

Abstract.

Sexual crime in the Irish Free State was more than an issue of law, it carried ideological importance in a nation that legitimized itself as a beacon of Celtic Catholicism whilst struggling to maintain credibility in a contested post-colonial landscape. The nation's police force, An Garda Síochána, had a central role in preserving the nation's reputation for piety. This paper explores the views of two of An Garda Síochána's most senior officers regarding female sexuality and sexual crime; features that were to influence the level of protection and justice Ireland's women and children were afforded under law.

WOMEN, THEIR OWN WORST ENEMY: POLICE CULTURE, SEXUALITY AND SEXUAL CRIME IN THE IRISH FREE STATE, 1929.

Sexual crime in the Irish Free State¹ was an issue that, whilst carefully managed and downplayed in the public arena, caused alarm amongst the country's political and religious elites (Keating, 2012). Sexual immorality and crime were regarded as issues that threatened to undermine a central myth at the core of the fledgling nation's post colonial identity, namely, that the Free State was a beacon of Catholic Celtic purity in a world otherwise corrupted by vice. (Keating, 2012a). Sexual crime was not only viewed as an issue of personal tragedy and law enforcement but as an issue that had the potential to undermine the religio/national image so important to the emerging state, on both the national and international stage.

This article will explore the views of O'Duffy and his Deputy Commissioner relating to immorality and sexual crime in the opening decade of the Irish Free State, the era in which many of the mores embed in Irish culture in the pre-revolutionary period were reinforced and strengthened in Irish life. (Inglis 1996 . Keating 2012). The views they expressed will be contextualized within the wider ideological, religious legal and social attitudes in the ascendancy in the Free State. It will be argued that the attitudes articulated by these senior

¹ The Irish Free State (Irish: Saorstát Éireann) (6 December 1922–1937) was the state established as a dominion under the Anglo-Irish Treaty, signed by the British government and Irish representatives. The Irish Free State came to an end in 1937, when the citizens voted by referendum to replace the 1922 constitution. It was succeeded by the sovereign, modern state of Ireland.

police officers relating to female sexuality, immorality and sexual crime, resulted in the women and children having a heightened vulnerability to sexual crime with victims and their families far less likely to report sexual crime, in part these victims feared that reporting sexual crimes against them could result in them being punished and stigmatized far more harshly than those who assaulted them, even in the unlikely event of their attackers conviction.

The nation's police force, An Garda Síochána, was envisioned by its founding Commissioner², Garda Commissioner Eoin O'Duffy, as playing a central role in the shaping of the nation's Catholic social order, as well as policing its laws (Finnane, 2004). O'Duffy took a particular interest in sexual crime and prior to giving evidence to the Carrigan Committee³ in 1930, one of his two Deputy Commissioners, either W.R.E. Murphy⁴ or Eamon Coogan⁵, drew up a report on sexual morality in the Free State which mused over the

² The original police force of the Irish Free State, the Civic Guard was formed by the Provisional Government in February 1922 to take over the responsibility of policing the fledgling Irish Free State. It replaced the Royal Irish Constabulary (RIC) and the Irish Republican Police of 1919–22, commanded by Michael Staines who only remained in post for 8, resigning in the September of 1922. O'Duffy became Commissioner of the Civil Guard on Staines's resignation, overseeing its change of name under the Garda Síochána (Temporary Provisions) Act 1923. O'Duffy, who remained in post until 1932 is widely credited as the founding leader of An Garda Síochána, the man who moulded them into a disciplined professional force, established its disciplinary codes and working practices.

³ In 1930 the Minister for Justice, James Fitzgerald-Kenney established the Committee on the Criminal Law Amendment Acts and Juvenile Prostitution under the Chairmanship of William Carrigan QC. The Carrigan Report was presented to government in 1931 and played a significant role in the creation of the Criminal Law Amendment Act (1935). However, the report was suppressed from public consumption due to the shocking revelations relating to sexual crime in the Free State. The report was not available for public scrutiny until its release to the National Archives in 2000.

⁴ William Richard English-Murphy DSO MC MiD known as W.R.E. Murphy (1890–1975) was an Irish soldier and policeman. He served as an officer with the British Army in the First World War and later in the Irish Army in the Irish Civil War. In the Civil War he was second in overall command of the National Army from January to May 1923. He was the last Commissioner of the Dublin Metropolitan Police before its merger with the Garda Síochána in 1925. Thereafter he was the Deputy Commissioner of the Gardaí until his retirement in 1955 (See Murphy K. 2005).

⁵ Eamonn Coogan (1896 – 22 January 1948) was an Irish Fine Gael politician, barrister and Deputy Commissioner of the Garda Síochána. He was appointed to his role as Deputy Commissioner whilst serving as a civil servant in the Department of Local Government.

causes of and remedies for sexual crime. The document ends with the words “Leas-choimisinéir”, the Irish for ‘Deputy Commissioner’ but unfortunately no individual’s signature or other indication of which of the two Deputy Commissioners authored the document. This document, when combined with O’Duffy’s evidence to the Carrigan Committee, provides insight into the attitudes towards sexual crime at the top of Irish police’s hierarchy. O’Duffy and his deputies played a key role in setting the culture of An Garda Síochána consequently contributing to the reception that complainants and alleged perpetrators would receive from the police, thereby influencing the propensity of those who have been the victims of sexual crime to seek justice under the law (Bourke, 2008). Their views on this issue created a cultural paradigm that would endure, with greater or lesser degree of subtlety, into modernity.

Mary McAleese, the then President of Ireland speaking at the 30th anniversary of the establishment of the Dublin Rape Crisis Centre in 2010, commented upon the culture of non-reporting or under-reporting of sexual crimes fuelled by fear and a lack of faith in the policing and criminal justice system among victims, which, she argued, created a "rapists' charter" that gives sexual offenders "free rein". The President highlighted the role victim’s sexual histories still played in discrediting her as a complainant, both in the eyes of juries and the wider community, a feature she described as a "still a neuralgic and fraught" issue in sexual assault cases in contemporary Ireland (McDonald 2010).

James Hamilton, the then Director of Public Prosecutions, speaking at the same conference, acknowledged that there was a “huge problem” relating to attitudes to sexual crime in Ireland. A problem Hamilton argued is particularly prevalent in small communities; asserting.” The criminal justice system cannot change the attitudes of neighbours or people in small towns" (ibid). The ‘attitudes’ Hamilton was referring to were clearly evident in two

relatively recent rape convictions in Ireland, namely that of a Danny Foley in Listowel, Co Kerry and Liam Sheehy in Daugh, Co Kerry⁶. The attitudes displayed in these cases towards the victims of sexual crime by sections of the community have a long standing history in Ireland, whilst they can in no way be described as uniquely Irish features (Bourke, 2008) they have been particularly persistent in the Irish context as a result of Ireland's unique socio-religious history (Keating, 2012a). Irish policing and the wider legal system has proved itself adept at failing to protect vulnerable sections of society from sexual crime and the moral approbation of a citizenry heavily influenced by puritanical sexual mores (Ryan, 2002. Finnigan, 2004. Keating, 2012a).

SEX AND MORALITY IN THE IRISH FREE STATE.

Sexual crime in the Irish Free State was viewed and managed through a lens created, in part, by the ideological construct born of an imagined past Irish nation of Celtic-Catholic purity reborn in post-colonial/ post-revolutionary Ireland (Larmour,1998. Ryan, 2002. Szmigiero, 2006. Keating, 2002) and by a fearful pessimism relating to human sexuality that pervaded the Irish elites and 'respectable' Irish society. Evidence exists that suggests that this view of human sexuality was not universally shared by all sections of Irish society⁷ and that the

⁶ At Foley's sentencing hearing, up to 50 people, mostly middle-aged men, queued to sympathized with him and the victim spoke of being 'judged' by the community for taking him to court. Similarly in the Sheehy case leading members of the community sought to defend his reputation and dozens of locals stood to publicly shake his hand at his sentencing hearing.

⁷ Arensberg & Kimbal's Family and Community in Ireland, was a social anthropological study arising from an interdisciplinary research programme undertaken in Ireland in the 1930s known as the 'Harvard Irish Survey' (1931-1936). The major focus of the work was on County Clare. The study described patterns of sexual attitudes that did not fit the Free States view of sexual propriety and indicated that, to some degree, Free State ideologues were imposing their views on sexual morality on rather than protecting existing native virtues. Another important text in gauging the realities of sexual life in the Irish Free State is *The Tailor and Ansty* by Eric Cross, published in 1942, a book about the life of the Irish tailor and storyteller, Timothy Buckley, and his

elites, who represented and reflected what it was to be respectable and truly Irish (Keating,2012a), were determined to manage the danger they perceived in human sexuality by law and cultural and economic pressure (Keating, 2012a).

The Irish revolution was male, Catholic and petty bourgeois, shaped, as Brown has observed:

By “ the farmers and the tradesmen together with such of their offspring as could find roles in the professions” who were “enormously influential in fashioning the political, social and cultural molds of the independent state. Their economic prudence, their necessarily puritanical, repressive sexual mores and nationalistic conservatism, encouraged by a priesthood and hierarchy drawn considerably from their number, largely determined the kind of country which emerged in the first decades of independence” (Brown, 1985. 23)

Free State Ireland was an imagined, as well as an actual, nation, deeply rooted in the values of an orthodox Catholic, petty bourgeois, male elite, deeply fearful of sex and sexuality, particularly that of female sexuality (Ryan, 2010). A fear born from the particular form of authoritarian Catholicism referred to by Brown, as ‘Jansenistic Puritanism’⁸ (Brown 1985) and a nationalist ‘Victorianism’ that sought to emulate the imagined purity of an earlier pre colonisation Celtic age, which, conversely, lead to Irish women being restricted by law in terms of their sexual rights in ways unknown under ancient Irish Brehon laws⁹ (Ryan, 2010). The new State, not only embraced laws established by the British that disadvantaged women,

wife Anastasia ("Ansty"). The book was banned by the Censorship of Publications Board because of its depiction of premarital cohabitation, and its sexual frankness.

⁸ Jansenism was a Catholic theological movement, primarily in France, that emphasized original sin, human depravity, the necessity of divine grace, and predestination. (Brown, 1985 pp 23)

⁹ Early Irish law, sometimes called Brehon law, comprised the statutes which governed everyday life in Early Medieval Ireland.

Under the Brehon Laws women had greater freedom, independence and rights to property than in other European societies of the time. Men and women held their property separately. Divorce was provided for on a number of grounds, e.g. impotence or homosexuality of the husband. Household property could not be disposed of without the consent of both husband and wife and the law restricted a husband’s right to “correct” (hit) his wife was limited with fines and a woman had the right to divorce a husband who left a mark on her. (Ryan, 2010).

but added to them in the shape of laws that censored debate and expression, control of fertility, excluded women from employment and protection under the law¹⁰ (Ryan, 2010).

Idealized representations of Irish women and manhood in ideological nationalism, played a significant role in the framing of, and response to, sexual crime in the Free State. (Ryan, 2002). Given the symbolic representation of Irish womanhood as the Irish nation, raped by the colonial oppressor and the heroic role of Irish men in freeing female gendered Ireland from her colonial rapist oppressor, the post colonial government found it undesirable on an ideological level for Irish men to be seen to be engaged in this form of abuse, or indeed, sexual immorality in general.

The State was so concerned that its troops should not be associated with immoral activity that it went as far as to suppress the 1926 Report of the Committee on Venereal Disease. This Report, rather shockingly, from the State's perspective, provided evidence that the spread of sexually transmitted disease was a phenomenon that correlated with the movement of Free State troops around the country undermining the cherished view that it could be identified exclusively as a result of urban prostitution (Howell, 2003). The revelations regarding venereal disease overturned a long held view, which provided some comfort to the religious and political elite, namely, that " country districts and Ireland as a whole were largely blameless; contagion and immorality could be traced fairly and squarely to the large city; to the corrupting effect of colonial occupation (Howell, 2003: 326).

The virgin and the married mother were the two towering and acceptable stereotypes of Irish

¹⁰ Film Censorship 1923, Refusal of Divorce 1925, Censorship of Publications Act 1929, Public Service 1932 Marriage Bar, 1935 Public Dance Halls Act, 1935 Control of Fertility in the 1935 Criminal Law Amendment Act., Conditions of Employment Act 1936. 1927 Juries Act.

womanhood drawn from Irish Catholicism's particularly strident Marian devotion¹¹ (Beaumont, 1997). Irish women were left in no doubt that "the Irishwoman who is ashamed to be a true child of Mary is a sham Irishwoman"¹² (Beaumont, 1997: 567). Irish women in the Free State were charged with prime responsibility for national virtue and morality. The sexual purity of the nation's women provided the underpinning that legitimized their role as cultural custodians of the true Irish virtue assigned to them by the ideologues of Catholic nationalism (Valiulis, 1994). Irish manhood's role in ensuring Ireland's bloodline and cultural legacy was in policing his own 'baser' instincts and protecting Irish women from predatory males and their own innate feminine weakness. Irish women were, for all their cultural importance, viewed by the Free State's religio-political elites as "fragile, weak beings," beings dependent on "virtue and chastity" in order to maintain their "moral power" (Inglis, 1996: 210).

The Free State assigned to Irish women "the responsibility of ensuring the "Irishness" of the new state, that is, of preserving and transmitting traditional Irish culture" (Inglis, 1996: 129), a cultural ideal in which sexual immorality had no place. Therefore, if sexual immorality was abroad amongst sections of womanhood in the Free State it followed that its existence must be the result of something other, something alien. The religious and political elite of the Free State resolved these difficulties by externalizing the potential threat. The 'flapper'¹³ became the actual and metaphorical embodiment of female corruption in the Irish Free State. (Luddy, 2007. Ryan, 2002. Keating, 2012a). She along with the ill disciplined, only partly formed adolescent personality, with its proclivity for corruption, became the objects of fear and

¹¹ A willingness and desire to dedicate oneself and venerate, in terms of prayers or in terms of a set of pious acts to the Virgin Mary. These prayers or acts may be accompanied by specific requests for Mary's intercession to God.

¹² Mary Immaculate Teacher Training College, Limerick, Manual, 1927.

¹³ A term applied to a "new breed" of young Western women who wore short skirts, bobbed their hair, listened to jazz, and flaunted their disdain for what was then considered acceptable behaviour.

control by Catholic and Free State institutions. A fear which found its praxis in rigid social controls that utilized the moral authority of the Catholic Church and the legislative power of the State to introduce laws relating to contraception, censorship, dance halls and female employment (Valiulis, 1994 & 1995. Horgan, 1995. O’Conner, 2003). .

These laws represented an attempt at controlling female independence, sexually and financially, and to curtail the vehicle for the introduction of these foreign vices into Ireland; vices, it was argued by the Free State’s religious and political elites, that could destroy the Free State project before it had a chance to emerge fully formed from the innate virtue of the Irish people guided by the Catholic Church (Keating, 2012 a).

The evils of sexual promiscuity and sexual crime were, at least for public consumption, external threats the product of foreign corruption or the result of aberrations of developmental or mental instability (Keating, 2012a). During the post-revolutionary Free State, a motif of the alien was developed to explain the actions of those, male and female, who dissented from the prevailing moral code (Ryan, 2002. Keating, 2012). Women corrupted by this virus were not the ‘true children of Mary’ they were dangerous ‘moderns’, hell bent on their own destruction and the destruction of the fledgling Free State. The prostitute, it was argued, was the obvious, visible tip of the danger, whilst the modern young women harbored the real potential for corruption. The dangers they presented were more insidious and occult than those of the ‘fallen woman’ driven to vice unwillingly by scheming men and economic necessity.

Clerics, the majority of Irish politicians and a substantial swathe of ‘respectable’ public opinion, believed that any deviation from the strictly defined ‘legitimate’ sexual activity of a

woman, even against her will, was a woman's responsibility and she had therefore failed or indeed undermined her sex and race (Valiulis, 1995). The concept of 'ruin' was a very real one for Irish women in this period (Laramour, 1995. Ryan, 2000). One of the possible consequences of transgressions against the moral code, even unwillingly, could be incarceration in a Magdalen Asylum¹⁴ (Finnegan, 2004. Ferriter, 2005) .

In addition to any reputational constraints, the law relating to the gathering of evidence and the reporting of sexual cases provided another inhibitor to women reporting or pursuing justice (Keating, 2012a). When an allegation was made, the first stage of the process was the preparation of a deposition. This involved a detailed recording of the allegation by a police officer; however, the alleged perpetrators had the right to be at the deposition and to personally, or through their lawyer, cross examine the deponent. The surviving archival material shows clearly that alleged perpetrators could make full use of this opportunity to undermine and intimidate their accusers (Various, National Archives of Ireland (NAI), Department of Justice (DJ). H234 series).

In addition to this, if the matter preceded to trial, a number of factors impacted on a woman's ability to receive, or at least be confident in receiving, justice and protecting her reputation (Beaumont, 1997). This imbalance was compounded by a legal rule of practice which existed that required a judge in cases of sexual offences, treason or perjury to warn the jury of the risks inherent in convicting on the evidence of a single witness (Larmour, 1998).

¹⁴ Magdalene asylums were institutions from the 18th to the mid-20th centuries ostensibly for "fallen women", a term used to imply sexual promiscuity. The first asylum in Ireland opened on Leeson Street in Dublin in 1765, founded by the Protestant Lady Arabella Denny. Initially the mission of the asylums was often to rehabilitate women back into society, but by the early 20th century the homes had become increasingly punitive and prison-like. In most of these asylums, the inmates were required to undertake hard physical labour, including laundry and needle work punctuated by a daily regime that included long periods of prayer and enforced silence. In Ireland, such asylums were known as Magdalene laundries. It has been estimated that up to 30,000 women passed through such laundries in Ireland.¹ The last Magdalene asylum, in Waterford, Ireland, closed on September 25, 1996.

There was also no protection for the alleged victims during the trial in regard to publicity.

Where coverage was given to a trial the name, address and other personal details of the alleged victims could be printed with no consideration of age or any other sensitivity. The threat of this public exposure was real and although far from guaranteed¹⁵ the potential public exposure and the serious consequences that this could have on a woman's life chances added a further burden on women seeking protection and redress for sexual assault under the law.

THE DEPUTY COMMISSIONER'S PAPER.

The document ,Garda Archive S.D.323, dated 28th of March 1929, begins with a long, rather Hobbesian¹⁶, preamble on the nature of the social order and male sexuality. The Deputy Commissioner was far from being alone amongst the country's elites, civil servants and politicians, who, along with the Catholic clergy were prophesying the imminent collapse of the social order if radical action was not taken to halt the nation's slide into moral degeneracy (White, 1971. McGarry, 2005), this theme, in many ways, was a fixation for cultural-nationalists still fighting the old enemy, England, by battling its most pervasive legacy, sexual immorality.

Whilst it is impossible to confirm that the Deputy Commissioner's document was prepared

¹⁵ In reality sexual assault/rape cases were rarely reported in the Irish press but when they were victims were given no anonymity. See Keating, 2012a.

¹⁶ Thomas Hobbes of Malmesbury (5 April 1588 – 4 December 1679) was an English philosopher, best known today for his work on political philosophy. In *Leviathan*, Hobbes set out his doctrine of the foundation of states and legitimate governments – originating social contract theory much of the book is occupied with demonstrating the necessity of a strong central authority to avoid the evil of discord and civil war. Beginning from a mechanistic understanding of human beings and the passions, Hobbes postulated what life would be like without government, a condition which he calls the state of nature. In that state, each person would have a right, or license, to everything in the world. This, Hobbes argued, would lead to a "war of all against all"

for O'Duffy's evidence session for the Carrigan Committee, its date and the subject matter makes it highly likely that it was; therefore, it is, an important document at a critical juncture of the development of the Irish Criminal Code regarding sexual crime. (Kennedy, 2000. Finnane, 2001. Keating, 2012).

The preamble to the report is worth quoting at length as it carries a clear articulation of the Deputy Commissioner's views on the social significance of religious order and the nature and management of sexual deviance in Ireland prior to the inception of the Free State. He asserted:

Prior to 1914, at least in Ireland, the family system was well established and respected. Many factors had helped to achieve this desirable result. One of the most important was religion which amongst the Irish people is so mixed up with superstition that the multitude never dreamt of questioning the Church's teaching on morality or the assertion of its ministers. Another and, I believe, important factor was- what came to be known as Mrs Grundy-social custom, which issued very definite and detailed precepts and devised equally definite and drastic penalties for those who offended against them...The whole aim of these precepts was to guard against any occasion arising which might reveal the unnatural and artificial character of the social system...Re Mrs Grundy 80% of them [The people] subscribed willingly and unquestioningly-indeed irrationally and in pious ignorance of its proper significance-for the maintenance of the essential social system which was her chief concern....20% evaded the system and practiced alternative, most of them natural alternatives, but some unnatural¹⁷. Of the entire population probably not 15% supported the system from conviction based on a knowledge of its merits and demerits-and the active opposition, inspired in most cases, by moral depravity, would not exceed 5%.

The document is unequivocal in the view that societal order in general was based to a very large degree on the close control of sexual morality. Indeed going as far as to state that those who opposed the existing social order did so in general as a result of their sexually 'moral depravity'.

The Deputy Commissioner asserts repeatedly that males are driven by primeval sexual drives

¹⁷ In police parlance of the day 'unnatural' generally referred to homosexual acts.

and that modern, socially constructed, sexual convention was “an unwelcome compromise between the individual man’s sex needs and the needs of the community to which he belongs...” He develops his argument, asserting that civil strife can lead to a breakdown in this “unwelcome compromise” that cause men to “seek the satisfaction of his lower and thwarted appetites on his woman slaves.” He seems to be indicating here that prior to the First World War, the level of sexual promiscuity was much lower than contemporary views amongst the police suggested was now the case. The lack of available evidence makes it extremely difficult, if not impossible, to ascertain the true extent of sexual conservatism and adherence to church teachings, in this regard, prior to the First World War.

The anthropological work of Arensburg & Kimball in rural Ireland in the 1930s cast some doubt on the longevity of puritanical sexual attitudes in Ireland (2001). Extrapolating from their work, Larmour has suggested that these attitudes were more liberal than the Deputy Commissioner claimed in his briefing document. She suggests that in the early years of the Free State the law was used to “..impose Roman Catholic middle class socio-moral values on sections of the community which had not yet adopted them” (Larmour,1998: 3). There are however figures that indicate prosecution rates for sexual crime rose in Ireland by 25% in the pre to post World War 1 period (Finnane, 2001).

The Deputy Commissioner was clear as to where this perceived state of affairs had found its genesis, namely, in the “pro-British women of Ireland” who “made heroes of their soldiers and ...fools of themselves” as the soldiers, due to the morally corrupting influence of the war, “reverted to the passions and appetites of the primitive and demand created supply¹⁸”. He asserted that this ‘corruption’ had infected the greater swath of Irish womanhood who, he

¹⁸ The theme of the nobility of Irish manhood being worn away by years of privation was sighted by a Connaught jury as a basis for mercy for a man who had broken into homes to rape and beat two women on the same night (Connaught Telegraph 14.2.1925).

argued, had in many cases had succumbed “to the appetites of their pro-British sisters,” despite the “new protection for its virtues” afforded to the Irish Race “in the idealism of the men of 1916”.

The role of foreign influence over Ireland’s young women was a major concern for the Deputy Commissioner. He quoted the Bishop of Anchory in his report, who observed that “the refined modesty so long distinctive of our nation is already robed in cere-cloths and only awaits the pall-bearers of further foreign innovation to carry it to the grave”. He quotes another Catholic clergyman “of experience and restraint” who bemoaned the alien influences on Irish youth asserting that “one might spend days throwing stones into a crowd of 500 young men-or young women.... without any risk of hitting a clean living one.”

Irish women, for the Deputy Commissioner, or rather a certain type of Irish woman, despite the self sacrifice of Irish men, were responsible for the breakdown of order in regard to sexual morality which in turn left them exposed to higher levels of sexual crime. He argued:

The modern woman acts as though the destruction of the onetime established standards of morality were for her a highly desirable object, as if indeed the height of her ambitions were to smash the social system, which, with the consent of man, its principle victim, ensured, by marriage and family life, that her part in the reproduction of the species was if not easy, at least well protected, dignified and as satisfactory as it could be from her point of view.

He went on to develop this theme, asserting, that the women of Ireland were acting out a “suicidal folly” which was “attributable in large measure” to the “the present collapse of morals and further degradation and ruin which awaits us if not quickly averted”.

The Deputy Commissioner concluded his briefing document on rather a pessimistic note. He

feared that the woman of Ireland could not be redeemed to their pre 1914 levels of virtue. He argued that the Catholic Church had become ineffective in terms of influence over modern young women and that neither the Church nor State should be openly associated with declining morality, for ideological reasons, although he felt the State and Church should ensure the road was kept open for those fighting the good fight against sexual immorality and crime. He concluded by suggesting. "Perhaps a woman's movement would be best designed to succeed. After all it's a woman's mission and it's woman's interests that are at stake".

O'DUFFY'S EVIDENCE TO CARRIGAN.

O'Duffy's evidence to the Committee was broad based, covering issues relating to the age of sexual consent, prostitution, brothel keeping, public indecency, homosexuality and most notably, issues relating to the sexual abuse of children, which have been covered in detail elsewhere (Finnane, 2001. Keating, 2002). O'Duffy's evidence was based on a detailed survey compiled by the Superintendents and Sergeants of over 800 police districts that covered the State and led the Committee to conclude that " the moral outlook of the country had changed for the worst in recent years.." (NAI. DJ: H122). O'Duffy asserted:

Immorality in the individual or community is undoubtedly the forerunner of crime, and the latter can invariably be described as the effect of the former. In this country a careful examination of our most heinous crimes reveals the fact that in the majority of cases the depraved career of the perpetrator originated from his immoral instincts, or from association with persons of this class. The outlook of many of our people, even in rural areas, has changed within the past ten years, and the morally depraved who then would be exorcised from society are now regarded as rather clever and interesting" (pg2).

O'Duffy was a complex man, with a deeply held Catholic faith, and profoundly rightwing in his politics, he would later lead Ireland's right wing Blue Shirts and latterly the more

clearly Fascist, National Corporate Party¹⁹. O'Duffy was something of a fantasist with a propensity for megalomania²⁰ who had attempted to develop a 'cult of personality' around his leadership of the fledgling Garda Síochána (McGarry, 2005). There is also evidence to suggest that O'Duffy struggled with his own, homosexual, identity (McGarry, 2005), something which did not stop him, or indeed may have stirred him, to be aggressively homophobic in his public utterances. O'Duffy was relentless in his public pronouncements regarding morality and continually cast the Garda as the guardians of Ireland's moral values.

The evidence O'Duffy presented, regarding prostitution, to the Carrigan Committee, shows him to be, by and large, paternally sympathetic to women engaged in prostitution, asserting, " There is nothing inherently bad in the majority of our young Irish girls who drift into the unfortunate class" (NAI: DJ. H/122: 1) He viewed them as coming from the urban poorer classes, often abused as children or whilst working in domestic service. Many of these young women he asserted became unmarried mothers who were forced into the hands of unscrupulous degenerate men in order to survive, arguing:

..Generally the girls who resort to brothels and become common prostitutes are of respectable type who have given birth to illegitimate children and lost their employment. Through force of circumstance they drift into cheap lodging-houses where they become associated with prostitutes, and it is only a matter of time until they become common prostitutes themselves. These in turn encouraged by persons running "Shebeens"²¹ to entice males to these Shebeens to obtain intoxicating liquor, the sale of which at exorbitant prices appears to be the principle object of the owner or tenant of these premises. Facilities for immorality are usually afforded on the premises, or are available in the immediate vicinity (NAI. DJ. H/122:4).

His focus was on removing the terrible social conditions, unemployment and overcrowded

¹⁹ O'Duffy took over command of the Army Comrades Association (ACA) in 1933 and renamed it the National Guard an organisation better known as The Blueshirt (Irish: *Na Léinte Gorma*), a right-wing Irish political organisation active in the 1930, more opposed to the Irish Republican Army and Sinn Féin rather than an overtly Fascist organisation. . O'Duffy then founded the National Corporate Party, and later raised an "Irish Brigade" that took Franco's side in the Spanish Civil War. A long term admirer of Mussolini's Fascist Italy ,O'Duffy became increasingly drawn to Nazism towards the end of his life. He died in 1944.

²⁰ He was later to describe himself as the "third most important man in Europe" after Hitler and Mussolini.

²¹ A shebeen was an illicit bar or club where alcohol was sold without a licence

housing, that he viewed as the causation of prostitution, the rehabilitation of those already engaged in prostitution, stricter punishments for men who used their services and brothel keepers. O'Duffy went as far as to suggest the removal of the assumption of innocence under law for those suspected of frequenting or keeping brothels and those he termed "bullies", men who had sex with girls below the age of 13, the age of sexual consent at the time of his evidence being 16, arguing that "the liberty of the citizen should not apply to such as these" (NA I. DJ.H122:12).

O'Duffy viewed the protection of teenage girls as a main priority, not just as an issue of the protection of children but as an issue with serious implications for the moral health of the nation, asserting:

Between 13 and 18 character is formed, - habits acquired then are assimilated and play an unmistakable part in the future conduct of the individual. Between those ages sexual passions are so predominant that they are most difficult to subdue, and females are affected with natural weakness. They have not the physical strength or strength of will to resist suggestions which so strongly appeal to their senses, nor have they the understanding to appreciate the consequences. They become an easy prey for those so inclined, and, having fallen at this impressionable age, there is little hope that their career can be anything but depraved. They will become a source of temptation to men, and their conduct will influence those of their sex with whom they come in contact (NAI. DJ. H122:2).

O'Duffy's evidence to the Commission also illustrates an important nuance regarding his view of the dangers of female sexuality in general, a view that had important resonances for the Garda's approach to sexual crime. O'Duffy's view of women who engaged in sexual activity for their own gratification was far less generous than his attitude to that "unfortunate class of girl" who had fallen into prostitution. . He argued:

While prostitution is not carried out in the rural parts, there are in every district women known as "amateurs" who are willing to gratify the passions of any man while not requiring to be paid for their services.

Most of the women who allow men to carry on indecently with them in the public parks, and

along the road-sides and lanes belong to this category and as such do more to corrupt public morals than the prostitute. The latter is known for what she is, and is avoided by right-thinking men and women. She is not causing social disorder or moral degradation in the same insidious manner as the so called amateur (NAI. DJ. H122:17).

Female sexuality, in O'Duffy's view, was itself corrosive and far more dangerous than an industry populated by unfortunate 'fallen girls' giving themselves without pleasure for money, victims of poverty and aberrant male sexual desire. O'Duffy's views represented the mainstream of thought amongst Ireland's male elites, indeed his views relating to women working in prostitution may have seemed to some liberal, offering sympathy over blame and seeking to challenge male immorality and abuse of economic position. 'Fallen girls,' were in some ways safe and not threatening, a historical apparition, visible and controllable, a group of women who things were done too rather than acting from their own sexual agency, in some way they were de-sexed in their representations, automatons rather than women .

'Amateurs', however, enjoyed sex for sex's sake, something that right thinking Irish men and women should not do; in particular Irish womanhood, with its responsibility as a moral and cultural transmitter of the religion, race and culture. Irish manhood, had in the view of fundamentalist Catholic-nationalist ideologues, like O'Duffy, had sacrificed too much to achieve the freedom of mother Ireland and liberate Irish womanhood from the rapist colonizer too allow her to drag herself and race down as a result of her baser instincts. The 'amateur' for O'Duffy was a form of 5th columnist poised to undermine faith and country. For O'Duffy and his Deputy Commissioner manifestations of corrosive femininity were everywhere, the sexual freedom indulged in by the 'amateur' was mirrored in calls for other freedoms. The right to wear revealing clothes, have a career, control fertility, dance to 'uncivilized' music were all manifestations of women's desire for their own downfall at a

point in Irish history when Irish manhood had been corrupted and enfeebled by years of war, just the point at which they needed Irish womanhood to nurture them in safe respectable homes keeping them safe from temptation and their own 'base desires'.

O'Duffy was a tireless organizer with a clear vision. His men's training included clear prescriptions of what proper behaviour was and what a well balanced moral society looked like. Sexuality and sexual immorality and crime were important parts of their leadership's agenda and a culture of suspicion of those who were found to be acting outside of right behaviour became embedded within Irish police culture. Any suspicion that women had opened themselves to the risk of assault by wearing 'immodest' clothing, their deportment or actions could lead women to being viewed as agent provocateur rather than a victim of sexual crime, which carried the risk of social alienation and even incarceration of victims to save society from the threat inherent in their sexuality.

CONCLUSIONS.

Sexual crime in the Irish Free State became interwoven with the wider issue of sexual morality and this debate, in turn, was framed within an ideological discourse that viewed sexual morality as an integral part of 'real' Irish identity, an identity which viewed the advancement of the Catholic moral agenda as part of Ireland's historic mission. The sexual integrity of the individual Irish man and woman was an important building block of nationhood and any attempt, or perceived attempt, to undermine that morality was an undermining of the State itself. The Catholic Nationalist mind set, viewed female sexuality and the modern woman's desire for freedom as a threat to the fledgling Free State's historic mission, above all they were not for public or international consumption, something that could spread the contagion at home and bring the Free State mission into question,

particularly in the eye's of Britain, the ever present, ever threatening colonial power.

Women who contravened the behaviors expected of them, in the canon of religio- nationalist ideology, were viewed as agents of evil. In this ideological battleground, women who were victims of sexual crime could also fall under suspicion and in essence be punished for being sexually assaulted, through public humiliation, the loss of reputation and even incarceration in Magdalene Laundries. These were powerful inhibitors to women in both reporting sexual crimes and pursuing prosecutions. The structure of the criminal justice system and contemporary social norms reinforced these inhibitions and proved a powerful controller of women's behavior, powerful enough to silence the ideologically inconvenient truth about rape and sexual assault in the Free State.

The Deputy Commissioners Report and O'Duffy's evidence to Carrigan reveal how fearful, that those at the top of Irish policing were of female sexuality and, what they believed to be, its potential to undermine the moral health of the Free State. The attitudes they portray were consistent with the wider Nationalist trope regarding women, and the Jansenistic Puritanism of Irish Catholicism.

Sexual crime in the Free State was not an issue for unregulated public consumption. It was a toxic subject handled by experts out of sight of public scrutiny, nationally and internationally. The real discussions on this subject were held behind closed doors. The Deputy Commissioners Report and O'Duffy's subsequent evidence to the Carrigan Committee offer one of the few opportunities to explore firsthand the views of leading actors on the issue. It demonstrates clearly that those at the very top of Irish policing viewed female sexuality itself, and the freedom being sought by 'modern' young women, as contributing to the level of sexual crime in the Free State and that women in general were, at least in part, responsible

for the crimes committed against them. Women were viewed too often as agent provocateurs rather than victims of male sexual aggression. In some ways, women became the real enemy, the State had to control, an attitude that propagated a culture hostile to women and girls who were raped and sexually assaulted for decades to come.

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