memorandum and submitted publications or the three typed pages in the minutes of evidence, the “General Statement” section of the final report only mentions Devane once, to corroborate the general conviction that official statistics fail to capture the real extent of illegitimacy in the country (NAI D/Jus 90/4, *Report*, 11).

⁵⁰See NAI D/Jus 90/4, minutes of evidence, 32, 40, 64. Also see individual witness files, D/Jus 90/4/13, “Rev. M. Fitzpatrick, C.C., St. Michael’s Presbytery, Limerick”; D/Jus 90/4/14, “Rev. John Flanagan, P.P., Fairview, Dublin”; and D/Jus 90/4/31, “Rev. P. J. Roughneen, Adm., & Rev. Denis Gildea, P.P.”

contemporary sources of “immorality”: the loss of parental control, the perversions of modern cinema, the illicit book, the absence of supervision and the licensing of dance halls, and the “opportunities afforded by the misuse of motor cars.”⁵¹

Rather than directly confront the social consequences attending extramarital sexual practice or sexual abuse, clerical witnesses focused their censure on visible manifestations of “sexual immorality.” But singularly focused as they were, they failed to contain compromising realities. For example, in their comments regarding “bad housing accommodation” and “the appalling [*sic*] manner in which members of families are crowded on each other,” both Fr. Fitzpatrick and Fr. Flanagan were aware that incest contributed to increased numbers of unmarried mothers and “illegitimate” children.⁵² But, as Joe Lee concludes, “the obsession with sex permitted a blind eye to be turned towards the social scars that disfigured the face of Ireland”: on this occasion the clerics’ obsession with the visibility of sex deflected attention from the plight of individuals occluded by “sexual immorality,” specifically, the unmarried mother, the illegitimate child, and victims of rape, incest, and pedophilia.⁵³ In its uncritical emphasis of clerical concerns, Carrigan’s final report replicates this unwillingness to consider the social conditions fostering incest and illegitimacy: to a large extent Irish historiography has followed suit.⁵⁴

In contrast to the clerics’ focus on extramarital sexual practice, another witness, Gen. Eoin O’Duffy, commissioner of the Garda Síochána (the state’s police force), focused his testimony on prosecutions for sexual offenses, addressing the modern nation’s need to legislate against immorality, particularly rape, incest, and pedophilia.⁵⁵ More than any other witness, O’Duffy influenced the shape of the committee’s final report as well as the eventual legislation.⁵⁶ Prior to his appearance he submitted a statistical survey documenting sexual crimes between 1924 and 1930, including a breakdown by year for each county, capturing the “Defilement, Carnal Knowledge, or Rape” of girls under ten years, between ten and thirteen, between thirteen and sixteen, between sixteen and eighteen, and over eighteen years of age. This survey similarly details incidences of “Indecent Assault on

⁵¹NAI D/Jus 90/4, *Report*, 12.

⁵²See NAI D/Jus 90/4, minutes of evidence, 32, 50.

⁵³See Lee, 159. Also see Finnane, 530.

⁵⁴The priests’ concerns regarding popular amusements are summarized at length—over three pages—in the “General Statement” section of the final report. See NAI D/Jus 90/4, *Report*, 11–14. Also see Whyte, 25–30; Lee, 157–60; and Keogh, *The Vatican*, 164–65, 205–7.

⁵⁵Mark Finnane’s essay offers a very full treatment of O’Duffy’s involvement with the Carrigan Committee. Finnane interrogates the role of the Garda Síochána and O’Duffy as police commissioner in the shaping of a Catholic social order for independent Ireland. See note 9.

⁵⁶This influence is evident in the manner that both the Carrigan Report and Geoghegan’s draft heads follow almost precisely the outline of issues addressed in O’Duffy’s memorandum.

Girls,” “Incest,” “Sodomy,” “Indecent Assault on Boys regardless of age,” and “Bestiality.”⁵⁷ For each offense it charts the numbers of prosecutions as well as ultimate convictions. O’Duffy also submitted a twenty-eight-page analysis of these statistics in which he provided significant detail about the nature and quantity of sexual crime in Ireland. Like Devane, he urged the newly independent state to legislate against immorality according to Irish Catholic principles: “The present state of the law is disgraceful in a Christian country, and the whole question of morality crimes should be now dealt with from an Irish point of view.”⁵⁸ O’Duffy’s memorandum included summary particulars for thirty-four sexual offenses during the year 1930 to date: during his testimony he addressed each case more fully with the benefit of the actual case files, seven involving girls under ten years of age.⁵⁹

Despite graphic anecdotal and irrefutable statistical evidence suggesting widespread sexual crime in Free State Ireland, the Carrigan Report attempted to rein in this damaging portrait of Irish society. The report edits out O’Duffy’s most specific charges and textually minimizes troubling comparisons suggesting, for example, that “children of the poorer classes” in the Free State are “less protected than in Great Britain.”⁶⁰ Nevertheless, the report could not avoid reproducing O’Duffy’s major contention, that “there was an alarming amount of sexual crime increasing yearly, a feature of which was the large number of cases of criminal interference with girls and children from 16 years downwards, including many cases of children under 10 years.”⁶¹ Especially troubling for the politicians and civil servants who were to decide the fate of the report was O’Duffy’s assessment that less than 15 percent of such cases were prosecuted in any given year. He attributed this low rate chiefly to peculiarities in the judicial process that required corroboration of a single witness or mandated that a judge warn the jury of the danger of convicting the accused upon uncorroborated evidence.⁶² Ironically, the Carrigan Report thus demonstrated how prevailing judicial processes operated to mark young women and children as accomplices to a

O’Duffy’s testimony also proved noteworthy, as evinced in the only journalistic report announcing the report’s finding; see “To Wage War on Immorality, Findings of Criminal Law Inquiry, Exclusive Report,” *Irish Press*, 4 March 1932, 7.

⁵⁷See copy of statistical survey, NAI D/Jus H247/41 A. On 4 May 1931 Chris Smith, secretary for the committee, wrote to O’Duffy conveying Carrigan’s request for similar statistics regarding “Concealment of Birth and Infanticide.” O’Duffy replied on 18 May, attaching a “return showing the prosecutions and convictions for Concealment of Birth for each year 1924–1930.” Unfortunately, the attachment is no longer on the file.

⁵⁸O’Duffy, memo, NAI D/Jus H247/41 A, 2.

⁵⁹*Ibid.*, 18–20.

⁶⁰O’Duffy’s claim is diminished in the only example of minimized text in the report (NAI D/Jus 90/4, *Report*, 14).

⁶¹*Ibid.*, 14.

⁶²O’Duffy also pointed to parents’ anxiety to protect their children from public exposure and from the stress of cross-examination as part of court proceedings (*ibid.*).

crime rather than as victims of an outrage.⁶³ Yet the Department of Justice memorandum considered precisely this aspect of the report unbalanced. “It is understood that many competent authorities have grave doubts as to the value of children’s evidence,” the memorandum noted. “A child with a vivid imagination may actually live in his mind the situation as he invented it and will be quite unshaken by severe cross-examination.”⁶⁴

Would the issue of child sexual abuse have been handled differently by the civil servants in the Department of Justice and by the male legislators in the Dáil and Seanád if the Carrigan Report or O’Duffy’s testimony had entered into public debate? The refusal to acknowledge child abuse as a concern and the elision of that issue in the political or journalistic arena guaranteed its invisibility.⁶⁵ Only after the deluge of revelations in the 1990s regarding contemporary child sexual abuse (e.g., the various clerical pedophilia scandals involving, among others, Fr. Brendan Smyth and Fr. Sean Fortune, the Kilkenny incest inquiry, and the “West of Ireland Farmer” [a.k.a. Joseph McColgan] case) can the significance of suppressing the Carrigan Committee testimony and report be fully appreciated.⁶⁶ The precedent established between 1930 and 1935, which legitimized secrecy and silence as a response to child abuse and pedophilia, reverberates for twentieth- and twenty-first-century survivors of these crimes throughout the nation.

III

Carrigan’s report only once alluded explicitly to participation in the proceedings by women and then only to representatives from the Irish Women Doctors’ Committee who challenged official statistics on illegitimacy as failing to reflect “the actual conditions of the country.”⁶⁷ Such an

⁶³Ibid., 14, 26–28. Also see Kennedy, 356.

⁶⁴NAI D/Jus 90/4, Department of Justice memorandum, 10. Such doubts regarding the legitimacy of children’s testimony were not specific to Ireland at the time, and indeed similar arguments continue to circulate in more contemporary contexts, for example, the issues of recovered memory and/or posttraumatic stress disorder in recent child sex abuse cases.

⁶⁵Also see McAvoy, 261.

⁶⁶The Brendan Smyth affair involved a pedophile priest who was wanted in Northern Ireland on charges of sexually abusing seventeen young children. Smyth hid out in a monastery in the Irish Republic, refusing to return to Northern Ireland to answer for his crimes. Ireland’s attorney general, purported to be a member of a very conservative Catholic organization, ignored the extradition order, and this resulted in the collapse of Albert Reynold’s government in 1995. Both the Kilkenny and “West of Ireland Farmer” cases centered on prolonged incestuous abuse of two young children and entered into the public eye after official investigations documented negligence on the part of the authorities to intervene and provide safety for those involved. See Chris Moore, *Betrayal of Trust: The Father Brendan Smyth Affair and the Catholic Church* (Dublin, 1995); Alison Cooper, *The Kilkenny Incest Case: As Told to Kieron Wood* (Dublin, 1993); and Susan McKay, *Sophia’s Story* (Dublin, 1998).

⁶⁷NAI D/Jus 90/4, *Report*, 11. Fifty-four Irish women doctors signed the five-page memorandum submitted by this organization (see NAI D/Jus 90/4/29, “Medical Women”).

underrepresentation is particularly egregious given that eighteen of the twenty-nine witnesses were women. Although acknowledging that these witnesses represented a range of charitable social welfare organizations protecting women, children, and unmarried mothers, treating sexual disease, and reforming offenders, the report failed to incorporate the expertise the women brought to the committee's deliberations.⁶⁸ The recent reemergence of the minutes of evidence and the various organizations' memoranda helps redress such a historical elision.⁶⁹

The women's testimony diverged significantly from the prosecutorial and regulatory emphasis of O'Duffy and the clerics. As practicing social workers and doctors, these women dealt with women's and children's medical, educational, and social welfare needs. In their testimony the witnesses suggested a systematic provision of care and emphasized prevention rather than punishment. Pointing to the practical consequence attending legislative and judicial proscriptions, they advocated a more charitable social environment for the vulnerable in society.⁷⁰ Although their testimony anticipated issues that were to burden social welfare provision for much of the twentieth century, these women were silenced in the official discourse of the state. Such a silencing established a further precedent in the area of social provision as Church and state countered expertise with resistance, thereby failing to respond to social need. Moreover, this precedent and failure would resound in subsequent decades.

Three specific aspects of the women's testimony forcefully demonstrate the state's failure. Many witnesses emphasized the necessity of educating young Irish women about human sexuality.⁷¹ Apparently grasping the need to bridge their concerns with the committee's political agenda, they argued that female ignorance about reproductive biology increased illegitimacy rates, the incidences of sexually transmitted diseases, and a wide range of related social ills. In these claims many of the witnesses distinguished between young women in Ireland and in Britain. According to Dr. Angela Russell, representing the Irish Women Citizens and Local Government Association, Irish girls were "physically more immature than those of equal age abroad and temperamentally they were more trusting

⁶⁸NAI D/Jus 90/4, *Report*, 6. Also see "Appendix," *Report*, 43–44.

⁶⁹See notes 10 and 42.

⁷⁰NAI D/Jus 90/4, minutes of evidence. Not all the women witnesses were concerned with rehabilitation. Notable exceptions include two individuals advocating the foundation of separate colonies for the confinement of prostitutes and children afflicted with venereal disease.

⁷¹Dermot F. Gleeson, justice of the district court in Ennis, alone of all the male witnesses, also addressed this issue, arguing that "the lack of proper education was a cause of the downfall of many girls. Young girls going out as domestic servants are not trained to cook, wash, or sew. In addition they are lacking in knowledge of physical facts and are, so, a prey to evil-doers" (*ibid.*, 54).

and simple.”⁷² Likewise, Mrs. J. M. Kettle, representing the Dublin County Union, argued that “Irish Girls were less sophisticated than English Girls.”⁷³ Drs. Delia Moclair Horne and Dorothy Stopford Price, representing the Irish Women Doctors’ Committee, were more forthright in calling for enhanced instruction, pointing to young Irish women’s “remarkable” ignorance about physical facts. Both doctors cited personal knowledge of thirteen-year-old girls who had recently become mothers.⁷⁴ Mrs. Margaret Gavin Duffy and Dr. Ita Brady, visitors to the Lock Hospital, claimed that such ignorance appeared to make girls released from Industrial Schools “an easy prey to designing men” and also suggested a direct correlation between the Industrial School system and the prostitutes they visited in the Lock.⁷⁵ They concluded that female doctors attending such girls’ schools should impart sexual education.⁷⁶

The Carrigan Report’s evasion of this testimony suppressed these professional women’s call for education, particularly for members of society marginalized by poverty or institutionalization. Such concealment recurred repeatedly in subsequent Irish discussions of “sexual immorality”: in the Catholic hierarchy’s resistance to pre- and postnatal care in debates surrounding the “Mother and Child” scheme (1951) and, more recently, in attempts to thwart the “Stay Safe” program (1993).⁷⁷ The report’s suppression of female testimony reveals how Church and state worked to ensure that neither school nor dispensary nor even home would provide the necessary education to combat ignorance about human sexuality. Moreover, this cultivated ignorance not only reinforced a stereotype of the pure Irish woman, it also enabled state leaders to imagine an ignorance that may not have been that profound. The legacies of these political choices

⁷²Ibid., 13.

⁷³Ibid., 15.

⁷⁴Ibid., 36.

⁷⁵Ibid., 59. Also see *States of Fear*, written, produced, and directed by Mary Raftery, three episodes, RTÉ, Ireland, 27 April–11 May 1999; and Mary Raftery and Eoin O’Sullivan, *Suffer the Little Children: The Inside Story of Ireland’s Industrial Schools* (Dublin, 1999).

⁷⁶NAI D/Jus 90/4, minutes of evidence, 36. After the Carrigan Report alluded to this connection between Industrial Schools and prostitution—“in the case of girls, that a large number fall into the hands of vicious associates and are ruined” (*Report*, 38)—the Department of Education responded to the Department of Justice by having Margaret O’Neill, inspector of Industrial Schools, complete an exhaustive survey to refute the contention. O’Neill provided statistics for the 3,594 girls who left the Saorstát Industrial Schools from 1920 to 1930, claiming that “58 became either unmarried mothers . . . or were led into immoral life.” Moreover, O’Neill, in arriving at this number, attached statistical returns for the Dublin Union and county homes and for “Magdalen Homes and Kindred Institutions” that responded to her request for information. See NAI D/Jus 8/20.

⁷⁷For the “Mother and Child” scheme see Keogh, *Twentieth-Century Ireland*, 210–13; and Noël Brown, *Against the Tide* (Dublin, 1986); for the “Stay Safe” program see Fintan O’Toole, *The Lie of the Land: Irish Identities* (London, 1997), 156–59.

resonate in a series of sociosexual Irish controversies since the early 1980s: the Ann Lovett case, the Kerry babies inquiry, and the various Industrial Schools scandals.⁷⁸

Another focus of the women's testimony concerned Irish society's intolerance of "sexual immorality" in general and unmarried mothers and their children in particular. Many witnesses suggested that an inhospitable social environment stigmatizing illegitimacy directly contributed to prostitution, infanticide, and emigration among young women.⁷⁹ M. J. Cruice, secretary of St. Patrick's Guild, maintained that the majority of unmarried mothers arriving in Dublin from the provinces sought to escape their shame and conceal their child.⁸⁰ Horne and Stopford Price related this issue of secrecy to the underreporting of sexual crimes against women and children. Both witnesses argued that in their experience young girls admitted to rape or assault only if and when they became pregnant.⁸¹ Representatives from Dublin's Lock Hospital corroborated such testimony, describing the young woman's reluctance to disclose the name of her "betrayers" or to seek recourse through the recently passed Illegitimate Children (Affiliation Orders) Act.⁸² Carrigan's final report echoes these recurring observations: it acknowledges the impossibility of knowing the annual number of illegitimate births that unmarried girls—in "their distressful plight and shame"—sought to conceal.⁸³ The report notes the number of unmarried

⁷⁸See Moira J. Maguire, "The Changing Face of Catholic Ireland: Conservatism and Liberalism in the Ann Lovett and Kerry Babies Scandals," *Feminist Studies* 27 (Summer 2001): 3–35; Chrystel Hug, *The Politics of Sexual Morality in Ireland* (New York, 1999); and Raftery and O'Sullivan.

⁷⁹Preliminary Church-state discussions regarding "unmarried mothers" coincided, almost precisely, with the foundation of the Irish Free State. On 27 September 1922 Rev. Mrg. J. J. Dunne wrote to the secretary at the Ministry for Local Government, informing him that Archbishop Byrne had federated the various Catholic charitable associations engaged in affording assistance to unmarried mothers. Dunne attached a draft of general heads for such a scheme entitled "Memorandum re Provision for Unmarried Mothers," urging the separation of unmarried mothers from the general county home population, calling for the foundation of what was to become known as the mother and baby homes, and outlining a series of legislative measures necessary to provide initial state investment as well as ongoing financial remuneration for religious orders involved in this work. A subsequent memorandum entitled "Unmarried Mothers," possibly a later draft, is less specific with respect to financial aspects but underscores that unmarried mothers "are entitled to take their place in ordinary life without any disability attaching to them as a result of their offence; and the child should get every opportunity to understand and appreciate the family life" (Archbishop Byrne's Papers, "Government and Politics, Department of Local Government," Dublin Diocesan Archives, Drumcondra). Similar proposals permeate the *Irish Ecclesiastical Record* authors (see notes 46 and 47).

⁸⁰NAI D/Jus 90/4, minutes of evidence, 19.

⁸¹*Ibid.*, 37.

⁸²*Ibid.*, 60.

⁸³NAI D/Jus 90/4, *Report*, 9.

Irish mothers supported by various charitable societies in Ireland that were not included in the Department of Local Government and Public Health's official statistics.⁸⁴ It also documents information from Catholic Rescue Homes in Liverpool, Manchester, Leeds, and London caring for unmarried Irish mothers and their children.⁸⁵ The report not only portrays the relationship between stigmatization and underreporting of "sexual immorality" but also reveals that incarceration and emigration were the accepted societal responses to manifestations of embodied sexual practice.

Political responses to the edited report thus easily sidestepped the unpleasant contradictions highlighted by the suppressed female testimony. A developing rhetoric of national identity formation, in particular, the official discourse of Irish motherhood, refused to acknowledge and therefore ignored the mistreatment of Irish women and children. By preventing public debate the political response legitimized a stigmatization of illegitimacy and contributed to the perpetuation of oppressive conditions directly and disproportionately impinging on women while eliding male culpability. Perhaps anticipating political resistance, the female witnesses lobbied to prevent illegitimacy by increasing the age of consent to at least eighteen for the general population and twenty-one for female employees. The Criminal Law Amendment Act diluted such suggested measures, and legislative proscriptions did little to alleviate the underlying social and cultural prejudice. Because Ireland criminalized "sexual immorality," it criminalized single mothers and their children as well as the victims of rape, incest, and pedophilia; they were indiscriminately marked as aberrant and were all deemed deserving of scorn and punishment. Irish society continued to stigmatize single mothers and their "illegitimate" offspring for much of the twentieth century, driving the lucky ones abroad in search of new lives and condemning the most

⁸⁴Ibid., 10–11. These organizations included the Catholic Protection and Rescue Society, providing for 2,707 unmarried mothers between 1926 and 1928, 950 cases in 1929, and 1,026 cases in 1930; St. Patrick's Guild, providing for 1,126 cases between 1926 and 1928, 495 cases in 1929, and 432 in 1930. Similar institutions not listed include the Rotunda Aid Society.

⁸⁵M. J. Cruice, St. Patrick's Guild, facilitated information regarding Irish unmarried mothers being provided for by British charities, including Liverpool (429 cases in 1929 and 501 in 1930), Manchester (100 cases between 1925 and 1930), Leeds (12 cases in year ending April 1929), and London (approximately 200 cases in 1927 at four different organizations). In addition, Cruice forwarded her statistics for both Irish and British charities to Archbishop Byrne in a letter dated September 1929, NAI D/Jus 90/4/8 (b). For recent work on the relationship between Irish unmarried mothers and immigration see Louise Ryan, "Sexualising Emigration: Discourses of Irish Female Emigration in the 1930s," *Women's Studies International Forum* 25 (January–February 2002): 51–65; and Paul Michael Garrett, "The Abnormal Flight: The Migration and Repatriation of Irish Unmarried Mothers," *Social History* 25 (October 2000): 330–43.

unfortunate to incarceration and forced separation at home.⁸⁶ This too is part of the Carrigan Report's legacy.

Perhaps the most controversial goal the women witnesses sought was the collapse of an easy conflation between "vice" and "sexual immorality" that was so unproblematically presented by their male colleagues. Speaking on behalf of the Irish Women Citizens and Local Government Association, Dr. Angela Russell and Ms. I. Dodd warned that "prostitution" accounted for only "20% of the immorality" in contemporary Ireland.⁸⁷ Establishing such a distinction between prostitution and extramarital sexual practice and sexual abuse would rescue women from prosecution and imprisonment and simultaneously rehabilitate the unmarried mother into society. These witnesses also sought to decriminalize juvenile prostitution and provide opportunities for reform, education, and rehabilitation to so-called young offenders.

Institutional provision, however, remained central to the women's proposals. Their attention to rehabilitation, education, and spiritual reform, on the one hand, and alternative forms of institutional confinement, on the other, signals a transitional moment in sociological thinking: assumptions of late-nineteenth-century Victorian philanthropy were giving way to emerging trends in professional social work.⁸⁸ Numerous witnesses, including Cruice, Gavan Duffy, Brady, Dodd, and Russell, called for the establishment of separate voluntary institutions for unmarried mothers and their children to accommodate the large volume of cases currently dependent on county homes, former Irish workhouses long evoking social stigma. After noting that county homes—funded by state and local government—provided for 2,105 unmarried mothers in 1928, Carrigan's report tellingly points to "the objectionable fact that unmarried mothers cannot be maintained apart from the other inmates (the decent poor and sick)."⁸⁹ In contrast to such class and moral prejudice, the women witnesses sought to rehabilitate first-time unmarried mothers: they recommended that so-called first-fall offenders be protected from both public

⁸⁶See, for example, Mike Milotte, *Banished Babies: The Secret History of Ireland's Baby Export Business* (Dublin, 1997); and Fionnuala Batts, *For Love of Claire* (Dublin, 1994). Long before adoption became legal in 1952, an Irish unmarried mother, while very rarely allowed to raise her child, was legally obliged to contribute to the child's upkeep.

⁸⁷NAI D/Jus 90/4, minutes of evidence, 11. Morclair Horne and Stopford Price echoed this sentiment, claiming that while "prostitution was decreasing, sexual immorality was on the increase" (*ibid.*, 38).

⁸⁸See Luddy, "Moral Rescue," 805–6; and Maria Luddy, *Women and Philanthropy in Nineteenth-Century Ireland* (Cambridge, 1995); Caitriona Clear, *Nuns in Nineteenth-Century Ireland* (Washington, D.C., 1987); and Frances Finnegan, *Do Penance or Perish: A Study of Magdalen Asylums in Ireland* (Piltown, county Kilkenny, 2001).

⁸⁹NAI D/Jus 90/4, *Report*, 9–10. Also see McAvoy, 259–60; Luddy, "Moral Rescue," 802–6.

ostracism and the contaminating influence of more hardened prostitutes also residing among the county homes population.

As a solution, the state should establish and subsidize homes for unmarried mothers, according to the representatives of the Irish Women Workers' Union, Miss Helena Moloney and Miss H. S. Chenevix.⁹⁰ These mother and baby homes, to be operated by women religious, would train and prepare inmates for their return to ordinary life.⁹¹ K. M. Sullivan, representing the Probation Office, as well as Cruice, Russell, and Dodd also argued vehemently against imprisoning young girls convicted of prostitution in Borstal-type institutions; they claimed that "a short period of imprisonment would be less detrimental to such offenders than a long period of detention in an Institution" and recommended a system of suspended sentences for women agreeing voluntarily to enter "a religious Home or Refuge."⁹² A representative from one such home, Emily Buchanan, of the Protestant-run Magdalen asylum on Dublin's Leeson Street, praised her institution's success in bringing religious influence to juvenile prostitutes.⁹³ Gavan Duffy and Brady called for similar provision for juvenile prostitutes within Catholic-run Magdalen institutions.⁹⁴

Given what is now known about the appalling conditions of mother and baby homes like Bessboro and Castlepollard or Magdalen asylums like Gloucester Street and Sunday's Well, the women witnesses' recommendations for institutionalization complicates the subversive nature of their testimony.⁹⁵ Only with the benefit of recent representations of these institutions—June Goulding's disturbing memoir of life in one of Ireland's mother

⁹⁰NAI D/Jus 90/4, minutes of evidence, 20–22. Also see NAI D/Jus 90/4/20, "Irish Women Workers' Union."

⁹¹Moloney and Chenevix here echo the wider debate surrounding the state subsidizing religious orders to establish mother and baby homes. The first such home, Bessboro, Blackrock, county Cork, was opened by the Sisters of the Sacred Heart of Jesus and Mary in 1921. On the history of Bessboro's opening see MacInerney, 253–54. This same order went on to establish similar institutions at Sean Ross Abbey in county Tipperary (1930) and at Castlepollard, county Westmeath (1935). Similar homes were operated by the Daughter of Charity of St. Vincent de Paul (St. Patrick's Home, 1919) and other religious orders. Also see Devane, "The Legal Position of the Unmarried Mother in the Irish Free State"; Glynn; "An Sagart"; and *Department of Local Government and Public Health, Annual Report, 1931*, 92.

⁹²NAI D/Jus 90/4, minutes of evidence, 4, 20, 13.

⁹³Ibid., 17.

⁹⁴Ibid., 60.

⁹⁵It is particularly disturbing with respect to Ireland's Magdalen asylums, where the nineteenth-century rehabilitative function of these institutions seems to have waned after Irish independence in favor of long-term and sometimes lifelong incarceration. See Luddy, *Women and Philanthropy*, 99–145; and Finnegan, 197–241, 231–33. For Bessboro see June Goulding, *The Light in the Window* (Dublin, 1998); for Castlepollard see Milotte, 129–81; for Gloucester Street see Maggie O'Kane, "Washing Away Their Sins: The Last of Ireland's Magdalen Laundries . . . Has Just Closed," *Guardian* (Manchester), 30 October 1996, 2, and Gary Culliton, "Last Days of a Laundry," *Irish Times*, 25 October 1996; for Sunday's

and baby homes, Patricia Burke Brogan's play *Eclipsed*, Peter Mullan's movie *The Magdalene Sisters*, and documentaries like *Sex in a Cold Climate* and *Washing Away the Stain*—do the consequences of the witnesses' recommendations emerge.⁹⁶ Yet these professional women in the early years of the nation appeared to seek provision for rather than prosecution or abandonment of those in Irish society marginalized by “sexual immorality.” From their perspective in the early 1930s, “voluntary” incarceration would enable rehabilitation, giving the unmarried mother or the victim of sexual abuse a chance to rejoin society with her “character” intact. By contrast, the prevailing modes of confinement—the county home, the Borstal, and the prison—offered permanent stigmatization or criminalization. Thus, the testimony of these women witnesses reflects a particular moment in history; it reflects both their class and professional backgrounds and the influence of Catholic social thinkers such as Devane, M. H. MacInerney, and Sir Joseph Glynn.⁹⁷ The institutional aspect of the women's testimony, like the proposals of their male counterparts, nonetheless facilitated the maintenance of Ireland's national imaginary. By institutionalizing unmarried mothers and juvenile prostitutes, if only to effect their rehabilitation, these women contributed to the containment of embodied sexuality crucial to the project of national identity formation.

Whereas the Carrigan Report and the Criminal Law Amendment Act largely ignored the women's suggestions regarding education and the stigma of illegitimacy, they silently incorporated institutional provision as Irish society's preferred response to an undifferentiated “sexual immorality.” They also ensured that incarceration remain shrouded in a web of secrecy and denial, thereby reinscribing the institution's punitive rather than rehabilitative function. Church and state embraced the institutional impulse not only because it accorded with accepted practice—punishing women for sexual transgressions while avoiding male culpability—but also because it sustained their collusive relationship with respect to moral purity and the project of national identity formation. This solution to “sexual immorality” proved mutually beneficial to Ireland's powerbrokers, which explains the state's abdication of responsibility for the women and children placed under Church control. Women were promised secrecy and rehabilitation. In return, Church and state negated the comprising realities of embodied sexual

Well see Margaret Matley, *Always in the Convent Shadow* (Dublin, 1991), and “The Magdalen Laundries,” narrated by Steve Croft, produced by L. Franklin Devine, *60 Minutes*, CBS News, New York, 3 January 1999.

⁹⁶See Goulding; Patricia Burke Brogan, *Eclipsed* (Galway, 1994); *The Magdalene Sisters*, produced by Francis Higson, directed by Peter Mullan, Temple Films, 2002; *Witness: Sex in a Cold Climate*, produced by Steve Humphries, Testimony Films for Channel 4, Great Britain, 16 March 1998; and *Washing Away the Stain*, directed by Sarah Barclay and Andrea Miller, series producer, May Miller, BBC Scotland, 16 August 1993.

⁹⁷See notes 46 and 47.

practice. Containing “sexual immorality,” specifically illegitimacy and prostitution, behind the walls of Ireland’s mother and baby homes and Magdalen asylums helped constitute and perpetuated the fiction of Irish cultural purity.

IV

Some six years after the Criminal Law Amendment Act became law, the fate of one survivor of child sexual abuse was revealed before Dublin’s Central Criminal Court. The judgment, delivered on 16 June 1941, demonstrates how Ireland’s containment culture operated.⁹⁸ The court determined that the girl, who had been raped repeatedly by her father when she was between the ages of eleven and fourteen, was “living in circumstances calculated to cause or encourage . . . prostitution or seduction.” Under the terms of section 21 of the Children’s Act (1908), she was removed from her home and committed to High Park Convent, the location of one of the largest Magdalen asylums in the country. In a letter to the county registrar, Elizabeth Carroll, the probation officer handling the case explained how Ireland’s Industrial and Reformatory School system refused to admit the girl, fearing that her mere presence would contaminate her young peers. Moreover, Carroll admitted to being “sorry” that “we could not fix the girl in a better Home” and quickly moved to explain, “but you know our difficulties, and in any event she is better where she is than at home.”⁹⁹

Although the young girl was the victim of a crime, the various authorities initially regarded her as a threatening embodiment of sexual deviancy. In the absence of an acceptable alternative, she was abandoned to High Park with its population of adult women and its routine of hard labor, incessant prayer, and submission to a religious rule focused on cleansing the body of sexual impurity. Questions regarding her release persist, as they do for all women who entered the Magdalen: while the committal order stipulates a six-month stay, it is not clear when or whether she was eventually released.¹⁰⁰

⁹⁸I have chosen not to identify this young woman. All the details provided stem from her father’s case file. He was charged with four counts of unlawful carnal knowledge and one count of indecent assault. See the Central Criminal Court (CCC), City of Dublin, dated 16 June and 13 October 1941, Ireland’s National Archives. On 2 July 1941 the young woman appeared at the Green Street (“Children’s”) Court of Dublin’s Metropolitan District Court, where Judge Davitt remanded her for seven days to the High Park Convent. This was subsequently extended to 30 November 1941. Thereafter, her record is sealed.

⁹⁹Letter dated 7 July 1941 from E. M. Carroll, probation officer, to S. O’Connor, country registrar, Four Courts, Chancery Place. Carroll lists two Industrial Schools and one Reformatory School refusing to admit the girl. CCC, City of Dublin, October 1941.

¹⁰⁰The religious orders have yet to provide access to the records of Magdalen asylums covering the twentieth century. See note 88.

The state's institutional response to "sexual immorality" masked a further elision at the heart of Ireland's containment culture, namely, the concealment of child sexual abuse. In the hierarchy of compromising realities, the unmarried mother and the juvenile prostitute represented that which the discourse of "sexual immorality" could acknowledge. Conversely, incest and pedophilia were doubly obscured—initially inadmissible by the discursive distortion initiated by Church and state and latterly obfuscated within an institutional infrastructure legislatively inscribed as the solution to "sexual immorality." The state's institutional impulse revictimized the victims of child sexual abuse, it criminalized child sexual abuse survivors through court hearings to determine "improper guardianship," and ultimately it punitively incarcerated sexualized children.

The suppressed political debates surrounding the Carrigan Report authorized Ireland's institutional containment of perceived "sexual immorality." Moreover, although never explicitly articulated, this was legislatively provided for by the Criminal Law Amendment Act (1935). Reinterpreting this period in Irish social history in light of recently released archival material underscores how the Church and state shared an agenda in effecting this legislative and institutional infrastructure. All parties to these discussions favored the containment of extramarital sexual practice in institutions managed by religious orders. By handing control for these institutions over to the Catholic Church, the state not only failed to assert independence in social provision but also abdicated responsibility for the most vulnerable of the nation's citizenry. Disposing of sexualized women and children in religious institutions rendered the compromising reality of their existence invisible. In return, the nation secured its identity as a Catholic and morally pure society.