

SECRETS AND LIES AN EXPLORATION OF THE ROLE OF
IDENTITY, CULTURE AND COMMUNICATION IN THE
POLICY PROCESS RELATING TO THE PROVISION OF
PROTECTION AND CARE FOR VULNERABLE CHILDREN
IN THE IRISH FREE STATE AND REPUBLIC 1923-1974

By Anthony Keating BA(Hons), MSc, PGDip Child Forensic
Studies, Cert Ed, C Q S W

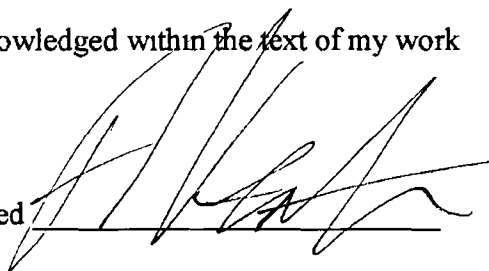
A thesis submitted for the degree of Doctor of Philosophy

Supervisor Professor John Horgan

School of Communications, Dublin City University

I hereby certify that this material, which I now submit for assessment on the programme of study leading to the award of PhD is entirely my own work and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged within the text of my work

Signed



Candidate

ID No 99145235

Date 17 7 2002

ACKNOWLEDGEMENTS

I would like to thank all of those who assisted me in the completion of this thesis, particularly my supervisor Professor John Horgan whose insights, encouragement and editorial eye have been an invaluable source of direction and support

The staff of various archives and libraries have shown great patience, understanding and knowledge, including the staff of the National Library of Ireland, the staff of the National Archives of Ireland, particularly Mr Tom Quinlan, the library staff at Dublin City University, the Secretary to the Censorship Board of Ireland and Father Fergus McDonaugh S J, the Archivist of the Jesuit Order in Dublin. All of the above provided me with facilities and support of the highest order

I owe particular thanks to all who were prepared to talk to me, some of whom felt they did not wish to be named. Of those who were happy to be named I would especially like to thank Mr Desmond O'Malley, and Mr Risteard MacConchradha

I would also like to thank Ms Michelle Shannon in the Crime 1 Section of the Department of Justice. I am indebted to Ms Brid Ingoldsby and Ms Kathryn Marsh for their assistance in editing the final draft of this thesis and Ms Delores Harte for the invaluable secretarial support she provided during the various drafts of this thesis

I would like to offer a particular vote of thanks to Ms Cathy Holland who was unstinting in her support and loyalty

Finally I would like to offer my thanks to the Department of Communications at Dublin City University who funded my fees during the period of my research

CONTENTS

KEY TO ABBREVIATIONS	Page 6
SYNOPSIS	Page 7
1) METHODOLOGY	Page 8
2) LITERATURE REVIEW	Page 13
(a) The Historical Context	
(b) Cultural identity in the post- colonial period	
DATA COLLECTION AND REPORTING	
3) CENSORSHIP THE CORNERSTONE OF CATHOLIC IRELAND	Page 95
4) A MESSAGE FOR THE PRESS	Page 128
5) THE USES AND ABUSES OF CENSORSHIP	Page 136
6) THE CARRIGAN COMMITTEE	Page 150
7) OUR MOST VULNERABLE CITIZENS	Page 177
8) THE INTER-DEPARTMENTAL COMMITTEE	Page 197
ON CRIMINAL JUSTICE	
9) THE KENNEDY COMMISSION	Page 227
10) CONCLUSIONS	Page 290
11) BIBLIOGRAPHY	Page 300

KEY TO ABBREVIATIONS

NA	National Archives of Ireland, Dublin
DJA	Department of Justice Archive, Dublin
CBA	Censorship Board Archive, Dublin
NL	National Library of Ireland, Dublin
JA	Jesuit Archive, Dublin
CEL	Committee of Enquiry on Evil Literature, Dublin
DJ	Department of Justice *

* This abbreviation indicates that these files are still held by the Department of Justice and have not been transferred to the National Archives

SYNOPSIS

This thesis sets out to explore the linkages between communication policy in Ireland and the wider social, political and economic factors in the development of social policy in relation to the nation's most vulnerable children, namely its marginalized children in institutional care. It also sets out to test the thesis that the complex interactions of these factors in a post-colonial state encouraged public authorities to avoid confronting the daily realities of life in the institutions concerned, and that it also involved a systemic suppression of communication in order to avoid public embarrassment for the state, which would otherwise been compelled to act to correct an abusive institutional system. This in turn, it will be argued, was closely related to the need to avoid disturbing a delicately-balanced structure of power relationships, and to preserve the powerful myth of the state's historic anti-materialist mission. This sense of mission was based in no small part on the perception of the newly-independent Irish state, on the part of its political representatives and many of its administrators, as a Catholic nation free in the main from the vices or secular atheistic materialism of the outside world (O'Donnell 1945: 31). This perception was fundamentally incompatible with the realities of the lives led by many of the state's cared-for children.

1) METHODOLOGY

For any state to effectively limit communication on an issue as sensitive as the provision of care for vulnerable children requires several levels of formal and informal censorship. It is therefore vital that the formal and informal levels of censorship at work in Ireland be explored in the thesis to establish the role of censorship, intentional or otherwise, in allowing childcare in Ireland to remain out of the arena of public debate, and indeed beyond the reach of public scrutiny. In establishing the factors that governed the development of childcare and child protection practices in the Irish State, while developing an understanding of the course of all aspects of social history, an understanding of the communications process is vital (Edelstein, Ito & Kepplinger 1989, Pickering 1997).

The marginalized in-care group in themselves are diverse, brought into the marginalized category by a multitude of factors. Social class, educational ability, family composition/kinship supports, criminality, mental health and physical or intellectual disability, the experience of physical or sexual abuse can be, but are by no means common, experiences for marginalized children. Their homogeneity can only be identified in two features. Firstly, they were identified as children by society, and were therefore assigned a special status in the pantheon of state responsibility, and secondly, they were cared for by the state (Constitution of Ireland, Article 42 (5), 1937).

In establishing the complex weave of issues that made up the daily realities of the lives of cared-for children in the Irish State, it was vital that this thesis explore the issues of sexual and physical abuse of children in Ireland, a reality which many other commentators have successfully proven to be a fact of life for many cared-for children in Ireland during the period of exploration and beyond (Raftery & O'Sullivan, 2000)

It was decided that this thesis would focus in the main on children who were cared for in the industrial and reformatory school sector, and the related group of "Boarded-out Children" The thesis does not focus on children cared for in special schools as a result of their physical or intellectual disabilities, e.g. deafness, blindness or general learning disabilities such as Down's Syndrome This was necessary both to put manageable parameters on the project and in recognition of the fact that, while all of these groups may well have shared many experiences when in care, they formed three distinct groups that required three different focuses

The research was conducted by developing four distinct strands The first was a comprehensive investigation of newspaper reports of the treatment of cared-for children and the abuse of children in Irish society generally This included an extensive review of national and local paper coverage The selection of the local papers was based on the geographical area served, where that matched identified archival records of data on sexual crimes against children

The second strand of the research was an extensive review of primary material held in various archives, covering the specific area of childcare and the related areas of censorship and adoption, indeed the availability of archival material dictated the historical parameters of this research. This primary research was complemented by a review of the existing literature relating to the cultural, political, religious and economic environments in which these children lived and in which policy was formed.

Thirdly, some of the key players in the policy arena for the latter part of the period studied were interviewed. These included politicians, administrators, committee members and other interested parties. Many of those involved in even the most recent events have died. Of those who survive, many were reluctant to speak, whilst some of those who did speak did not want their names used for fear of litigation or of attracting negative publicity. Whilst this clearly undermines their contributions as a reference source in an academic work, their insights are nonetheless an important part of this story.

Fourthly, the research explores the link between the social class of the individual convicted and newspaper coverage of the crime. It would appear from the Breen case (see below in chapter 4) that the social status of the alleged perpetrator was a significant factor in determining newspaper coverage. The list of convictions and personal details uncovered during the course of this research in the working papers of the Carrigan

Committee afforded a unique opportunity to test this hypothesis. An approach was made to the Garda archivist to gain access to the crime files but the author was informed that all the relevant files had been destroyed. An approach was then made to the Department of Justice seeking access to their penal files. The Department of Justice initially claimed that these files had been destroyed, but when the author presented them with evidence that they still existed, they declined to give access on privacy grounds, despite the fact that all the relevant information, except social class, had already obtained from their files, in the National Archives. An application was made to the Irish Prisons Service to access their restricted H234 files, which would provide similar information. Again this request was refused on the grounds that the Prison Service themselves did not know the content of the files and they might contain sensitive information which it was not appropriate to release at this time. It was therefore not possible to pursue this area of research. It remains, however, an important topic for future research which might provide valuable insights into the links between social class of the offender and the likelihood of the case being reported in the local and national press.

Parts of this study map in clear detail a level of conflict between government departments both at a political and administrative level which in turn raises issues relating to inter-departmental communications on policies relating to sensitive issues. To ensure an even representation of the issues and perceptions of all parties, approaches were made to various Departments for access to their files. Two former Ministers for Justice and two former Ministers for Education were asked for interviews. Only one reply was received. Representations were made to the Departments of Education and

Justice and the Irish Prison Service for access to their files. Some Departments or indeed sections within Departments were more forthcoming than others. The Department of Education and Science were particularly resistant to any examination of their files, on the grounds that “they were still current”, which referred to their usage by the Laffoy Commission. This restricted the author’s ability to access the versions of relevant events given by different Departments. It is hoped that this impediment has not led to a substantially poorer history, but it has certainly made it less comprehensive than was desired.

2) LITERATURE REVIEW

(a) The historical context

The Irish Free State was born as a result of years of struggle and privation. Those who inherited its administration and political stewardship not only saw themselves as the inheritors of proud and honourable traditions, but viewed themselves in the main as having a mission to build a Catholic state. This sense of mission was fuelled for many by the fusion of identities of “Irish” and “Catholic” – in the context of the struggle for independence from Britain, the concepts of Catholicism and Irishness had become almost indivisible. Despite the role of many Protestants in the establishment of the State, the vast majority of the Irish living in the Free State saw their nationality and religion as one and the same thing (Whyte, 1980). The Catholic church [the word ‘Church’ in this thesis will refer to the Catholic church, unless otherwise stated] had long formed a focus of identity and social cohesion for the majority of Irish people who did not identify themselves as British. This is not to say that all of the Catholic Irish supported the concept of the Free State or independence, but it was this group which now found itself in the ascendancy. Whether a supporter of the Free State, or Republican, the unifying force, particularly after the transition from Irish to English as the language of the vast majority of the people, was their Catholicism (Whyte 1980, Tanner 2001 & Hempton 1996). Taylor has argued that the financially impoverished Free State came “to rely on the Church not just for moral leadership and ethnic identity but for its institutional structure” (Taylor, 1995 141).

The Government and administration of the Free State set about building the first modern Celtic nation with an economy based mainly on uneconomic units of agrarian production and a weak industrial base. To make things worse, the Irish Free State, like many newly emerging nations before and since, was in the middle of a bloody and divisive civil war. It was also affected by the worldwide economic downturn in the wake of World War One (Prager, 1986). The new state may well have laboured under a type of collective inferiority complex, which, it has been suggested, is left in the wake of the withdrawal of a colonial power in the minds of those who replace it or claim the mantle of its authority (Fanon 1963, Curtis 1986). This thesis whilst treated with something of a sceptical eye by observers like Foster (2001), may go part of the way to explaining the anti-democratic tendencies amongst some of its political elite (Prager, 1986) and the sensitivity to internal and external criticism demonstrated by politicians and civil servants alike. This sensitivity, which is explored below, was commented on by publications like *The Bell* and *The Irish Statesman*.

The politicians and administrators who established the government of the Free State took over a vast administrative bureaucracy which had been developed by a wealthy imperial power with all the resources at its disposal (Kiely et al 1999). The citizenry of the Irish Free State, whether supportive of the development of the Free State or not, had certain expectations which did not alter with the change in government. Health, education, law and order and employment were core expectations of the population, notwithstanding the historically high levels of poverty in Ireland. These expectations were non-negotiable, regardless of the wider historical mission those in control had in mind. If freedom from

Britain turned out to be nothing better than freedom to starve, or to live in lawlessness, the population might end up regarding the split from Britain as a failed experiment. Therefore the former revolutionaries had to operate the daily mechanics of governance and try to run the state effectively, without the benefit of the vast resources available to Britain.

The Irish Free State was a deeply conservative society, and its values were steeped in conservative Catholic traditions. This conservatism was the product of the unique culture history of the Irish Catholic church. As Joanna Bogle has asserted, the Irish Catholic church's history created

A church driven in on itself. A Church which created its own defence structures, its own oddities, its own tensions and weaknesses. A Church which perhaps inevitably became over-clericalised. A Church [which] did not and could not question and challenge itself. To outwit enemies, to strengthen and to protect faith, to cherish a valued heritage, this all became second nature. (Bogle 1997: 81-82)

As mentioned above, the Catholic church was a formative force in the developing identity of the Free State and the Republic. The Catholic church was to exercise an enormous amount of formal and informal power despite the separation between Church and State enshrined in the constitution. The hierarchy of the Church and Catholic pressure groups drove large amounts of deeply conservative legislation. Whilst Ireland cannot be described as a theocracy in any strict sense, the state was either pressured by the Catholic elite or heavily influenced by its moral teachings to introduce legislation banning contraception and divorce, whilst the passing of censorship legislation certainly met the requirements of the Catholic tenets of morality (Whyte, 1984).

In addition to these legislative initiatives, Mary Clancy (1999) has traced the Catholic church's role in preventing the further enfranchisement of women in 1922 by excluding or restricting women from inclusion in important aspects of public life, for example by limiting their access to employment in the civil service and denying them involvement in jury service. Clancy refers to these measures as "statutory discrimination on the basis of sex", a discrimination that found its wellspring in the Catholic church's view of a woman's place (1999: 209). The Catholic church viewed its role as the moral arbiter of Irish life as extending into all the spheres of social and economic life (Whyte, 1980). It was a church which was well placed to exercise a powerful role, as it had worked tirelessly over the past hundred years to ensure that it was administratively well established in the mind of government to carry a great deal of actual as well as moral authority. The major focus of this strategy had been the key ideological battleground of education, which was to include the care of vulnerable children. The Irish Catholic church was particularly successful in this regard, as Hempton has commented:

Control over education, as was realised by nineteenth-century churchmen of all persuasions in all parts of the British Isles, was indeed a prize worth fighting for. Ironically, the Catholic church in Ireland got better terms from the British State than was achieved by any other denomination and this hard-won momentum was carried over into independent Ireland (Hempton, 1996: 91-92).

This dominance in the education sphere, it has been argued, gave the Church a key role in the formal socialisation of Irish citizens. This provided the clergy with a crucial power

base, which, when combined with their general high status in Irish society, gave them a dominant leadership role (Taylor, 1995)

The Catholic church played a significant role in ensuring that unpalatable, or what it viewed as morally corrupting, information never reached the public arena. It will be shown below that the Church mobilised the censorship legislation effectively in this regard. The Church viewed the Irish people as rather gullible children who could be easily led astray by the moral low life of other states, particularly those states that were not Catholic. Whyte has argued that the Catholic church believed that

“the traditional standards of their people were under unprecedented pressure. New mass media – the cinema, the radio, and above all the English sensational newspapers, whose circulation in Ireland appears to have increased during the twenties – were bringing unfamiliar values to the attention of their flock.”

(Whyte, 1984 24-25)

This desire to control for the greater spiritual good led church and state into a symbiotic relationship with the desire of the political establishment to protect the economic, intellectual and cultural life of the Irish Free State from neo-imperialistic incursions by the British State.

It is suggested that in this first phase of developing nationhood, the reflexive and overriding desire of the political and religious establishment was the realisation of the long-held

dream of Irish Catholic nationhood it is further suggested here that the insecurity and rigidity found in most post-colonial psyches and administrations (Fanon, 1966) were manifest in the way that the country's elite sought to skew the distribution, dissemination and interpretation of the realities of daily life to fit the idealised notions of a newly emerging nation, which believed that its strength lay in its history, integrity and religion. Exposing this ideal image to the cold light of scrutiny and debate was too unsafe a proposition for the majority in power. To question the party line was to risk alienation and vilification of an individual's integrity as an Irish man or woman – in fact one ran the risk of being denounced as a traitor (Woodman, 1985, also chapter 2 below).

It was in this social and political context that those charged with upgrading and reforming the country's political, administrative and legal structures had to operate. It will be argued here that these factors were the prevailing rationale for suppressing information about the true state of child prostitution and child sexual abuse in the Irish Free State. This suppression led to the curbing of the press through the formal mechanism of the Censorship of Publications Act, and through informal pressures applied by the Government, Church and Church inspired pressure groups. As Horgan has asserted "it is at least arguable that the Censorship of Publications Acts were in fact used for political as well as 'moral' purposes". He goes on to argue "State censorship has in fact been for more than 60 years one of the abiding strands in the complex relationship between governments and the press" (1984: 51).

These forces ensured the explicit co-operation of the press, who either shared the value base and religious nationalistic aspirations of the ruling elite or complied in an effort not to bring the scrutiny and displeasure of these establishment groups into their daily business. It seems clear that the view of Government and Catholic authorities during this period was that the issue of child sexual abuse must neither sully the minds of the Irish nor give ammunition to those external forces who sought to denigrate or profit from the emerging nation.

The local papers were essential in developing a full understanding of the cultural paradigms in which the events covered here took place. They were to play a key role, not only in the examination of the events themselves, but also in gaining an understanding of their wider social arena, particularly that relating to issues of social class and the psychological safety of those living through a post-colonial era. As Horgan has argued, Irish provincial papers play a pivotal role in representing, and thereby sustaining, an acceptable self-image for Irish provincial life and its elites". He goes on.

They are also, inescapably, centres of power in society – not just power in the narrow, party political sense, but power in all its ramifications. None but the most naïve would suggest that the local or provincial newspapers based in these towns somehow escape involvement with all these important interests and forces (1984:10).

The ownership of the provincial press, and its dependence on a small geographical area for sales and advertising, may well lead to the papers being very sensitive to local sensibilities when covering issues (ibid.). This sensitivity may be particularly acute, in

the case of issues or events which may trouble the “acceptable self image” mentioned above. It was therefore necessary to conduct an investigation into the coverage of these issues by the national press. Whilst the national papers would themselves have come under political and economic pressure which determined the nature and style of their coverage (Horgan, 1984: 51), these pressures were different from those experienced by local papers. They therefore offered the possibility of a different style and coverage of the less palatable aspects of Irish life.

In order to explore the issue of formal and informal censorship for his 1985 study *Media Control In Ireland 1923-1983*, Woodman conducted interviews during 1983 with the editors of three Irish daily national papers: the Irish Times, the Irish Independent and the Irish Press, as well as of an Irish weekly: the Sunday Tribune, and of a periodical, Hibernia. He also used a questionnaire to ascertain the views of 42 local editors of whom 24 (57%) responded. In general he found no significant evidence of a greater level of sustained pressure to censor desired editorial coverage than was experienced in other European states. However, one of the national editors admitted:

There were stories, documentaries, investigative reports, analyses and factual accounts that were not being written. It was censorship by anticipation. No one in Ireland was going to investigate alcoholism among the clergy, discrimination against homosexuals, the large family as a reason for a lack of economic progress, the private fortunes made by ministers of government, and so on. They were difficult stories, and could often be judged not worth the trouble they would cause in putting them together. But their existence should be borne in mind every time there is too much talk about reporting all the news (1985: 202-203).

This account of “censorship by anticipation” by the editor of a major daily paper provides evidence of a degree of self-censorship on socially sensitive issues. Such self-

censorship contains all the elements (albeit with a different focus) that it is suggested here led to a communication block that caused the plight of vulnerable and marginalized children in Ireland to remain invisible. It demonstrates the protection of certain features and behaviours of the tripartite foundation of the emerging modern Ireland, the Church, the family and the government, given by omission from news coverage

However, it should not be assumed that the application of censorship to stories that the church would find sensitive is an unequally Irish phenomenon. Commenting on a case of clerical sexual misconduct in Massachusetts USA in the mid 1970s Jenkins has noted that the words of a journalist he quotes could be applied to any community with a strongly Catholic presence. The journalist stated

If any priest had any sexual problem or was involved in a compromising incident—even if it involved an arrest—the diocese could prevail upon the local papers not to write about it and upon the district attorney’s office not to prosecute. To reveal a priest’s shortcomings was akin to blasphemy in the eyes of diocesan officials, and they were ever vigilant against such disclosures (Jenkins 1996 61)

The propensity of journalism to be a predominantly male profession until recently could well have had an impact on the nature of that which was “censored” which displeases” (Peters, 2000). Several commentators have noted that female journalists were to the fore in breaking the silence on issues of child sexual abuse in Ireland and abroad as their male colleagues found greater difficulty in accepting and investigating the sexual abuse of children (Goddard, 1996, Murphy, 1999). Peters has suggested that there may be a structural reason for this, with editors tending to place female reporters in departments

dealing with social and cultural issues (Peters, 2000) It is important to note here that this is true across the spectrum of those who work with children and researchers this area have noted that a disproportionate number of Guards involved in the investigation of child abuse are female (Buckley, 2002) This is also true of the social work/social care professions and nursing /medicine (ibid) Indeed there is evidence that male lawyers also did not like handling these kind of cases As Jeanine Pirro a District Attorney in New York State notes “cases involving the sexual abuse of children were farmed out to women because most men didn’t want to handle it” (The Investigative Staff of the Boston Globe [ISBG], 2002 138) These factors suggest that any analysis of newspaper coverage in this area requires an understanding of what has been excluded as well as of what has been covered While cinema newsreels and, more importantly, radio were also vehicles of mass communication at the period that begins this study, the former being replaced by the medium of television for the latter part of the period, it was decided in the main to treat these media as outside the main core of the thesis Although they are not ignored or seen as unimportant, they do not form a central part of the analysis of mass communication on the issues addressed by this thesis The peripheral evidence presented below indicates that they were not as important in the debate as the print media until the advent of a new era in the handling of sensitive, formerly taboo issues ushered in by the Late Late Show in the 1960s The lack of availability of accurate records of earlier broadcast media puts their content outside the scope of this study

For much of its existence the Irish Free State, and its successor the Republic of Ireland, suffered from poor economic conditions, which were exacerbated by protectionist

economic policies and a lack of infrastructure and raw materials (Prager, 1986, Heath, Breen,& Whelan, 1999, Redmond 2000) It will be argued here that the lack of material resources further added to the plight of marginalized and abused children, since if the State had had more resources, and if it had recognised the problem, then it would have been forced to address the issue or be seen to be failing its children and therefore its historic mission

The economic stagnation of much of the State's life finds its wellspring in the policies pursued by Britain over preceding centuries which, in the main, viewed Ireland as England's bread-basket (Brown 1985, Arensburg & Solon, 2001) The only area of the country that had experienced significant industrial and manufacturing development was in the north-east, the area that was to be closed to the Free State as a result of Partition The difficulties regarding the lack of industrial infrastructure presented a major challenge for the state – a challenge that would not be overcome until the technological revolution of the 1980s despite early attempts at modernisation like the Shannon Scheme, and the introduction of sugar beet production and processing These early difficulties were compounded by the economic and social policies pursued by the party that held power for much of the State's existence, Fianna Fail, under the leadership of Eamon de Valera (Fanning, 1983) The result was a haemorrhaging of the younger population through emigration This left an increasingly aging and conservative population which failed to challenge the orthodoxies propagated by the political and administrative elite (Whyte, 1980 57)

Sean O'Faolain, writing in the *Bell*, the radical journal published between 1940 and 1952, summed up the state of the economy and its social implications by pointing out that his readers were

constantly aware that thousands of our people have to be sent abroad to work, that thousands of them are probably lost forever, that our slum problem is hardly being touched, that if the poor were not kept alive by doles of every kind many of them would simply starve to death, that it is only in the thirteenth year of office that the present government introduces legislation to deal with tuberculosis, that our educational system is antediluvian, that there are many aspects of despotism disguised as a democracy, that the dismemberment of our country has been allowed to become a frozen problem, that our relations with Great Britain are as ambiguously unsatisfactory as ever they were (O'Faolain, 1945 17-18)

By the time de Valera left power in the late 1950s and a new leadership began, albeit slowly, to explore different social and economic models, the country was beginning to emerge from a deep economic crisis. This crisis had caused many of the country's most able and educated citizens to wonder if the Republic of Ireland was a viable economic entity (Fanning, 1983)

However, the end of the 1950s has been identified by many historians as a period of profound change and the beginning of a process of liberalisation in the social and economic spheres, which was to have profound effects on the State and its people. All of the historians who comment on this period, whilst having slightly different perspectives and timescales for the development of this change, are unified in the view that it was to herald an era of growing psychological well being for the Irish people.

One historian, Donald Connery, writing in 1968, identifies five main reasons for these developments. Firstly, that the process of liberalisation within the Catholic church which would ultimately lead to Vatican Two had begun. Secondly, that the government of the State had become less insular and more internationalist in its approach. Thirdly, there was increased foreign investment in Ireland as a result of the shift away from protectionism, a developing tourist sector and the relaxation of the censorship of books and films. Fourthly, an uncontrollable mass media in the shape of television had developed, and fifthly, the economy was increasingly healthy (Connery, D 1968).

The health of the economy was to be progressively enhanced by Sean Lemass, the Taoiseach who followed de Valera into office in 1959. Lemass implemented a plan for economic expansion that recognised that domestic capital was not enough to fuel sustainable levels of economic growth and that it was also necessary to develop an export potential to sustain growth. Whyte has suggested that the retirement of Eamon de Valera from active politics was to release a “log-jam” amongst Irish politicians. Writing of de Valera’s successor, he said that whilst Lemass was not much younger than de Valera, he “seemed to belong to a different generation in outlook” (Whyte, 1980: 352). Lemass also introduced more dynamic and outward looking young Ministers into post like Haughey, Lenihan and O’Malley, who were convinced of the need for change and were later to figure in the process that led to reforms in the childcare system.

The pursuit of this policy was to begin an opening up of Ireland socially and culturally, as well as to foreign investment. As Mark O’Brien states

As the barriers fell and Ireland looked outward towards Europe and America, the country opened up for the first time to the influences of foreign ideas, norms and values. As Ireland industrialised and modernised, social structure that had up to then been predominately rural and relatively uneducated within a culturally isolated nation changed utterly (O'Brien, 2001 118)

Notwithstanding the increasing openness of Ireland to foreign capital and ideas the years of isolation and economic stagnation had led to the development of entrenched attitudes in the various government departments. The State had developed systems that reflected its economic base, many of which, in the field of education and childcare were run by a number of Catholic religious communities. The Daughters of Charity, Sisters of Mercy, Christian Brothers and others provided a service to the state at a relatively low cost and with a minimum of state involvement. Most of the officials of the various managing departments believed that the Church ran the best service that limited money could buy. They, the civil service, had a natural instinct towards maintaining the status quo and were not minded to risk destabilising systems that were, they believed working. Where there were problems in the system, civil servants felt that discreet mechanisms were in place to neutralise any potential harm without the damaging and un-edifying glare of publicity. It is important to recognise that the civil service faith in Church's ability to provide care for vulnerable children was shared by the vast majority in the wider community (Ferguson 2000)

The bureaucrats were keenly aware of the financial constraints they worked within and jealously guarded against any incursions into the budgets of their own departments by services they felt should be provided by another department. During the period from the

early 1960s through to the 1970s this battle can be seen being fought out between the Departments of Justice and Education, particularly over the area of provision and standards in Industrial and Reformatory Schools. Indeed the same turf wars are being fought today between the Departments of Health and Education, over the same client group, in the more public arena of the High Court (These cases are covered widely in the pages of the Irish Times and the Independent 1996-2002)

The Department of Justice was (and still is) responsible for the registration of certain facilities paid for by the Department of Education. During the 1960s and 1970s the two Departments fought long and covert battles over the conditions and numbers in these institutions. It will be shown below that both Departments were aware of much of the privation and abuse suffered by residents of these institutions. However, powerful forces were at work to ensure that these conditions were misreported, minimised, ignored and in some cases covered up. Neither department wanted anything that affected the availability of beds to emerge and the officials in the Department of Education were at pains to ensure that their value for money option of provision of cheap child care in large scale religious run institutions was maintained. The provision of these beds by religious orders provided the added value of being low maintenance in terms of departmental involvement in their daily running. They were in many cases hidden and protected from public scrutiny by the bureaucracy and moral authority of the Catholic church in what was still a deeply religious country.

By the late 1960s the social and political landscape was changing all around the western world and whilst Ireland was not at the centre of these massive social movements it was to be profoundly affected. The language and logic of the black American civil rights movement were adopted by Catholic leaders in Northern Ireland, giving a voice to, and protesting against, the discrimination endured by the Catholic minority in the Northern State. This language, and the strategies of political mobilisation of groups traditionally excluded from the heart of the political machine, also appeared in the Republic. A coherent and radically focused women's movement was also emerging which was to bring a new and distinct voice to social and political discourse (Clancey, 1995). Writing on the issue of Irish sexuality, Inglis acknowledges the role of these movements in breaking the Church's monopoly on the discourse over matters of sexuality which he identifies as a major event in the weakening of Catholic power in Ireland (Inglis 1997).

This view is supported by some American scholars who have asserted that the Papal encyclical *Humanae Vitae* (1968) which asserted traditional Catholic teaching on the use of contraception, led to the acceleration of a sociological phenomenon in which there was a movement away from deference towards institutions particularly in relation to prescribing sexual norms. This, it has been argued, led to a kind

Of religious cognitive dissonance, in which Catholics rejected and ignored the Church's teaching on matters of sexual ethics while embracing the Church's basic articulation of Catholic Christian faith and its rich liturgical practices (ISBG 2002: 186).

The issue over who controlled the discourse on sexual matters has clear implications for the communication on issues of sex and sexual morality. Inglis asserts the Church

control of this discourse essentially hid any real discussion on the issue outside of that of a theological or medical nature and in so doing ghettoised the debate to within an acceptable and extremely limited forum Inglis argues that “the realms of desire, pleasure and being sexual were censored in public life and silenced in the family” (Inglis 1998 5) The liberalising agenda in relation to the discourse on sexuality was to have ramifications beyond the sexual arena Inglis notes that the challenge this offered to the authority of the Church also “undermined their philosophy of the self, family and community (ibid 6)

Inglis identifies the development of pressure groups with an agenda which focused on individual and collective freedoms rather than an agenda determined by the hierarchy and designed to further the Catholic mission as being important actors in the re-casting of the Irish sexual landscape He states

The initial resistance came from women, and then the challenge was taken up by various interest groups supporting in general, secular liberal individualism, which, in turn, were supported by the media and the state (1997 6)

Inglis is clear that the support from the media and the state for these social movements was in part due to economic developments and the economic and social dynamic which was moving Ireland towards a greater Church/State separation He acknowledges that this process was by no means smooth as the older generation who owned and controlled the media may have found the movement away from Catholic orthodoxies painful but “ they operated in the marketplace, and the editors, journalists, producers who worked for them were quick to see and exploit change (ibid 6)”

These economic pressures coincided with the establishment of new types of organisation that focused on using pressure, lobbying and the media in ways in which the older representative associations would not have engaged. This was true for organisations which sought to give voice to the most socially and economically deprived in the community and to the most vulnerable of this group, their children, many of whom ended up in the industrial and reformatory school system. Organisations and individuals were not prepared to allow Government to do its business as it had heretofore and were not happy that problems should be brushed under the carpet. This development coincided with the gradual easing of press censorship, the internationalisation of the media generally and a more campaigning and investigative approach from the Irish media (Coogan 1987, Horgan 2001)

September 1962 saw the establishment by Charles J. Haughey, the Minister for Justice, of an Inter-Departmental Committee on the Prevention of Crime and the Treatment of Offenders. The establishment of this Committee was in itself an official recognition that things could be done better and that treatment rather than punishment could be an effective tool in moving people away from anti-social behaviour towards more productive lives. However, like earlier Committees, it was a creature of the civil service. Consequently, its approach was less than radical. Notwithstanding this it did recommend many of the changes later recommended by the Kennedy Committee in relation to the reformatory and industrial school sector. Unfortunately its findings were shelved. It would appear that the various religious groups objected to the introduction of thorough

inspection and that the Department of Education did not want to increase its expenditure on the Industrial and Reformatory Schools by introducing reforms (DJ 93/182) There is clear evidence of division between the Department of Education and the Department of Justice on the issue

By the time the Kennedy Committee was established in 1967 the landscape had changed considerably since the earlier part of the decade The Committee was to include representatives who were not drawn from the civil service and establishment and, importantly, the Committee's work excited the interest of pressure groups and the media This ensured that the Committee and its report could not be filed away in the oblivion to which previous reports had been consigned That is not to say that the traditional concerns and pressures from government were not brought to bear on the Committee, but on this occasion they were resisted and its findings were made public Its publication met with a great deal of public and media attention and it became the focus of pressure groups who were both articulate and unwilling to toe the line O'Sullivan writing in 1979 argued that the

application of changing interpretations of equality to the life circumstances of children who came into care, mediated to the public through conferences, publications and considerable media coverage, was to be one of the major sources of the "discovery" of the deprived child in Ireland (Buckley et al, 1997)

It will be shown that the work of the Kennedy Committee did not go away and was constantly cited as the aspirant standard, towards which the reformatory and industrial school sector should aim This is not to say that the changes were made or the investment put in by government Indeed the recommendations are not yet fully realised even with

the passing into law of the Children's Bill 2001. However, there were several key changes in its wake and its ghost has haunted government and inspired those calling for change ever since.

LITERATURE REVIEW

(b) Cultural identity in the post-colonial era

To fully understand the development of policy in relation to vulnerable children in the Irish Free State and Republic, we must first explore the psyche and the physical reality of post-imperial Ireland and we must also explore the role of the Catholic church in the formal and informal politics of the State and the legislative and cultural milieu in which those who investigated, reported and suggested were working and living. This thesis will begin by putting the childcare and protection issue in its historical context and show that, whilst this issue was not unique to Ireland or the historical epoch that is being explored here, the response was a uniquely Irish phenomenon born of societal insecurity and a religious and political fundamentalism that sought to manage this insecurity through manipulation and obfuscation, underpinned by a set of communications policies which facilitated it.

Headlines over the past two decades have concentrated on child sexual abuse. However, the poorly developed or abusive social structures that contributed to the wider arena of abuse and neglect have been far less well covered. As it is the issue of child sex abuse which has brought the core issue of child abuse and neglect into Irish public consciousness over recent decades, this thesis will begin by exploring the social and cultural situation in which investigation and policy formation in relation to the protection of children took place. Childcare and protection policy is examined, formulated and executed in the wider social, cultural and economic environment of the day. To understand the process, these various strands need to be unravelled.

The post-revolutionary generation of politicians and administrators and the hierarchy and clerics of the major faith group, the Catholic church, saw themselves on a historic mission to bring a beacon of hope to the rest of the world by portraying the unity of the Celtic and Catholic traditions (Whyte 1986, Cooney 1999, Coogan 1993) In order to create the right social conditions for this movement it was deemed necessary to protect the populace from what were viewed as morally corrupting influences by the application of formal and informal censorship, and to protect the image of the fledgling state and its faith from the derision foreigners who would seek to use these moral weaknesses to reassert their domination of Irish life The maltreatment of children was an issue that could not be exposed to this type of scrutiny

The esprit de corps that grew out of these early struggles was to influence subsequent politicians, civil servants and clerics, and set a tone for a culture of secrecy and denial that would haunt these issues up to the 1970s The late sixties and early seventies saw a breakdown of the post revolutionary consensus and a growing national sense of self confidence which led to a more radical popular discourse including that which focused on gender, class and civil rights This manifested itself in a more critical issue-based approach superseding bland or pro-establishment press coverage This discourse would lead incrementally to the revelations concerning the abuse of children in the 1980s and 90s

This cultural shift finally exposed the silence on difficult issues that had, in the name of national pride and unity, permeated Irish society since the establishment of the state. This silence contributed significantly to the suffering of marginalized Irish children by preventing dialogue and communication on these issues. This blockage of communication in turn delayed the emergence of more radical social policies to protect these children. As late as 1991 it led one commentator, whose voice is echoed by many, to describe child care in Ireland as “the most neglected area of public policy since the foundation of the State” (Lawlor, 2001: 201).

The administration that took over the running of the Irish Free State soon had to come to terms with the daily reality of governance. Its performance of this task would be the key to the success or failure of Ireland as a post-colonial entity. They quickly found that the fine words of opposition, particularly the words of an opposition that had made great claims about Ireland’s destiny and the genius of its people and tradition, needed to be translated into the economics and politics of the real world.

The economic policy set out by the new Government whilst in revolutionary opposition was very much the product of an isolated protectionist tradition that laid great emphasis on Ireland’s own ability to provide for all its people’s needs. This was to be achieved by a rapid programme of industrialisation that would complement the already strong agricultural base and by a strongly protective system of tariffs. The main proponent of this model of economic model was Arthur Griffith, who had in turn based many of his views on a skewed interpretation of the German economist Friedrich List and the earlier

calculations of Thomas Davis regarding Ireland's potential to develop its own heavy industry by utilising its mineral deposits Davis's estimates were ludicrously overstated (Cronin and Regan 2000 149) Griffith's protectionist stance was completely out of step with the mainstream of economic theory and the reality of the national economies of the developed world, all of which promoted free trade models It should be remembered that Arthur Griffith was not an economist As Richard Davis stated, "Griffith was a propagandist not an objective student of economic theory, like other nationalist politicians he was compelled to account in psychologically satisfying terms for his country's subjugation" (Davis, 1974 127) For Griffith the bench mark for the post revolutionary state was to be the development through Irish genius of a modern industrial nation As Davis concludes

Racial pride was thus the motivating power behind Griffith's ambitious programme for economic development Griffith required proof of his conviction that the Celtic races were inherently superior to the Saxon English National power through rapid industrial advance appeared the unavoidable acid test of such Celtic pre-eminence (1974 144)

This desire to establish a positive view of an Irish independent identity and ability is a desire held in common by many post-colonial people Colonial powers maintain their authority through a combination of force and paternalistic patronage (Fanon, 1967) The British model of imperial management was deeply paternalistic and to a great degree focused on the doctrine embodied in the concept of the "white man's burden" This portrays empire, which is predominantly an economic exercise, as a kind of duty to civilise A necessary part of this process is the indoctrination of the subject people into accepting a view of themselves as less than their imperial betters This instils a sense of

inferiority that lingers after the imperial power has withdrawn (Fanon 1967 , Curtis 1984) The psychological process and its impact on the colonised psyche is dealt with by Jean-Paul Sartre in his introduction to Fanon's seminal work on colonisation, "The Wretched of the Earth" Sartre asks rhetorically

How can an elite of usurpers, aware of their mediocrity, establish their privileges? By one means only debasing the colonised to exalt themselves, denying the title of humanity to the natives, and defining them simply as absences of qualities - animals, not humans This does not prove hard to do, for the system deprives them of everything (Fanon, 1967 24)

The imperial power will also seek to leave informal channels of influence in the ex-colony to ensure its economic and diplomatic interests (Fanon, 1967) Both of these features were part of the landscape of Free State Ireland (Keating 1991, Curtis 1984) The paternalistic view of the Irish often assumed derogatory proportions that drew on Social-Darwinist images which still found currency in elements of the British Press until the 1980s (Curtis, 1984)

The denigration of the Irish by the English to justify territorial ambitions has a long historical lineage dating back to the 12th Century book by Gerald of Wales entitled "The History and Topography of Ireland" In a wide-ranging treatise Gerald, amongst other things, denigrates Irish society by attacking the way they treat their children He states

To begin with when they are born, they are not carefully nursed as is usual For apart from the nourishment with which they are sustained by their hard parents from dying altogether, they are for the most part abandoned to nature This is a filthy people, wallowing in vice Of all peoples it is the least instructed in the rudiments of faith They do not pay tithes or first fruits or contract marriages They do not avoid incest (Gerald of Wales, 1982 100-106)

This theme of the Irish as unconcerned for, and abusive of, children was a theme that was to be returned to again and again by colonial observers (Curtis, 1985) and whilst it is impossible to quantify its impact on the Irish psyche it may well have been an obstacle to later openness about child-care issues in 20th century Ireland

The view of the Irish as less than civilized was still in evidence in political circles during the early years of the Free State. Leo Amery, who was the British Secretary for the Colonies and Dominions from 1924 to 1929, and was therefore a highly influential figure with major responsibilities for British policies towards Ireland during the first phase of modern nationhood, typifies the approach of the colonial elite. Commenting on the death and funeral of Kevin O'Higgins, Free State Minister for Justice who was assassinated in the July of 1927 he said

Poor fellow, he had many attractive personal qualities as well as real courage and patriotism. What a curse hangs over Ireland. To unravel it would be like a tale of Atreidae, but I fear the starting point is a fault in the blood, some element of ape-like savagery which has survived every successive flood of settlers. (I attended the) Memorial service to O'Higgins. These RC services strike me as curiously barbaric and in the direct line of descent from ancient Egypt (Cronin and Regan, 2000: 187)

Griffith's economic vision of a self-sufficient and independent Ireland was dropped on his death in 1922. The Cumann na nGaedheal Government adopted a basic free trade model as it was not viable to break from Britain as a main trading partner or part from the Bank of England regulating the Irish pound. This position was consolidated by the recommendations made in the 1926 report of the Banking Commission which based

them on the “assumption that Ireland would remain part of the UK economic unit”
(Daley, 1992 17)

Griffith’s protectionist industrial expansion scheme did, however, continue to be favoured by Fianna Fail. Sean Lemass, the party’s first Minister for Industry and Commerce, attempted to implement a policy of isolationist protected industrialisation after they came to power in 1932, but he had modified this model of development in favour of a limited free trade model linking the Irish economy with the British by 1938. Lemass stated “it was never conceived as possible that the state could be made completely independent of foreign trade or locked in a water tight compartment cut off from the current of international life” (Cronin and Regan, 2000 146). At this stage of its development, then, the Irish Free State was by and large an economic dependent of Britain, whilst pursuing a damaging trade war with that nation. Ireland did not have a viable economic identity of its own. This point was re-enforced by the economist John Maynard Keynes, speaking at Trinity College in 1933. He urged the Irish government

to enter into an economic arrangement with England which would within appropriate limits, retain for Ireland her traditional British markets against mutual advantages for British producers within the wide field which for long to come will not interfere with Ireland’s own developments. I would see nothing in the slightest degree derogatory to her political and cultural autonomy. I should look on it merely as an act of commonsense for the preservation of the standards of life of the Irish, at a level which would make possible the country’s new political and cultural life (Fanning, 1983 144).

However, Ireland was not politically willing to take this step until 1965 when Sean Lemass’s government signed the Anglo Irish Free Trade Agreement. The signing of this

treaty in 1965 was not only sensible act economically but was indicative of Ireland's growing independence and maturing identity

The other visible badge of nationhood, a unifying language, was English. The Irish language was spoken by a small number of citizens of the Free State. It has been suggested that this led to a sense of insecurity amongst the citizens of the emerging State. Whyte has suggested

It may indeed be true that a sense of vulnerability of traditional values was particularly strong among Irish Catholics for they were as a community unusually exposed to external cultural influences. Unlike the various nationalities of continental Europe they had, on the whole, no language of their own to insulate them from such influences. Apart from a few Irish-speaking communities along the western seaboard, they were simply a fragment of the vast English speaking language group (Whyte, 1980: 33)

Given these two factors and the standard policy of the British Empire towards newly independent former colonies of replacing formal political rule with a less formal economic domination that facilitated British economic interests, it is possible to imagine the sense of vulnerability in the post revolutionary elite. The new government was constantly looking over its shoulder at the former imperial power. As Foster has suggested, "the dominant preoccupation of the regime was self-definition against Britain-cultural and political" (Foster, 1989, 516) in the decade of its birth.

If Ireland was to be viewed as something other than the one of the home nations of the British Empire it needed some emblem of identity which would distinguish it from its powerful imperial neighbour. If Irishness was not definable as different in economic or

linguistic terms then what seemed to be left was the notion of a glorious Celtic past. Whilst this was probably enough to sustain a tribal interest in a common ancestry it was hardly enough to inspire the population in the project of building a modern independent state, particularly when this was balanced against the concomitant cost of the loss of economic and political influence involved in abandoning parliamentary representation at Westminster.

A key to the successful development of this project was the nurturing of the sustainable cultural particularities that made Ireland different from the nation from which it had won its freedom. One major plank of the Irish identity was seen as Catholicism. If the people of the Free State could be convinced they were part of a broader spiritual mission with contemporary relevance, then perhaps the project could succeed. Ireland, Irishness and the establishment and development of an Irish State, free from Protestant Britain, then could become a type of economic and political mission, a force to unify the people. Thus to be a Catholic in Free State Ireland was to become synonymous with being loyal to the Free State and its historic mission (Whyte, 1980, Hempton, 1986). The Catholic press was to re-enforce the image of Irish Catholics being a people at war for their faith. In 1925 the *Irish Monthly* warned the Irish Catholic people: "Modern forces are not for but against the Church's mission. Today the enemy is invisible and omnipresent. The Irish Catholic is like a soldier who has turned aside the sword but is attacked by a poisonous gas" (*Irish Monthly*, 53, 1925: 350).

The Church itself may be said to be a powerful component of the glue that held together the earlier experiment of the Irish Free State. After the establishment of the Free State civil war still raged in Ireland, with disruption and political assassination common features of the political life of the newly emerging nation. There were two opposing ideological forces on the island of Ireland who were united in their desire to see the Free State experiment collapse into non-viability following the period of civil war. These were the industrialised loyalist Orange North and the dissident Republican forces in the Free State, with the loyalist faction hoping for a return to a British Ireland and the dissident republican faction striving for a thirty-two county republic.

For any state to move into a stable maturity its citizens need to believe that the new structures will represent their interests and allow for the expression of views and desires which compete with those of the ruling elite without the need for the citizenry to mobilise outside of these structures to assert their interests. As Prager has argued

no democratic order is possible without the presence of a cultural conception that the state is responsive to the individual - even the passive one - and to organised social interests. When political participation is known to be possible, citizens are freed from the need to be always mobilized in order to protect their interests (Prager, 1986: 19)

The immediate aftermath of the establishment of the Free State saw no effective opposition within the parliamentary arena to represent the large constituency of those who did not feel represented by the ruling party. This has been linked to low voter turnout in the early Free State elections and the weakness of party organisation in this period. It is certainly the case that there were substantial increases in turn out after

Fianna Fail entered the parliamentary fray (Garvin, 1977) The division wrought by the civil war within the Free State cannot be exaggerated, and its long-term consequences for the development of economic and political maturity within the Free State and Republic were profound (Prager, 1986) as were the local and national societal divisions it generated (Brown, 1985)

The leaders of Cumann na nGaedheal were in the main drawn from the urban or educated elite who by background and instinct would have had more in common with business than with the small farmer of rural Ireland In this they may be said to be as foreign in some ways as the ex-coloniser to the *daily concerns of rural life*, to be foreigners who would have to put aside local interests for the national good (Garvin, 1996) Catholicism may be seen to be the unifying power in the moulding of a cultural and national identity in what was a landscape of difference Thus we may say that the way the Irish State developed a democracy based on patronage is directly attributable to the *modus operandi* of the Catholic church in that the Church provided an ideology in an ideologically bare political landscape and a network for the distribution of the state's favours to ensure the loyalty of the people to a cause based more on creed than on a shared sense of nationhood

The Catholic church, which had developed a distinctly clerically authoritarian rightist position by the middle of the nineteenth century (Whyte, 1980, Blanchard, 1963), was to emerge as a powerful political force in the government of the Free State and Republic Whilst, prior to independence, the Church had been a small player in a Protestant

dominated British Isles, it now gained near hegemony and quickly developed a sophisticated informal power-base. In essence it became a super pressure group that wielded significant moral, economic and political power. It assumed the mantle of the unifying spiritual and historical force in a modern political project. In some ways it portrayed itself as the transmitter of genuine Irish culture difference, which legitimised the political expedition towards independence.

Identifying Irishness with Catholicism provided a strong link with a powerful international movement. Members of the Irish diaspora were prominent figures in the hierarchy in powerful foreign states like America. Their ancestry and their religion ensured that two parts of their tripartite identity, American, Catholic and Irish, were firmly rooted in the soil of Mother Ireland and should therefore help to ensure loyalty from those potential powerbrokers in an economically and militarily powerful ex-British colony. That is not to say that members of the Irish-American diaspora were not American first and Irish second. De Valera was one of those who misread this dynamic considerably (Coogan, 1993). Many commentators have noted that the Catholic church in America had become an extension of the Irish Catholic church (Tanner, 2001). Indeed large numbers of American bishops of direct Irish descent travelled to Ireland for the Eucharistic Congress of 1932 (Keogh, 1995), whilst in the last four decades three American Presidents have claimed origins in Ireland. This influence and the influence of the Irish Catholic diaspora was to have undoubted economic and political benefits for the home country.

Catholicism also brought a unifying sense of identity to the concept of being Irish that in many ways hindered the reflective process so necessary to the maturing of self-confidence in a newly decolonised people. Brown has suggested that the Free State

was a young insecure State without any traditions, without any manners and there was this notion that to be Irish was good. Nobody took any time to understand what to be Irish was. There was this slogan and fanaticism and a lot of emotion, but there wasn't any clear idea except what you were against, you were against sexuality, you were against the English (Tanner, 2001: 302)

At this stage of Ireland's political development the country and its people had not reached the required level of maturity and confidence that is a necessary prerequisite for any decolonised nation on the road to what may be referred to as actualised statehood. As the philosopher Richard Kearney has noted, for decolonisation to be complete there also needs to be a "decolonisation of the mind" (Smyth, 1998)

However far reaching the power of the Catholic church during the 1920s, it was exercised less rigidly than was the case during the 1940s and 50s when matters of personal morality impacted on public health. One example of the relative liberality of the hierarchy during this period was shown when the Archbishop of Dublin, Edward Byrne was asked in 1926 for his opinion on the suitability of publishing a report on venereal disease in the Free State. Dr Byrne simply said that if it needn't be published on public health grounds then he would rather it wasn't, but if it were for the public good then it should be published (NA S4183). This view that public health issues took priority over potential embarrassment over the publicity of the extent of venereal disease would appear to be in stark contrast with the view of his successor John Charles McQuaid who

endeavoured to suppress any negative publicity that challenged the view that Ireland was a pious Catholic outpost in a materialistic and decadent world (Cooney, 1999) Byrne himself was an arch traditionalist (ibid) but did not rival McQuaid's desire for control of communication on sensitive issues at any cost, a desire which McQuaid was able to indulge to a large degree on becoming Archbishop of Dublin in 1940. However Byrne's concern for public health did not seem to extend to the publication of the Carrigan Committee Report in 1931 which if published would have gone some way to highlighting the plight of abused children (see chapter 5)

The Report on Venereal Disease demonstrated alarming levels of the diseases in Ireland and indicated that the main source of infection was not prostitutes in the red-light district but the sexual encounters of the population in general. If the evidence were correct it was also necessary to accept that many individuals living in the Free State had more than one sexual partner. Whether or not this was true it was hardly a politically correct image for Free State Ireland.

The report went through two drafts, from the second of which the more shocking evidence from experts, which dealt with issues like the abuse of servant girls up from the country and the contracting of the disease by army officers was removed. In Ireland's particularly class conscious society it would seem that the idea that gentlemen could contract venereal diseases as well as the ranks was rather too shocking. The use of prostitutes by married men, the ready availability of prostitutes in Dublin, and the sexual abuse of children through prostitution were all removed from the draft prior to the

government accepting it for publication (NA.S4183) This point is important, as social class and other social status indicators like profession or marital status, were extremely important factors in the communication of information on, and accepting the existence of, the abuse of children in Ireland The re-drafting of the 1926 Report on Venereal Disease gives a clear picture of governmental sensitivity on these issues

The Catholic church did have a great deal of formal and informal power in the Free State However, it should never be assumed that the Catholic church needed to actively pursue every issue it felt strongly on by mobilising or threatening to mobilise its constituency outside government Commentators have noted that the Church did not need to use pressure of any sort as all the government ministers in the Cumann na nGaedheal administration but one were Catholics who were in accord with the hierarchy's views, having a common religious and social background with them For example Whyte has argued

The years 1923-37 reveal, so far as religious values are concerned, a remarkable consensus in Irish society There was overwhelming agreement that traditional Catholic values should be maintained, if necessary by legislation There is no evidence that pressure from the hierarchy was needed to bring this about it appears to have been spontaneous (Whyte 1980 60)

It is indeed true that the political and Catholic religious elites shared many educational and class characteristics It is also the case that the vast majority were of the same faith as each other and consequently, under the prevailing orthodoxies in the Irish context, the politicians owed allegiance and deference to the Church Hierarchy However, the evidence available today shows that on some issues a great deal of pressure was exerted

on government ministers and civil servants by Catholic groups including the hierarchy to ensure that the directions of the Church were followed. These areas will be explored below in the section on censorship. Whilst the evidence in relation to direct pressure from the hierarchy although available, is more limited, there is clear evidence of the activities of Catholic pressure groups that were loyal and responsive to the hierarchy. It would seem naive to accept, in the light of this evidence, that the hierarchy's views did not form an intentional part of the activities of the larger Catholic machine.

The theory that there was consensus between the Catholic hierarchy and political elites is powerfully illustrated in the case of Fianna Fail, the largest political organisation in the country. One observer has commented

the classification of Fianna Fail as 'secular conservative' obscures the historically close relationship between the party and the Roman Catholic church. Examples of this during the 30s, 40s and 50s include, of course, the special status accorded to the Church in the 1937 Constitution and indeed the consultation of the bishops during its drafting, the enactment of legislation to give effect to Roman Catholic teaching on family law and censorship, and the enlistment of the bishop's support for the Fianna Fail government's agricultural policies during the 'Emergency'. Fianna Fail made full use of the integrative effects of Roman Catholic teaching to the extent that Erskine Childers, one of the few Protestants in the early leadership, became alarmed at what he interpreted as an anti-protestant ethos within the government (Dunphy in Cronin and Regan, 2000: 75).

It is important to state that this relationship was not of benefit only to the Church. Fianna Fail owes much of its power base to its loyal Catholic identity with the hierarchy. That is not to say that Fianna Fail Ministers always deferred to the pressure of the hierarchy (Whyte, 1980) but rather that they attempted to acquiesce, particularly in social issues, where they could do so without damaging the national interest. For example when

Lemass embarked on his economic reforms in the 1950s and early 1960s the hierarchy did not approve. They were by instinct protectionist and wanted to virtually seal Ireland off from the ill winds in the East that blew Communism and from the moral purgatory of the West that was Hollywood, USA. But Lemass knew that Ireland's recent application to join the then Common Market was on hold until it was able to re-enter a meaningful trading relationship with Great Britain (O'Brien, 2001: 118) and therefore ignored the hierarchy. This is only one example of major policy differences that have created tensions between the church and state. This led to what Cooney has described as a "latent tension" between Archbishop John Charles McQuaid and his ally Eamon de Valera (Cooney, 1999).

Richard Dunphy has depicted the seemingly random twists and turns in Fianna Fail policy as part of a unified strategy designed to satisfy the various elements of its natural constituency. This he explains as a dynamic dialectic process (ibid). He says that the common thread that unifies these diverse interests has been their religion, loyalty and willingness to be guided in social and moral issues by the hierarchy. In the complex electoral politics of Fianna Fail's mission for power, the church had the ear of a diverse community of supporters. As Father Kevin Smyth, writing in 1958, asserted "One thing is clear we have the ear of the people, the children in schools and the adults at mass (Smyth K. 1958: 158). The importance of these channels of communication were not lost on the former colonial power and neither was it lost on the Catholic church. As an official English report on ways of keeping control in Wales put in the 1840s "A band of

efficient schoolmasters is kept at much less expense than a body of police or soldiery”

(Curtis, 1985 64)

Those highly effective vehicles for propaganda, the school and the church, were used by those like Cork’s Bishop Lucy to communicate to their captive audience the view that the bishops “were the final arbiters of right and wrong even in political matters”

(Whyte 1980 304)

The Catholic church had sunk deep roots into the Irish political establishment, ensuring that it was meaningfully consulted on a range of policy issues. Many commentators have argued that the Church was more than a body to be consulted. As Sean O’Faolain argued, the late 1920s was a period when “the Catholic church was felt, feared and courted on all sides as the dominant power” (O’Faolain, 1951 8). That does not mean that the Church required active views on every individual piece of legislation; its authority and presence at the core of Irish life was a given which the political establishment always had to factor into the decision making process prior to the introduction of legislation (Kennedy, 2000).

As Wrong has observed

Power is sometimes said to be potential rather than actual to be ‘possessed’ without being ‘exercised’, when others carry out the wishes or intentions of the power holder without his ever actually having issued a command to them or even having interacted with them at all to communicate his aims. Carl Friedrich has called such cases ‘the rule of anticipated reaction’ (Wrong, 1997 7).

The 'rule of anticipated reaction' is clearly illustrated by the comments of the national newspaper editor's 'censorship by anticipation' quoted in Woodman's 1985 study cited on page 20, above

Inglis offers an extremely credible sociological analysis drawn from the work of Bourdieu which allows us to place the Catholic church's power in Irish Society within a matrix which establishes how one level of power held by an organisation can provide influence for that organisation beyond its main perceived function in a society

Bourdieu argued that the accumulation of what he termed economic capital was the prime function of individuals within society. However, he asserted that economic capital is not the only form of capital accumulation and individuals and organisations could also accumulate religious, symbolic, political and cultural capital. The accumulation of these forms of capital can be instrumental in the accumulation of economic capital.

Inglis develops this model to explain why the legitimacy of the state was heavily dependent on the moral authority of the Church. Inglis argues that an acceptance and compliance with the spiritual authority of the Church was a necessary prerequisite of the gaining of symbolic, cultural, political and economic capital in Irish society. The Church had accumulated great wealth and control over education and social provision through "good work". It had become economically powerful through its accumulation of land as well as being the gatekeeper of the magic rituals of the Catholic faith. One American

commentator reflecting on the role the Church played in the establishing Irish American identity illustrates in part at least Bourdieu's cultural capital argument. He asserts "It was an organisation that was respected because it educated them, it gave them a place it gave them an identity" He then goes on to illustrate how shifting economic and social forces could substantially undermine the Churches culturally based capital. He argues "with the educative and financial success of successive generations, the average Catholic's need of the Church is not social and political its moral and spiritual (ISBG, 2002: 140)". This decline in Catholic influence over the professions in America may be illustrated in a confidential document presented to The National Conference of Catholic Bishops on the subject of clerical sex abuse in 1985 in which the authors noted "our dependence in the past on Roman Catholic judges and attorneys protecting the Diocese and clerics is GONE (Doyel et al, 1995)

In recent years the American Catholic church has been rocked by allegations of clerical sexual abuse. Whilst these cases refer in the main to the activities of paedophilic and pederast priests the responses of the hierarchy to the issue and the support they received from some political and legal circles have strong resonance's of the Irish Catholic churches responses on these and related issues. It is suggested here that an investigation into the process in Boston, Massachusetts could be particularly valuable in providing some comparative responses to the issues relating to clerical abuse of children in Ireland. Clearly Boston Massachusetts is a city within a wider federation, The USA, and its population is far more ethnically and spiritually diverse and its economy far stronger than that of Ireland it none the less shares some interesting similarities

The city of Boston has for many years been in the control of the Irish community. The Catholic church in Boston is in essence an Irish Catholic church despite successive waves of immigration by other groups. As one commentator has noted “when Italians and the Poles and other Eastern Europeans followed the Irish, they became part of an American Catholic church that was in essence, an Irish Church (ISBG, 2002 144-5)” Indeed when the Irish Hierarchy were faced with the media fallout of the Father Brendan Smyth case they turned to the American Catholic church for guidance enlisting Carol Stanton, a media adviser to the American Catholic church who had managed many of their cases of clerical abuse. The Irish Hierarchy also despatched several of their canon and civil lawyers to learn from the American Churches handling of these issues (Rossetti 1996)

The American Catholic church, along with other religious groups enjoyed the protection of the First Amendment, which gave it protection from certain forms of investigation and particularly in Massachusetts and other states it enjoyed the protection of “friendly judges and State Legislatures (ISBG 2002 42) The Massachusetts State legislature like members of the Dail were loathed to pass laws which were opposed to the teachings of the Church or not favoured by the hierarchy (ibid) Indeed it has been suggested that

The deference shown the Church by politicians had also done much to create a system whereby serial predators could rape dozens of children with impunity, shielded by an archdiocese that had a strong incentive and was completely within its legal rights to hide the abuse from public view (ibid 134)

Thomas F. Reilly, Attorney General of Massachusetts has commented that the inaction of the State Legislature, which was comprised of three quarter Catholics in failing to bring the Church under the mandatory reporting legislation was an example of “deference creating a system that put children at risk” Reilly went on to assert that “the policy the Church had, in terms of hushing things up, was completely consistent with a secretive, authoritarian institution (ibid)”

The reticence to expose the Church to any sort of risk or ridicule did not lay with the legislature alone. Many judges and lawyers in Massachusetts were also Catholic. Indeed one commentator noted that the list of lawyers in the District Attorneys office “read like the Dublin telephone directory” It goes on

Given the predominance of Irish Catholics in Massachusetts law enforcement circles it, is not surprising they had little appetite for prosecuting priests for anything including the sexual abuse of children (ibid 120)

The judiciary themselves were similarly reticent to apply the provisions of the existing law to the investigation, punishment and publicity of transgressions by clergy. Indeed so ingrained was this attitude that a number of Catholic judges in Massachusetts actively sought to ensure that those cases that came to court did not reach the public arena (ibid)

Whilst another judge as late as 1991 refused the police a search warrant for the home of a priest suspected of sexually abusing children on the grounds that “it would be outrageous for police to search the home of a priest (ibid 125)” Whilst those Catholics who did focus the full rigour of the law on clerical transgressors were left to feel uncomfortable

by their reception from the hierarchy as “ it was implied that you were somehow threatening or being disrespectful to the faith by going after sexual abuse (ibid 130)”

The deference that was shown to the Church and its clergy in Massachusetts by politicians and law enforcement agencies can also be readily identified in Irish society, as it will be amply demonstrated below, so was the implication that to investigate the transgressions of individual priests or religious or oppose the line of the hierarchy was in some way a traitorous act against the church itself. The themes of secrecy and suppression unearthed by the investigation into the Massachusetts Catholic church sex abuse scandals and the complex weave of wider societal and political collusion or at least acquiescence with and the modernising strands which compromised the church's hegemonic power base and brought formerly unpalatable truths to the fore are deeply resonant of the Irish Catholic experience being explored in this thesis.

It is important to note however, that the responses of the Irish Catholic church and those of their cousins in the American Catholic church in Boston are not unique to either of these branches of the Catholic church or indeed to the Catholic church itself. Many of the reflex actions of these Churches to denial, secrecy, litigation, victim blaming and minimisation are common characteristics of other Christian churches' responses (Sipe 1995 Ormerod & Ormerod 1995 Berry 2000). Sipe suggests that the Christian response to the issue of child sexual abuse stems from the fact that

In 2000 years no Christian Church has developed an adequate theology of sexuality-that is, no one has worked out an overarching, comprehensive, and integrative understanding of the nature and place of sexuality within the scheme of salvation and sexual salvation

and theological system. Religious pronouncements on sex are ordinarily moralistic and marked by rhetorical, polemical, and highly charged emotional overtones designed to compensate for the essential lack of substantive foundation. We will not solve the problem of sexual abuse by clergy without addressing in an honest and essential way these unsolved questions fundamental to religious integrity and the practical spiritual striving of men and women (Sipe 1995: 4).

Whilst Sipe poses the question how can the churches' respond to abhorrent power based abusive relationships involving sexual acts when they have not succeeded in grappling with a coherent response to "normal" sexuality others have focused on the organisational imperative response to the issue of clerical abuse. Ormerod and Ormerod have given attention to the organisational damage limitation aspects of Christian responses to clerical abuse. Whereas Berry has highlighted the conflict of loyalties and economic pressures which can be brought to bear of the press in reporting these events. The comparative literature clearly indicates the multi-denominational/ international aspect of these responses. The response to the issue of child abuse in Ireland is not unique in itself but rather that it had uniquely Irish features in terms of the breath of power enjoyed by the Catholic church and its integral character in the web and weave of Irish Society.

The Irish Catholic church as an organisation then was rigidly hierarchical with a creed which emphasised the necessity of communicants submitting themselves to higher spiritual authority. These features offered the Church the ability, indeed the right, to be influential at every level of a communicant's personal and social life. As Inglis points out the vast majority of the population of the Irish Free State and Republic were Catholics and therefore were expected and expected themselves to offer the Church total loyalty above all other institutions. The Church in essence was the gatekeeper of all economic

and political power as the starting point for accumulating this capital was the legitimisation of the individual by the investing in them of the symbolic capital of Church approval for the accumulation of political power and the cultural capital necessary to accumulate economic capital through the education system. Both of which were necessary prerequisites of those who aspired to govern the Irish Free State and Republic. In return the church required loyalty to and acceptance of the church as the final arbiter in the family, social and cultural life of the state. Inglis illustrates this point by quoting Cosgrove's pronouncement in the Dail whilst Taoiseach during a debate on the Mother and Child Scheme, that he was a Catholic first and an Irishman second and was bound by the views of the hierarchy. Inglis asserts that this comment betrayed "the utter lack of consideration of the possibility that the state was an autonomous actor that could independently determine that natal care might be in the public interest and thus a public responsibility" (Inglis, 1997 129-130).

Inglis also notes the level of personnel available to the Catholic church and the important role this played in establishing and policing Catholic power in Ireland. Wrong has also noted the importance of the size of an organisation in determining the level of power the organisation wields.

A group's size often determines the total amount of resources of wealth, reputation, strength et al. it controls, because this depends considerably on the number of persons contributing their quanta to the common pool. For this reason one may regard size or numbers as a non-reducible collective attribute or property of a group (Wrong, 1997 136).

This level of power in a society is far from unimportant in relation to the communication process within a given society. As Aldridge argues

The power of politically and economically dominant groups in the society defines the parameters of debate, ensures the privileged reproduction of their discourse, and by extension, largely determines the contours of the dominant ideology-of what is socially thinkable (Aldridge 1994 35)

The Catholic church had been opposed to plural nationalist movements from the time of the French Revolution, fearing that the modern state would usurp the role of religion (Brown, 1985) Notwithstanding the Irish Catholic hierarchy's long suspicion of, and indeed antagonism towards, movements fighting for the removal of British Rule from Ireland (Keogh 1995), when it saw which way the wind was blowing it changed colour with chameleon like dexterity The hierarchy's hostility to republicanism continued into the Free State era Indeed Sean Lemass was so incensed by the damage done to Sinn Féin in the 1925 election by the political power of the Catholic clergy that he announced "We are opening the campaign now against the political influence of the church If we succeed I believe we will have done good work for Ireland, and, I believe the Catholic church" (*Irish Independent*, 14 3 1925) Murray notes that the following year, with the emergence of Fianna Fáil from the majority of the Sinn Féin ranks, this anti-church power rhetoric had given way to the more pragmatic approach of Fianna Fáil in allying itself with the church's political power Fianna Fáil achieved this by proving its credentials in moral and spiritual matters between its birth in 1926 and its coming to power in 1932 (2000 252) The Catholic church was to enmesh itself in the very fabric of what it was to be Irish to the point where any political party with designs on power required as a minimum no hostility from the church The cost of this was that the church demanded a clear, albeit semi-clandestine, voice in Irish affairs

Whilst the church may be seen to have moved from its anti-republican stance its is suggested her that it remained deeply anti-pluralistic, preferring an elitist model of political representation through an elite it selected by bestowing symbolic capital on and exercised a high level of control over, both passively and actively In a sense the voice of the Irish people became subsumed into the polity of the church By and large that voice was willingly corralled at parish level Blanchard typified this relationship as a form of domination Given the seeming complicity of the majority of the Irish people in this relationship the word domination must be viewed with caution As Blanchard observed, “ the majority of Irish people do not resent this domination They accept it as organic and established part of Irish life” (Whyte, 1980 5) Finnegan and MacCarron have observed that the result of the particular combination of Irish Catholic devotion, organisation and doctrine made Ireland “ among the most Catholic of Catholic countries, with a powerful institutional channel at the top level of society and a strong grassroots connection to the people at the level of the parish (2000 128)” However, the cost of this system was exacted in a discipline aimed at discouraging dissent and the establishment of a plurality of non- established groupings As these groups with their competing agendas may criticise the status quo and indeed undermine the system itself The ability to maintain this discipline was key to the survival of the Irish Catholic consensus Indeed it will be shown below that the eventual decline in clerical influence was caused to by a large part by shifting social and economic conditions removing the church’s ability to maintain the required level of social control This showed Irish Catholic compliance to the will of the church was far from an “organic” feature of Irish life but rather a sophisticated ideological construct However, it was a construct engineered by an organisation which

has been typified as “medieval” by some commentators (ISBG 2002 Fuller 2002) An organisation that was eventually unable to manage the complexity of the modern communications context

The French Social Scientist and historian of ideas Michel Foucault maps the way a form of discipline can be applied to an organisation or society to produce what he terms as “Docile Bodies” Foucault’s thesis is useful in expanding the ideas of Inglis Foucault illustrates the necessity of suppressing a plurality of views in a society if the ruling elites of an authoritarian bent are to remain in control Indeed the breakdown of this ability as a result of social, economic and spiritual developments was central to the redefining of the Irish social and political landscape and the opening up of the communication process in relation to difficult social issues This it is argued here was to be a landmark event in the development of the states policies relating to vulnerable children

Whilst Foucault main focus is on the development of prison regimes his analysis is extremely useful in explaining the actual utility of the suppression of plurality in a society for an organisation like the church Foucault’s main example in illustrating the development of the form of discipline, which leads to the desired docility within a population, is presented in military terms However, Foucault notes that it is the religious, drawing on the monastic model of life that are the masters of these strategies (Foucault, 1977)

In Foucault's model the application of discipline creates a mass movement, which is useful in economic terms for the accumulation of wealth and in political terms by creating a culture of obedience. He explains that the controlling elites harness the power that mass movements create and "turn it into a relation of strict subjection (ibid 138)"

It is important that the controlling force within a society has a clear understanding and control over the actions of the individuals within that society. Foucault sees discipline as a key building block to these requirements. As he argues "discipline organizes an analytical space (ibid 143)"

Within this model pluralistically based pressure groups which are outside of the control or contrary to the interests of the controlling elite cannot be tolerated. If interest groups are to exist they must be in the control and representing the interests of the controlling elite. An example of this in the period of Irish history being explored here is the role played by the Catholic Truth Society, the role of this organisation will be explored in detail in chapters 3 and 5 below. Rather than fighting a guerrilla war against the system groupings must be part of the mechanism which maintain or expand the controlling interest. Neither can the elite allow them to become so large that they would have the ability to pursue their own agenda to the detriment of the status quo. In Foucault's own words these societies/organisations would seek to

Break up collective dispositions, analyse confused, massive or transient pluralities eliminate the effects of imprecise distribution, the uncontrolled disappearances of individuals, their diffuse circulation, their unusable and dangerous coagulation, it was a tactic of anti-desertion, anti-vagabondage, anti-concentration. Its aim was to establish presence and absence, to know where and how to locate individuals, to assess it, to judge it, to calculate its qualities or

merits It was a procedure therefore, aimed at knowing, mastering and using (ibid 143)

This desire to regulate and control must be seen as the antithesis of pluralist democratic models Pluralistic democratic models see value in the existence of a myriad of competing voices jockeying for position through the application of organised pressure on the political elites to either change or maintain the status quo depending on their perspective, often to the loss of other competing interests Or as Wrong has put it

Pluralist democracy sees the substratum as the seedbed of a multitude of groups raising political demands in the defence or promotion of their interests and values which find expression in mediating organisations competing for access to power (Wrong, 1997 154)

Indeed given the view of the church of its role in Ireland the need for a plurality of competing voices would have seemed as unnecessary as well as subversive It is suggested here that this view was to become deeply entrenched in the psyche of the ruling political elites with the advent of Eamon de Valera to power in 1932 Wrong has noted “An authoritarian demagogue like Louis Napoleon or a totalitarian party may effectively substitute themselves for the ‘people’ or the class in who’s name they act both at the level of ideology and by institutionalising a Fuehrerprinzip or the practice of ‘democratic centralism (Wrong, 1997 154)” Whilst it is not suggested here that the spiritual or political leaders of Ireland were totalitarian in the sense of Louis Napoleon or Hitler it is suggested that a form of theocratic and nationalistic centralism was in evidence Bishop Lucy’s pronouncement on the Churches ‘final arbiter’ role and De Valera’s assertion that what he thought and felt perfectly mirrored the thoughts and

feelings of the Irish people (Coogan 1993) provides evidence of the views of the religious and political elites re their position in relation to public opinion

Foucault also recognises that the application of this discipline requires manageable parameters. The protectionist instincts of the Catholic church and Irish state in the early years of its development and the almost exclusively Catholic make up of the population offered such an environment it provided the type of space Foucault described as “heterogeneous to all others and closed in upon itself. It is a protected place of disciplinary monotony” (ibid 141)

Sean O’Faolain writing with great verve in the Bell in the June of 1951, illustrated the power of the Catholic church in 1950s Ireland. Speaking of Church power in relation to the Taoiseach he said “ When the Catholic church through its representatives speak, he realises, and the Roman Catholic public realises, that if they disobey they may draw on themselves this weapon who’s touch means death” (O’Faolain 1951 11)

One of the main apologists for the Catholic right of the day, Alfred O’Rahilly responded to O’Faolain’s claims by arguing that the church had no weapons, that they issued “no appeals or threats, and that laymen could disobey them with impunity” (Standard 22nd June 1952). O’Rahilly’s views did not find resonance with the radio journalist, Michael Farrell who cited the ‘secret opposition’ [the Catholic church] as the most insidious of

the forces which he had to face in improving the quality and range of debate on Radio

Eireann. In illustrating this point he recalled

“A debate on Secondary Education stopped a few minutes before it was to go on air. When I tried to get people, including one distinguished critic of Irish Radio’s backslidings, to protest, I was mocked as an imprudent man who would knock his head against a stone wall.” He went on mournfully, “So low had public spirit fallen, and, without public spirit to support it, radio can do little.” However, Farrell was satisfied with the standard of debates that did reach the air, he noted with some satisfaction, “Of one thing, our radio discussions can boast - they have been free from the personal black-listings and the Editor’s personal censorship of opinions, which I have sadly observed in our most distinguished journals.” He concluded his article by accepting some of the shortcomings of debate on Irish radio but asserted, “We may justly cry that the greater fault is with those who have had some power of leadership” (Farrell M, 1951: 55-58).

Farrell went on in this article to explore the effect engendered by the cultural climate created by censorship. Describing his efforts to get people to talk openly about the contentious issues of the day on a talk radio show on Radio Eireann in the 1940s and 50s, he bemoans the fact that in other states individuals are tripping over themselves to offer their opinion.

But in Ireland, let the subject be ever so slightly controversial, and the soothing voices on the telephone murmur, ‘it’s just what the country needs, a little honesty and courage. I’d do it like a shot, only it would be dangerous in my personal position’ (ibid).

The power of the church in relation to politicians at this time may be illustrated by a letter from a TD who wrote boldly to the Irish Times following Bishop Lucey’s pronouncement that he, the TD, would not take instructions from the bishops in his role as elected representative. He said, “I am not signing my name to this letter because I do not wish to finish my career before it starts. I hate but one thing: hypocrisy. Yours etc, “Quo Vadis” (Irish Times, 16/4/1955). Here then is an elected representative defending

his democratic right to make his own mind up yet fearing, if identified, the ruination of his career

Dunphy has identified Fianna Fail's relationship with the Catholic church as a key plank of the hegemonic relationship that Fianna Fail has with the Irish electorate. Their relationship with the Catholic church has done much to give Fianna Fail much the strongest electoral base in the State. Fianna Fail's political zig zagging may then be seen as part of a wider political dialectic and this can in part be used to explain Church/State relationships for the whole period of Independence until the relationship began to unravel.

Tom Garvin writing in 1982 illustrates the powerful rewards reaped by Fianna Fail's special relationship with the Catholic church

In the forty years since 1932, the party has held office, usually on its own, for a total of nearly forty years, including two periods of continued effective monopoly or near monopoly of governmental power totalling sixteen years each. Non-Fianna Fail governments have never acquired the air of permanence and "right-to-rule" that Fianna Fail has managed to assume, no other party has succeeded in assimilating its party symbols so closely to the symbols of the state itself, no other party has managed to acquire a clientele at once so heterogeneous and so apparently undivided as has de Valera's party, no other party has managed to acquire control over so many bureaucratic, commercial and cultural centres of influence and patronage, the influence networks of Fine Gael (Cumann na nGaedheal) being narrower and apparently concentrated on other institutions. Above all Fianna Fail overshadows both the old pro-Treaty party and the Labour party electorally (Kelly, O'Dowd & Wickham, 1982: 172).

This point is not without relevance to this thesis. Here we have the major political force in the state largely dependent on a symbiotic relationship with the Catholic church to maintain power, the same church that is in part composed of those organisations who controlled childcare in Ireland.

Whilst it is important to recognise that all of these events occurred in the broader political culture of the state it would be a mistake to underestimate the power of personal relationships between senior figures in church and state. One key relationship was that between Eamon de Valera and Archbishop John Charles McQuaid. These men enjoyed a strong personal relationship. De Valera had been a student at Blackrock College where McQuaid was to be headmaster and he also educated his sons there. Both men were ultra conservative in their political and social outlook and De Valera was a staunch old fashioned Catholic (Whyte, 1980).

De Valera had lobbied for McQuaid's appointment as Archbishop of Dublin (Cooney 1999). McQuaid utilised the loyalty of politicians to the church and clerical authority to great effect. His authoritarian character and his covert method of operation were to blend with De Valera's worldview and personality to produce a mutually reinforcing church/state bulwark against any dissenters from the Catholic state mission school of Irish Catholicism. It was not a coincidence that the slow but inexorable dilution of Catholic authority in Irish life began in the years immediately following De Valera's withdrawal from active politics. It should not be assumed, however, that the relationship between De Valera and McQuaid was always as cordial as it had been in the early years.

of their respective reigns. The relationship deteriorated in the early 1950s over a dispute about educational capitation grants. McQuaid stuck to what De Valera described as his “wild strictures” to the point where it damaged their long-term friendship. T. P. O’Neill has noted in his biography of De Valera that the “relations between the two men were never to be the same again” (Cooney, 1999).

Throughout his career McQuaid had been strenuous in his efforts to make sure that the more sordid sides of Irish life did not emerge into the public gaze. This censorship even extended to those who would appear to be natural allies of the Archbishop and his mission. This is evidenced in a number of well-documented episodes.

Frank Duff, the founder of the Legion of Mary, was to receive the Archbishop’s displeasure in the early 1940s for writing an article in the Legion’s publication that illustrated the work of the Legion in cleaning up a red light district at the back of the Pro-Cathedral during the 1920s. Duff had dared to refer to prostitutes in his article and the Archbishop, via his censor, insisted that future articles be withdrawn. Duff pleaded with McQuaid for truthful histories to be written rather than “invented storyettes” but McQuaid would not entertain this proposal (Cooney 1999: 159). In McQuaid’s view information about sexual immorality amongst adults was not for public consumption in 1940s Ireland. This paternalistic view of the ability of people to deal with the realities of life was indicative of the morally protectionist climate in Ireland at the time and did not bode well for the recognition of the abuses perpetrated against children. No wonder then that a leading cleric of the day, following an altercation with McQuaid on a separate

issue, commented that “ this country is becoming so Catholic, it forgets to be Christian” (ibid 158) In 1971 McQuaid himself left office Whilst he was still treated with a wary eye by the political class, he had become an increasingly anachronistic figure having lost his rearguard action against Vatican II in an Ireland in the protracted process of modernisation

Ireland in the nineteen forties and fifties was far from its state and clergy sponsored image of a devout and peaceful Catholic nation This state of affairs was made explicit by a journalist, styled only as “Crime Reporter”, (in itself an indication of the concern for their individual careers of those speaking out during the heyday of censorship), when he wrote an article in the Bell entitled “Crime in Dublin”, which exposed the extent of sexual crime against children and the failure of the print media to communicate the issue to the Irish public He asserted

“ Few vice cases are ever mentioned in the press Indeed a screen of official secrecy seems to shroud the whole question The arguments for and against the publicising of vice prosecutions are various Some contend that to publicise them tends to deprave the young and ignorant, some argue that it lowers the standard of public taste, some argue that vice and crime always find imitators The opposite viewpoint, which I must say is also mine, is that provided press notices are judicious, publicity acts as a warning - especially when, as in the Dun Laoghaire case, [this refers to a conviction of an elderly man for sexually abusing a young boy] exemplary sentences are imposed” (Crime Reporter, 1941 183)

The theme that sexual crimes are more likely to be perpetrated by the young and the ignorant seems to have found some resonance in the Irish psyche when the press coverage of sexual crimes against children in 1930 is explored (see chapter 4 below)

Whatever the apparent level of reticence of the Irish press relating to the reporting of sexual crime in Ireland from the 1940s through to the 1970s or whatever the reasons for this perceived reticence, be it clerically or culturally inspired, the material conditions that these understandings were built on were rapidly changing by the end of the period. As Ireland's economic structures and its people became more and more exposed to alien influences the demands made by the church hierarchy, and the cultural ethos that was instilled and re-enforced by their values, seemed to become more and more out of step with the lives of the Irish people and the national economic interest (Tanner 2000). That is not to say that this was a dramatic or even a completed process, but it was and is a gradual process, which accelerated with the movement of Ireland from a poor to a rich State, from a rural to an urban economy, and from an insular protected economy and society to an internationalist State exposed to the movement of foreign capital.

The Central Statistics Office (CSO) has mapped the changing social and economic environment. This research shows a fundamental shift away from a rural agricultural based economy towards a service driven urban economy in which agriculture has played a less and less significant role. There has also been a steady increase of female participation in the paid labour force, particularly since 1971, along with a substantial and sustained drop in the birth rate since the early 1970s. A growth in tourism has meant that Ireland has been increasingly opened to foreign influences by since the early 1950s. As Delamere, has argued "Tourism in Ireland has shown unprecedented growth over the past 50 years and has undergone a complete metamorphosis" (Redmond, 2000 159). It is also the case that increased prosperity in Ireland has attracted home Irish

people who have spent time working and living abroad and have been exposed to other cultural influences. All of these changes had clear implications for those in the church hierarchy and who formed the apparatus of government who clung to an ultra-conservative view of Ireland. Had these changes not been enough to move Ireland away from an introspective, non-inclusive and dogmatic approach, Ireland also had to modernise for external economic reasons, namely membership of the European Economic Community. O'Hagan, Murphy and Redmond have noted that in the 50 years since the establishment of the Central Statistics Office the biggest single defining event causing societal change in Irish society has "probably been our membership of the European Union, which we joined as the European Economic Community in 1973" (Redmond 2000 85)

There can be little doubt that the changing roles of women in Irish society led to an unravelling of female support for the Church (O'Brien 2001). Women, who had traditionally remained at home and taken the lead in ensuring the transmission of traditions and the Catholic religion, were now increasingly in paid employment and providing as much as their male partners towards the finances of the home. The media have played a profound part in the transmission of these changes, thus facilitating a wider range of choice to the Irish people and altering the way values and norms are communicated between generations. Tom Inglis has argued that "It is the Media, and particularly television, which brought to an end the long 19th century tradition of Irish Catholicism" (Inglis, 1997 78). A Dublin Opinion cartoon reproduced in Luke Gibbons' book, "Transformations in Irish Culture" makes the point in relation to mass information

and entertainment blocking generational communication of traditional social values through conversation. It depicts an old man pleading from the fireside for several generations of his family, watching a contemporary music programme on television with their backs turned to him, to listen to him (Gibbons, 1996: 71). These developments issued the greatest challenge to the Catholic church, a challenge that it by and large failed to counter. Several commentators have cited the Church's inability to communicate within the context of a diverse and uncontrollable media, which often requires instant responses as a significant factor in the Church's decline in influence (Inglis, 1998, Finnegan and McCarron 2000).

Whilst commentators have noted the speed of transformation in Ireland, it is a sign of how engrained into national identity were the traditions embodied by the Irish Catholic church that the movement has not been completed at this stage. The slow process was given greater emphasis when Irish women modified their long-standing loyalty with the Church and its hierarchy (Tanner, 2001). The 1980s and 1990s had seen the development of the battleground between the new and old Ireland. The Abortion Referendum of 1983 and the 1986 Divorce Referendum may be seen as the last great victories for Catholic pressure. On the day of the 1983 Referendum John Kelly TD warned that "The groups prompting this legislation have prompted what never existed before, that is, a large secular platform from which in the future repeated attacks will be launched" (Irish Times, 8/9/1983). Here, then, we again have the language of war used to describe how the secular world was attacking the very fabric of Irish, and therefore of Catholic, society. They were to prove prophetic.

Inglis suggests that the moral power of the church began to go into decline in the 1960s following a movement he traces from the 1950s in which the Irish Catholic was becoming more protestant in terms of deciding within their own consciences what they viewed as moral and immoral behaviour. This movement claims Inglis was to begin to undermine the foundation of catholic power in Ireland. He asserts

The decline of influence of the institutional church in the religious field has been matched by a decline in its influence in other social fields, particularly in politics, education, health, social welfare and the media (Inglis 1997: 205)

However this authority in relation to the church's influence in affairs of state was not to dwindle for some time. Writing in the 1970s Morely Ayearst observed

It is obvious that no Irish political party can afford to advocate policies that are contrary to the Churches views concerning education, the family or moral questions generally. Nor can any politician who hopes for a successful political career, especially within one of the two main parties, afford to flout Catholic opinion in such matters (Finnegan and McCarron, 2000: 262)

The election, in 1990, of Mary Robinson as President of Ireland against the Fianna Fail candidate Brian Lenihan was a watershed. When Robinson, who supported the sale of contraceptives, admitted to being a non-practicing Catholic and attacked what she

viewed as the patriarchal church, was elected, Tanner has argued, “new Ireland won and old holy Ireland went down to defeat for the first time” (Tanner, 2001 393) The women of Ireland were decisive in her victory Mary Robinson claimed that it was “the women of Ireland who instead of rocking the cradle rocked the system” It was highly unlikely then that this President would be prepared to “repose at the feet of his Holiness” as Taoiseach Costello had offered to do in 1948 (Irish Times 10th March 1995 2) It would seem that Fianna Fail would have to redefine its relationship with the Church and Catholic pressure groups, whilst ensuring that it reflected the social and economic realities of the late 20th century

It was not until the mid 1980s that the disclosure of child sexual and physical abuse by members of the Catholic clergy and religious orders was to do much to discredit the Church and undermine its moral authority to take a leading role in the governance of the state The revelation of the activities of priests like Brendan Smyth and Sean Fortune, during the 1980s and 90s and the abuse inflicted on the most vulnerable children in the state by members of religious orders were to sound the death knell of Catholic superiority in Ireland (Inglis, 1998 Finnigan&McCarron, 2000)

Inglis in his work on Irish sexuality clearly identifies the medias role in the exposure of the physical and sexual abuse by priests and other members of religious orders Drawing on Foucault’s work on sexuality he suggests that it was middle class indignation against sexual repression which they blamed on the church that led to members of that class

working in the arts and the media leading a drive for greater exploration of issues relating to sex and sexuality in ways which broke free from the parameters established by the church. It is argued that it was this sense of indignation and its desire to blame which led the media to actively expose the issue of clerical abuse. He argues

In the same way the church had hunted out the masturbating child, the fornicator, the childless couple and the homosexual, the bourgeoisie- particularly those who worked in the media- hunted out those who they felt were the cause of their sexual repression, that is, the paedophile priest, the promiscuous bishop, the abusive nun or brother (Inglis, 1997 15)

The impact of the actions of abusive members of the religious cannot be overstated

Cardinal Daly said of these issues in 1995

Many people feel justifiably betrayed by the Church which they loved and trusted. Many are shocked and bewildered by it all. We Bishops share all those feelings and we wish to reach out to all the hurt ones and assure them that we grieve with them (Irish Times, 19th February 1996 11)

One commentator reviewing the impact that the issue of child sexual abuse scandals had on the American Catholic congregation speaks of these events as having repercussions which could fundamentally alter the Catholic churches power base. Kevin Burke has referred to these events as having the potential to bring about a 'mini reformation' (ISBG, 2002 140). Whilst another commentator has claimed, in terms which it is suggested has strong overtones for the Irish Catholic experience, that

For many, the clergy sexual abuse scandal was the final straw in their relationship with the Church hierarchy, a relationship that had been fraying for several generations as U S Catholics struggled to balance their American values of democracy and egalitarianism with the catholic understanding of authority and Clericism (ibid 186)

If the word 'generations' was replaced with 'decades' and 'American values' replaced with 'emerging Irish' it is suggested here that this statement would equally apply to the Irish experience

Whilst it is not within the scope of this study to explore the issue it would be interesting to explore why the truth about the events in Church run institutions, and the sexual predation by some priests on children, emerged during a period in which the modern Irish State needed to ensure its place in the global secular world of commerce. Perhaps this wedge between Church and people was driven at exactly the right moment. There is ample evidence that the State knew of the harsh physical conditions and physical abuse inflicted on the most marginalized and vulnerable children and actively colluded in the suppression of this information (see below)

The press for its part seemed unaware of the activities of the institutions and individuals who were abusing children. Or perhaps they were unwilling to challenge the power of the Church by exposing the abuse in their institutions until the political will developed to support them in this task. Whatever the reasons for press silence it contributed substantially to the failure to communicate the issue to the public. In a letter to the Irish Times (11.5.99) one former Editor of the Evening Herald accused some of his journalistic colleagues of having "allowed cowardice to rule". Any sense of threat felt by newspaper editors and proprietors at exposing the Catholic church to unwanted publicity was shared by their colleagues on the other side of the Atlantic. In 1938 George Selds writing about the Catholic church stated it was

one of the most important forces in American life, and the only one about which secrecy is generally maintained, no newspaper being brave enough to discuss it, although all fear it and fear it and believe that the problem should be dragged into the open and made publicly known to criticize the Catholic church is to invite boycott, the withdrawal of advertising, loss in circulation and in revenue (Jenkins 1996 61)

One 1940s case of a local Washington D C paper which covered the death of a girl trying to escape from a centre for delinquents run by nuns highlighted what would today be called physical abuse by the nuns of some of their charges led to a boycott and withdrawal of advertising orchestrated by catholic organisations that cost the paper 40% of its circulation in a two week period (ibid) Clearly the church's economic and organisational power gave it a significant level of influence over potential negative press coverage in a country in which it did not enjoy the dominance that it had in Ireland

The consequences for any member of the Catholic church for expressing criticism or seeking legal redress against members of the religious to mitigate against their retaliatory action could be severe and went well beyond the economic In the earlier part of the 20th century Catholics faced excommunication under Canon 2341 if they took action against a member of the religious in a secular court (ibid) and as late as 1971 the Pope warned Catholic reporters that they should not spread confusion amongst believers through what he termed "corrosive and challenging" criticism of the church (*Irish Times* 16 7 1971) Given the fact that in Ireland that the vast majority of reporters, editors and proprietors were members of the Catholic church these types of considerations must have also played a role in decisions relating to editorial matters However, by the 1980s when the Irish media began to brake these stories issues like excommunication and the advice of the Pope on professional matters carried less significance than they would have in earlier

decades. What is clear is that the press, when it finally addressed the issue, played a significant role in exposing it (Murphy 1999)

It is, however, the case that the last bastion of potential abuse, namely the family (Savi 2002), remains largely unexplored by the media in Ireland. It would seem evident that if the objective of media coverage of important social issues is at least in part to facilitate change or protect the vulnerable then the complex issues that lead to inter-familial sexual abuse should be high on the agenda of issues to explore. However, this is not the case. It is suggested here that this issue lays so far outside their consumers 'latitude of acceptance' (O'Connell 1996) that to a large degree the issue remains out of bounds. As Molotch & Lester assert "all events are socially constructed and their 'newsworthiness' is not contained in their objective features (1974 110)"

The press, with its appetite for demons, has tended to focus on the concept of a predatory paedophile, preferably from a religious background, rather than tackle the more difficult issue of familial sexual abuse (Jenkins 1996). Indeed the issue of sexual abuse by clerics gives a wonderful array of targets for the press. These include the predatory paedophile in a position of trust, the David and Goliath battle, and the debunking of those individuals and organisation that take the moral high ground. Southill and Walby discuss the way in which the newspapers like to reduce the issues relating to sexual assaults to stereotypes which they can portray as other than the norm.

There is one major theme central to the way that popular national newspapers handle the coverage of sex offences - that of seeking out the sex fiend. The media are very loathe to consider that sex crime may be related to men and

women's position in society The interest is simply focused on the few individuals who commit several serious atrocities Indeed in the best of all possible media worlds, all rapes and sexual assaults would be committed by just a few sex maniacs and the press could help to orchestrate the national search against these declared aliens in our midst The focus of media coverage in the popular press is implicitly working towards this chimera (1991 34-36)

The two major focuses of the press coverage of child sex abuse in Ireland over the last two decades have been the paedophile and the priest Newspapers, in their coverage of events, usually want a specific type of individual or an organisation that they can demonise It would be interesting to speculate on how the Irish press would react to a greater public scrutiny of the family by the Irish social work profession In other states like the UK, where the family has been the focus, the press have tended to shoot the messenger rather than deal with the profound complexity and closed nature of intra-familial sexual abuse (Aldridge, 1994, Kitzinger, 1996, Corby, 1993)

It is the case that in an Irish context the words 'priest' and 'sexual abuse' have become increasingly matched The pairing of these two words is not only inaccurate but is damaging not only to relationships between individual clergy and the public, but to our society's ability to reach an understanding of what is an immensely complex issue

However, it must be acknowledged that the operations of the Catholic church in Ireland, in terms of its influence over government and its propensity to secrecy, have done much to germinate the seeds which would flourish following the release of the information that some clerics were abusing children and the church's defensive, secretive and naive

response to the issue. It was singularly ill equipped to deal with criticism of individual priests, brothers or nuns or the with the handling of disciplinary or protection issues and developed a cultural cocoon that protected it from reproach or question on an individual or societal level. As Woodman has argued in relation to the Irish Catholic church

What was unique about Ireland was that all expressions of disagreement or diffidence as to the appropriateness of certain proposals were often treated as insidious attacks on the church as a whole, and therefore indicative of a less than total commitment to the Irish identity and its spiritual nationalism (Woodman 1985: 42)

It is indeed the case that being Catholic did define the vast majority of Irish people living in the Free State/ Republic from the rest of the peoples living in the British Isles, and it was probably this more than the language that gave a cohesiveness to Irish identity. And it is also the case that many individual priests supported the various liberation movements in Irish history and sacrificed themselves in an effort to keep the faith alive. As Kenny argues, in somewhat prosaic language

At all times the Catholic church in Ireland came from the heart, soul and will of the Irish people. It is not an invading or occupying force: it grew organically out of the soil, the land, the sea, the climate, the sky. At all times it reflected the values of Irish society, as well as reacting to values and trends in universal culture (Kenny, 2000: 322)

However, it is suggested here that Kenny confuses the undoubted grass roots support for Catholicism and the stoic way in which individual priests cared for and lived with their flocks and both reflected and led the innate conservatism of agrarian societies, with the far more sophisticated power brokering role played by the hierarchy. The two should not

be confused in any real social and cultural analysis of the development of Catholic power in Ireland

With the advent of Catholic emancipation and the lead role in the provision of education agreed with the British by the church the Irish Catholic establishment felt they had now more to lose from the potential dangers of nationalism than they did from the late 19th century velvet glove approach (in terms of the Catholic faith) of the rule from Dublin Castle. O'Sullivan has suggested that the takeover of Irish child-care by the church was a systematic bishop-driven phenomenon and in using the language of imperialism he describes it as the "colonisation of Orphan Societies" (Cleary et al, 2001: 51).

O'Sullivan charts the use of a small number of orders that were controlled by local bishops. It should be noted here that many Orders are controlled by Rome and not the local bishop, and he suggests that these orders were not the compliant pawns of the bishops but rather that

their origins and motivations coincided with the needs of the hierarchy who wished to develop a Catholic nation. They needed the sanction of the bishops to establish their schools and hospitals, and, in turn the bishops needed them to provide the infrastructure of Catholic welfare provision (ibid: 66).

O'Sullivan suggests that the relationship "was largely symbiotic" (ibid: 66). The harvesting of souls, then, was also to provide the raw material of power for the hierarchy whilst providing good works, revenue for the orders and a large pool of personnel with which to police its authority (Inglis, 1997).

From the 1820s onwards church organisations in Ireland became involved in the care of destitute children. The Protestant churches took the lead in this and Catholic organisations, both religious and lay, were encouraged to engage in this work by Archbishop Cullen. Cullen had become concerned that the Protestant churches were winning converts from the lower Catholic social classes as a result of this work. Indeed it was the case that many Protestant organisations found this work a useful tool in proselytising Catholics (Barnes, J 1989 Bowen, 1983). During the periods of famine later in the 19th century they were to link spiritual salvation with relief from starvation very directly in the proselytising use of soup kitchens (Woodham-Smith, 1991). This use of relief was not exclusive to any faith as, Luddy, has noted “all philanthropists, whether Catholic or Protestant, were intent on imparting their own religious views to their charges, and amassing souls for God was seen as part of their duty” (Luddy, 1995: 83).

In the ten years from 1858 to 1868 three significant pieces of legislation were enacted as the direct result of pressure from social reformers. One of the leading lights of this movement was Mary Carpenter who published a book in 1851 entitled “Reformatory Schools for the Children of the Perishing and Dangerous Classes” (Tuairim 1966). Despite its fearful title it was a work of immense compassion and insight. Mary Carpenter’s vision was of small family group homes where children and their carers would live in a loving, trusting environment based on mutual respect and understanding. The pieces of legislation that arose directly out of her work were the Reformatory School Act of 1858, the Poor Law Relief (Ireland) Act of 1862 and the Industrial Schools Act of 1868).

The Reformatory School Act was a direct response to those who had long campaigned for a different regime to be put in place for children and young people who had committed criminal offences. In the earlier part of the century prison, deportation and execution were common consequences for children who broke the law (see Barnes, 1989, Law, 1984). The legislation allowed for the establishment of Reformatory Schools by voluntary bodies. The schools were meant to provide rehabilitation programmes in humane surroundings. The State would provide a grant for each young person in residence but would not pay any capital costs for the erection or maintenance of the schools. This was to cause many institutions to maximize their numbers and minimise their expenditure on care and the fabric of the buildings.

This was also the case for the Schools established under the Industrial Schools Act of 1868. These schools were intended to cater for children whose lifestyles were putting them at risk of offending. Some offenders were also accepted into the schools and they soon became catchall institutions (Keating, 1996). The religious were keen to have a role in the establishment of the reformatory school sector and there was intense debate between the denominations over what allocation they were to receive. Many of the existing orphanages funded by voluntary contributions readily converted into industrial schools. These new schools were the focus of rigorous inspection during the time the British remained in Ireland, but there would appear to have been a shift in the level and standard of inspection with the advent of the Free State administration (Lalor, 2001).

The various pieces of legislation that governed the care of these children were unified in the Children Act of 1908, which, when published was seen as a great leap forward in childcare. Indeed it was known at the time as the Children's Charter (Tuairim, 1966). This act and its subsequent minor amendments remained the primary piece of legislation pertaining to vulnerable children until the introduction of the Child Care Act 1991. Indeed, for those children who still reside in Reformatory and Industrial Schools, it remains the case that this 1908 Act is the primary piece of legislation that controls their admission to, treatment in and exit from these institutions until the recently passed Child Care Act (Criminal Justice) 2001 is brought into operation.

Whilst very few of the Ministers of Education of the Free State or Republic paid any attention to the Industrial School sector it was been an area of concern amongst those with a social conscience for many years (Raftery and O'Sullivan, 1999). It is not overstating the position to say that many of the Industrial and Reformatory Schools funded by the Irish State were brutal institutions where physical abuse of children was the norm and sexual abuse was far from uncommon (Ibid). The system for inspection of these schools was ineffective and pedestrian (see below).

The financial aspects of the institutional child care provided by the orders is explained by Oates in her study which focuses on the American experience. She argues "Religious Sisters and Brothers could care for large numbers in a single facility minimizing the cost of land buildings and maintenance". She goes on to argue that the Sisters of Charity preferred "the institutional setting to the foster home, not simply because of the real

difficulties they confronted in finding suitable foster homes, but even more because the sisters could care for the children at a 40% lower cost, a saving that permitted the society to increase the work” (Cleary et al 2001 63)

This, argues O’Sullivan, was a factor in the preference for care in large institutions in Ireland, as opposed to greater usage of the Boarding Out (fostering) arrangements allowed by the Poor Relief (Ireland) Act 1838 and The Poor Law Relief (Ireland) Act of 1862 (ibid) The Poor Law Relief Act of 1862 sought to bring relief from unsanitary and unsafe conditions to children from the workhouses These were established under the Poor Law Relief (Ireland) Act of 1838 By 1862 there were considerable concerns about the level of infant mortality amongst children who were admitted without their mothers Section 9 of the 1862 Act stated

it has been found that the mortality among infant children admitted into workhouses without their mothers is very large, and that in other respects the workhouses are not well suited in all cases for the care and nurture of such children during infancy, and it is, therefore expedient to extend the powers of the Boards of Guardians for the relief of destitute poor children who are orphans or who have been deserted by their parents It shall be lawful for the Board of Guardians to provide for the relief of any orphan or deserted child out of the workhouse if they shall think fit to do so by placing such children out at nurse according to their discretion

In essence this section introduced the legal basis for fostering that remained in place in the state for the next hundred years Unfortunately the provision that was intended to afford a measure of protection for children from the ravages of one institution was not used to great effect in protecting children from the ravages of another type of institution,

the industrial school. There is some evidence to show that this in part had an economic motive and resulted in tensions between managers of institutions and authorities that wished to board the children out. One such case arose when the Mother Superior of the Orphanage in Moate protested at a child being boarded out when her numbers and income were dropping (NA H 93/195). It is also the case that the economic benefits of this economy of scale were recognised by agencies of the state. In the National Archives of Ireland index for health documents there is the abstract of a document that has been currently withheld by the Department of Health from the public record. The abstract states that the file holds documents that explore concerns that local government bodies were directing children towards these large institutions rather than spend the money from their own coffers to pay Boarding Out Allowances (NA Health index A 124/9). A report published in 1966 by the Tuairim organisation report found evidence that boarding out was not used despite mothers' requests that their children were not brought up in institutions and the despite the difficulties some schools found in recovering their fees from local authorities (Tuairim, 1966 11). This report will be explored in greater detail below.

The "colonisation" of Irish childcare mentioned by O'Sullivan above may also be seen to extend to the colonisation of the Irish Catholic psyche, a colonisation which was every bit as real as that of land or institutions. It replaced the domestic Irish version of Catholicism, which liberally sprinkled Christianity with a blend of paganism and local superstitions and which had a much less separatist and reverential view of the clergy, who were themselves ill-disciplined. This native form of Catholicism was far removed

from the more rigid form of Roman Catholicism that had come into the ascendancy by the end of the 19th century which, Terence Brown observes, led Irish Life into the narrow channels of “Jansenistic Puritanism” (Brown, 1985 23)

The economics of this type of childcare seem to be self-evident. The reduced cost of institutional care allowed more good work and facilitated a perfect total environment for the induction of children into the Irish Catholic fold whilst ensuring the lion’s share of the work to maximize the potential. The Catholic church also reduced the ability of other denominations to proselytise Catholic children through charitable work. The fear that they might be proselytised by other denominations was cited by the hierarchy as a major reason for their objection to legalised adoption being introduced by the inter-party government (see below, chapter 7)

Thus the politicians who took the helm of the Free State had to negotiate the daily business of government in a complex arena of embryonic national identity and its resultant insecurities, economic uncertainty, civil war and church politics in which the Catholic church was determined to have and to hold its flock in its own image. The determination that the church would show in defending their hard won turf should have come as no surprise to the Free State politicians as there are numerous examples of the its lobbying abilities under British rule (Whyte, 1980)

The early influence of the church on Irish legislation can be seen in the divorce and censorship issues. Censorship was seen by the church as a necessary vehicle by which a paternalistic hierarchy could protect what it viewed as an unsophisticated and gullible population from the moral contamination which they discerned in almost all forms of popular culture from the movies to the novel and the more modern forms of high art which sought to inform and challenge with an intellectual strength that the Irish Catholic church was not sophisticated enough to rebut on critical grounds (Smyth, 1998)

+

The State benefited immensely from this relationship with the church, which not only formed the spine of the emerging national identity and provided an infrastructure to provide services to children at minimal cost, but also carried moral authority. The Church, for its part, exercised a significant amount of power without the inconvenience of having to stand for election (Hempton, 1996) or bear responsibility for political or economic failure. The hierarchy's dexterity in terms of political influence was clearly demonstrated when De Valera's government lost office as a result of austere economic policies in 1954. The incoming inter-party Taoiseach, John A. Costello, courted the hierarchy and was in turn courted by McQuaid, who overtly interfered in and influenced the composition of Costello's Cabinet (Cooney, 1999).

The first example of church involvement that came to public notice was during the period in office of the first Inter-Party Government in 1951. The chain of events began when Noel Browne, the Minister for Health, introduced a Mother and Child Scheme, which had its origins in the legislation of the Fianna Fail government that preceded the

Inter-Party Government, led by Eamon de Valera. The details of this have been well recorded elsewhere (Whyte, 1980, Horgan, 2000). Whyte, writing without the benefit of access to public records, says, “The confrontation had come when for the first time since the foundation of the State, so far as we know, an Irish government had received a formal protest from the hierarchy against a specific item of legislation” (1980: 143).

“As far as we know” is the telling part of the sentence. Available public records now clearly show that the church had been extremely active in policy terms since the foundation of the state. This was the era when Catholic power in government was at its height. Its informal power was bolstered by pro-Catholic judicial activity. For example, Justice George Gavin Duffy sought to supplant law made by English and Protestant judges in favour of laws of a more overtly Catholic caste (Whyte, 1980).

It was not the Church that blew the cover of the Mother and Child Scheme but the Minister himself, Dr Noel Browne. Browne had broken ranks and refused to collude in the silence that normally surrounded the Church’s involvement in the affairs of government. John Horgan has referred to Noel Browne as a “passionate outsider” (Horgan 2000). At several stages of his career he had been at odds with the hierarchy and indeed with his colleagues in the medical profession and the leader of his own party, Clann na Poblachta, but this issue was to leave him isolated and undermined by his governmental colleagues.

Browne made his disclosures in the period after the government had withdrawn another piece of legislation on adoption in the wake of pressure from the church who felt it could

lead to the provision of Catholic babies to non-Catholic families. The government withdrew their proposed legislation without stating why. In the words of JH Whyte Noel Browne's revelations in the wake of the adoption controversy" helped to build up the impression that Ireland was some kind of theocratic state, in which a government formally answerable to the Dail and people could in some way be manipulated by the church behind the scenes" (1980 193)

As has been mentioned above, JH Whyte was writing without the benefit of government papers that clearly show that the Church regularly applied pressure on the government of Ireland in pursuance of its own agenda. Despite Whyte's respectful tones in his analysis of Catholic church/state relationships in 1980s, contemporary commentators of a more radical bent viewed the Mother and Child debacle as proof of something that they had suspected for some time. Sean O'Faolain illustrates this view by asserting that the "crisis has revealed to us, we have two parliaments: a parliament at Maynooth and a parliament in Dublin". O'Faolain cautions his reader by warning

that if prudence on the one hand, and restraint on the other are not effective you get a condition in which the laity has responsibility without due power and the Church has undue power without responsibility. For more and more the Church here is approaching near to the point of undue power without due responsibility, and the more she approaches this dreadful position the more will the people lay at her door the blame for human misery (O'Faolain, 1951 5-9)

It is worth noting here that Noel Browne was to become involved in another controversy in 1971 regarding the sexuality of the clergy. In a speech to a Labour Party meeting in Tramore, Browne introduced the issue of clerical sexual ambiguity and its consequences for children as a result of their control of schools. Browne claimed later that his views

had been misrepresented as expressing the concern that various religious might be sexually abusing their charges whilst he was actually referring to the possibility for indoctrination of their political and social views John Horgan in his biography of Noel Browne asks

did he in 1971, actually relate the question of clerical celibacy to the then totally undiscussed issue of child abuse? If he did not, the possibility is that a number of issues, which were not seen as related until much later, were in some way telescoped in his memory If it did it poses another question what must Irish journalism have been like in 1971 if it ignored - or worse still suppressed - a charge of such magnitude made by someone who, as a practicing psychiatrist dealing with many underprivileged young people, might have been expected to know what he was talking about? (Horgan, 2000 241)

Cooney has suggested that Noel Browne had evidence that McQuaid himself had pederast leanings as a result of information Browne had received from a school inspector However, Cooney asserts that Browne didn't disclose this information for fear of it being interpreted as revenge for the Mother and Child debacle (Cooney, 1999)

If Browne had concluded from the evidence he received that McQuaid was a pederast then, given his professional background and client group, he may well have unearthed the suffering of children and young people at the hands of the religious and more generally in Irish society earlier than the popular consciousness and the press But in 1971 this acknowledgement was perhaps a step too far The press certainly seem to have conducted a great deal of self-censorship on the issue of sexual abuse (see chapter 5 below)

The State for its part whilst always willing to please the Catholic church on social issues, was not willing to agree to Catholic desires in key areas of foreign policy. These areas were far more likely to cause the State chronic embarrassment or even endanger its existence if it allied itself to the wrong cause. These issues were also less immediately communicable as relevant to the Irish people by the hierarchy, and therefore less likely to cause a breakdown in the political status quo and balance of electoral forces (Cronin & Regan 2000)

Despite the obvious constituency for traditional Catholicism in Ireland up to the 1970s, the break down in the type of moral consensus between the Catholic church and Irish people that had begun in the late 1950s was to have escalated considerably by the 1970s. Indeed one ex-patriot commentator, writing about Ireland in the late 1960s, noted how affluence was all around and that social attitudes had changed considerably, with people leaving unhappy marriages and homosexuality being spoken about openly (Irish Times 29 12 2001). The connection between affluence and an increasing liberalisation of attitudes is an important one, as the type of religious zealotry propagated by the Irish hierarchy during this period flourishes best in depressed economic climates and indeed was to become a further blockage to Ireland's economic interests when the nation applied to join the European Economic Community (Fanning, 1984)

Politicians from the two largest parties had begun to voice criticism, albeit of a muted nature, of the church's actions and social policies. These concerns were reflected in growing press coverage and secular pressure group activities on issues that would have

traditionally remained in the shadows. The provision of care for vulnerable and marginalized children now came to the fore (Cleary et al, 2001)

One of the key areas of concern of this movement was the treatment of children in institutions. In the early part of the 1960s a new generation of politicians sought to co-ordinate and modernise the industrial and reformatory school system. However old civil service orthodoxy and suspicions set in to defend the status quo as did the desire of some officials to protect church and state no matter what the cost to children. Inter-departmental rivalries, mistrust and turf wars led to inaction and inaccuracy in reporting the facts of life in many Irish child care institutions (see the section below on the Inter-Departmental Committee on Criminal Justice, chapter 8) which were, in the main, run by the Catholic church. Indeed rather than recognising that the church might not be the best or most reliable agency to provide the care for some of the State's most vulnerable children they reinforced the church's role in this area.

By the late 1960s and early 1970s the scene was set for the change of Ireland from introspective protectionist society to a modern democracy with all the corruption, imperfections and opportunities that this entailed. The process was going to take another two decades before a significant wedge would be driven between the Irish people and their faith in the church and the old political and social order. One of the main issues that was to disturb these relationships was that of the treatment of children, in particular of the abuse of children both physical and sexual by members of that group who had claimed sovereignty over the moral high ground since the beginning of the State. As it

was mentioned in the introduction to this work the release of information on child sexual abuse, in particular by clerics, may be seen as the issue that drove the wedge between the traditional loyalties and allegiance of Irish Catholics and the institutional church. Whilst it is hard to believe that this device could be used as a political tool and whilst this conjecture does not form part of the research for this project, it is worth noting that this use of sexual abuse by clerics has a recent historical lineage. Jenkins has observed that the “paedophile theme” was utilised by the German Nazi Party in its struggle to remove the power of the Catholic church in Germany. He has suggested that

this was the propaganda device utilized by the Nazis in their attempt to break the power of the German Catholic church, especially in the realm of education and social services. An anti-clerical campaign reached its apogee with a series of show trials of monks, priests, and nuns, which were intended to prove that ecclesiastical authorities were unworthy to be trusted with the nation’s children. More than a thousand clergy were arrested, and in one incident alone several hundred Franciscan friars were tried for sexual offences allegedly committed against the children and teenage boys under care in their institutions (Jenkins, 1996: 29).

Commentators have speculated that the British Government of Margaret Thatcher used similar tactics to undermine the teaching profession, who were at the time in a protracted and bitter struggle with the Government. They have noted that the British version of the matched pair mentioned above was child abuser with teacher. This image came to the fore in the British media, particularly those with a Conservative bias, at a point when the dispute between teachers and the government was at its height in the early 1980s. This has led some commentators to speculate that the linkage proved politically useful to Thatcher’s government (Aldridge, 1994). In the Irish case it effectively lessened the ability of an increasingly anachronistic Catholic church to apply pressure on government.

without alienating the dwindling though still vital rightist Catholic voter who would vote with their church on important social issues in a way which would not endanger the core vote Fianna Fail needed to ensure its hegemonic grip on power (Cronin & Regan 2000)

The church initially retreated into denial and secrecy on the issue of child abusers in its ranks and its response to the issue was bureaucratic and inept. This policy had served it well in the past but the social and political landscape had changed considerably. The resultant exposes, with the State either unwilling or unable to protect the church, were to critically if not fatally wound it and greatly weaken its social and political influence.

3) CENSORSHIP THE CORNERSTONE OF CATHOLIC IRELAND

“I’ll tie my lips together with a string
And count their misers law a little thing,
And leave to God those who His gifts refuse
Who blind the poets and strike dumb the muse”

Extract from a poem on censorship by the Gaelic poet and Priest An tAthair Padraigm
Haicead Translated by Robin Flower (The Bell Vol 5 No2 1942 Letters page)

The Censorship of Publications Act was designed ostensibly to protect children In fact it skewed communication on the issue and impaired Irish society’s ability to respond to it for 60 years after its introduction

In 1925 pressure was brought to bear on the Minister for Justice, Kevin O’Higgins by the Catholic pressure group the Irish Vigilance Association of Ireland, the Christian Brothers and Catholic Newspapers like the *Standard*, to suppress the availability in the Free State of what these groups called ‘evil literature’ There had already been the introduction of strict film censorship legislation in 1923 O’Higgins was initially reluctant to act as he felt there was little popular support for this move However, his mind was changed in

1926 following a meeting with a group of Catholic bishops and he established The Committee of Enquiry on Evil Literature (C E L) (Horgan, 2001 12)

The Committee sat from February 1926 and reported in the December of the same year Robert Donovan, who was Professor of English Literature at University College Dublin, chaired the Committee. The Committee was charged with the task

to consider and report whether it is necessary or advisable in the interest of public morality to extend the existing powers of the State to prohibit or restrict the sale and circulation of printed matter (Report of the Committee of Enquiry on Evil Literature 2)

The Committee reported in December 1926. It suggested that the current laws needed amending, as they were ineffective in deterring evil publications. The Committee felt that a model similar to that brought into legislation in England be adopted but, importantly, they laid greater emphasis on controls of press reporting than had the English legislation. The Committee suggested that Irish legislation should extend the scope of English legislation “to apply the principles of that Act also to journalistic reports and writings other than reports of proceedings in the courts” (ibid 18). The Committee were concerned that whilst the English legislation forbade the press from publishing certain medical or other details outlined in court there was nothing in English legislation to stop the papers doing their own research into details outside of court and publishing those.

The issue of British newspapers printing details of crime and in particular sexual crime was highlighted in the evidence received by the Committee of Enquiry on Evil Literature by many of those who gave evidence to them (Report on Evil Literature, 1927) and would seem to have been a central area of concern for those who advocated the introduction of legislation on the issue. The concern expressed by those who gave evidence was clearly shared by many of the elected representatives who were to debate the issue of censorship legislation arising out of the work of the Committee. The reporting of crime and of sexual crime in particular were seen as corrupting to the individual who read them. In the debate on the Bill held on the 18th of October 1928, the Minister for Justice, Fitzgerald-Kenney stated "I think the most useful function this Bill will perform will be to prohibit the sale in this country of objectionable newspapers". The Minister went on to assert that papers who presented these articles regularly would have the effect of demoralising and "depraving in sexual matters the persons who read them. These newspapers must not be introduced into this country and must not be sold in this country" (Dail-debates Volume 26 18 10 1928). Whilst Professor Thrift (A Committee of Enquiry on Evil Literature member) asserted

The evidence that was brought forward showed and proved to us a perfectly astounding circulation of newspapers, that almost everyone would agree were harmful-newspapers which simply set themselves out to describe crime, particularly sexual crime, with every disgusting detail, newspapers which serve no useful purpose, without any literary merit. The Committee came to the conclusion unanimously that if such circulation of these newspapers could be

prevented, by far and away the greatest evil done in this country would be put an end to (ibid)

The Committee of Enquiry on Evil Literature recommended that the decision to censor a publication should be taken by a Board of nine to twelve persons with a permanent secretariat. They said that these nine should be made up from the “ religious, educational and literary or artistic interests of the Saorstát ” (ibid 18)

However, all members of the Committee did not hold this view. In a confidential memo to his fellow Committee members, the Reverend James Dempsey railed against the inclusion of artists on the proposed Censorship Board. He argued “ On no account should artists be allowed on the Censorship Committee. We know what they do in the name of art ”. He further asserted in this memo that, “ Texts of the classics for schools should be rigorously Bowdlerised ” (NA J/7/3/1). “Bowdlerised”, refers to the process of sanitising those texts seen as having historical literary worth which dealt with issues or used language seen as too risqué for the contemporary puritanical, educational tastes. Thomas and Harriet Bowdler had published a book called “The Family Shakespeare in 1807, from which had been removed “ everything that can raise a blush on the cheek of modesty ” (Hoyles, 1989 21)

The Committee also argued that the advertising of contraception and indecent advertisements should be banned. The report also proposed bringing photographic

images under the legislation and bolstering the power of government agencies including customs, the police and the postal authorities

The Committee sent invitations to various groups to give evidence. These included invitations to Catholic and Protestant organisations and to the Chief Rabbi. However, of the non-Catholic organisations only The Dublin Christian Citizenship Council, which was based at Christchurch Cathedral, took up the Committee's invitation to give evidence. An examination of the archives of this Committee, or the evidence of the popularity of the very (in the main English) newspapers that these activists sought to have suppressed, does not seem to support the view that there was a massive groundswell of support for this measure, but rather that it was driven by a small group of Catholic activists. Indeed one of these activists, Father McNerney, giving evidence to the Committee on behalf of the Irish Vigilance Association lamented that

In Dublin parks and recreational places it is not exceptional on a Sunday to see the bad papers in the hands of apparently respectable men. Two of the worst types of these Sunday papers, the News of the World and the Sporting Times have in Ireland a circulation respectively of 190,000 and 60,000 copies.
(Report by Father McNerney PG 8. Held at the Censorship board, no reference number)

He goes on to say

“ The circulation of the Daily Mail in this country is estimated at something between 120,000 and 150,000 copies a day. The Daily Sketch is credited with an Irish circulation of over 100,000 copies. Next comes our most popular Irish Daily, the Independent, with a circulation which has dwindled to something between 100,000 and 80,000 copies. Hard on its heels comes the daily Chronicle with an estimated circulation of 70,000 or 80,000 copies per day in Ireland. The Daily Mirror seems to run neck-and-neck with the Daily Chronicle in point of its Irish circulation ” (Ibid PG 14/15)

Father McNemey does however praise the Sunday Times and the Observer and suggested that they were “ Unobjectionable on moral grounds “ Whilst he noted “Their point of view is necessarily British” he felt it was not sensible to attack these papers as they were both literary and informative and besides, “ they are little read in Ireland ”

The Jesuit R S Devane illustrated the lucrative nature of the Irish market for foreign papers He informed the Committee of Enquiry on Evil Literature that “The value of imported papers as per official returns, was £190,432 in 1924-25” (Unnumbered file in the archive of The Censorship Board, Dublin)

Thus it would seem that English newspapers enjoyed great popular appeal and there would seem to be no basis for assuming that there was a groundswell of popular opinion calling for their banning This point in itself is interesting as the Committee asserted that there was widespread popular support for censorship (ibid 9), and the Censorship Board that was to follow, later made the same assertion (see below) Though how the Committee reached this conclusion, when even Father Devane had admitted to them that he had “always found it difficult to maintain public interest in the matter [public morality]” (Horgan, 1995 63), we do not know

These activists seem to have approached this subject with strong passions The Reverend R.S Devane, who was a founder member of the Irish Vigilance Association, had been

known to confiscate newspapers that he and his followers found offensive and to burn them on the streets of Limerick (Horgan, 2001 PG 12) W B Joyce, the leader of the delegation of the Dublin Branch of the Irish National Teachers Organisation, openly boasted to the Committee during his evidence that as a young man he would stone newsvendors in Limerick who were selling what he viewed as 'evil literature', as part of his work with the Irish Vigilance Association (NA J/ 21/4/1926) Mr Joyce also suggested in his evidence that censorship should be retrospectively extended When the Chair of the Committee asked him " You would not I suppose, suggest that the works of Shakespeare, for example be prohibited on the grounds they contain indecencies?" Joyce replied " I think it would be no harm to cut out some of the objectionable passages " (NA J21/4/1926)

Such views may seem strange to a modern readership and much of the evidence given at the time may appear to be draconian if not fascist Father Devine referred to contraception as ' racial suicide,' whilst other witnesses spoke in a fusion of catholic evangelism and nationalistic fervour The Irish Vigilance Association in their evidence to the Committee argued that

The bad and unsavoury literature imported to our shores threatens to impair the fulfilment of the glorious mission which God has entrusted to the children of St Patrick Sons and daughters of the Gael! Be mindful of the great spirit of the olden days Help to stamp out the terrible evil from amongst us, for the glory of God and the honour of Ireland (NA J7/2/13)

This vision of censorship being tied up with a historic and religious mission for Ireland was widely shared by those who gave evidence. The Christian Brothers in their submission spoke in tub-thumping hellfire and brimstone tones

Until this riddance takes place, there is no chance of building up a better or holier Ireland. At present the spiritualised Irishman is quickly passing away and all of the brute that is in him is being fed almost to the point of moral leprosy, to be followed by the tempest of fire from heaven. (NA J7/2/7)

The view of the role of newspapers in the introduction of the moral cancer into the Irish social and political society was graphically illustrated in the evidence of an Irish Vigilance Association witness. Father McInerney quoted Captain Harry Harrison, writing in *Irish Truth* on 6 6 1925

The lewd newspaper is a far greater danger than the public-house, and the sins and crimes that it tends to foster are of a far deeper dye, and cause more fatal social havoc, than common drunkenness. We would like to see our police as busy about bad publications as about bad public-houses. The victims of the one may be numbered by the thousand, the potential victims of the other by the hundred thousands. The poisoned minds are many times more numerous than the congested livers. (PG3, unnumbered archive document held in the Censorship Board, Dublin)

Father McInerney went on to lay the blame for this at the newspaper owners' door. He claimed that, whilst journalists themselves had no taste for such activities, they were driven to it by the greed of newspaper proprietors. In a sentence that gives something of the elitist and class biased views of the author, he states that the "nouveau riche has a heart of stone and nostrils of India-rubber when money is to be made out of dirt of this kind" (PG 4, unnumbered archive document held at the Censorship Board, Dublin)

The only bulwark against these strident evangelical Catholic views was the relatively meek Irish Retail Newsagents, Booksellers and Stationers Association which suggested that the problem was not quite as bad as presented by those who represented the Irish Vigilance Association (NA J7/2/13)

The spokesmen for the Retailers, Mr Bridgman and Mr Hart, were examined by the Committee, and Deputy O'Connell of the Committee asked Mr Hart

“ Would you define the terms of reference of this Committee in some way to provide against the possibility of their (*The Censorship Board*) acting from political motives or otherwise departing from the purpose for which they are appointed?” Mr Hart replied “ It might in times of acute political struggle be possible for a committee to be unduly severe on papers of a particular side ” (Transcript of Evidence to C E L Unnumbered file, Censorship Board Dublin)

It was indeed to be the case that the subsequent Board would act in ways outside its legislated role for political reasons The usefulness of censorship for political purposes was not lost on the Free State government prior to the reporting of the Committee of Enquiry on Evil Literature

In 1923 the Free State government rushed through legislation on the Censorship of Films There was little or no debate on this issue (Horgan 2001 12) One may speculate that films at the time may have elicited the same degree of concern from the enfranchised citizen as the internet does today, in a way the written word, which was a valued part of the national psyche did not The legislation also provided a mechanism for the taxation of movies that was no doubt of benefit to the government of the fledgling state

In a letter dated 16th December 1923 the Director of Publicity in the Department of External Affairs, Sean Lester, wrote to the Minister for Home Affairs following a meeting with the local representatives of Pathe Gazette, who had pointed out to him in a written submission dated 14th November 1923, that newsreels were not the subject of censorship in any other country in the world (NA DJ 231/5) Whilst this may indicate a rather limited view of what constitutes the world it may be indicative of the ill thought out or draconian nature of the Free State legislation Mr Lester stated that Pathe would cease producing an Irish Edition unless they could be exempted from censorship The Pathe representatives indicated that this would be for reasons of cost and the delay inherent in the censorship process Mr Lester wrote

“ I would ask you to consider as favourably as possible the proposition that news films should be exempt from the operation of the censorship ” He further suggested “ My interest in the matter is that the Gazette has been a very useful medium of reaching the people and creating public opinion This I think will be more important still in the future and I think it would be undesirable to make it impossible or even difficult for the Gazette to be published The Irish operator has been very friendly not only in Black –and Tan days but since the Treaty (you will remember their offices were burnt by the irregulars) ” The letter then goes on to outline a more specific political agenda Lester advised the Minister for Home Affairs that the Pathe representatives had “ informed him that they will be only too anxious to assist the government in securing any publication of events which we may require I am informed there is an understanding if not an agreement between the English firm and the British Government in London regarding the British Edition by which if a national crisis arose at any time the Gazette would be largely at the Government’s service Anything of this kind is, I am sure, not in writing but I think the British Government realise how important the film may be in creating public opinion” (NA J231/5)

If this is true Pathe films certainly remained true to their word during the British General Strike of 1926. A similar memo was sent to the Department of Finance on the taxation issue. It would seem that the President of the Free State was taking an active role in support of Pathe Gazette (ibid)

Sean Lester's letter was answered by E. O. Frigihl on December 11th 1923 declining his request to remove these films from censorship as this was not allowed under the terms of the Act. He stated

“ In fixing the fees to be charged for such censorship the Minister has had regard to the facts set out in your letter and such films for at half of that charged for the ordinary picture. Arrangements will also be made under which the Official Censor will ensure that a minimum delay is experienced in obtaining the censorship and release of such pictures (NA J231/5 84/5)

Four days after this reply a handwritten note from the President's Office in support of the removal of censorship from these films was sent to the Minister for Home Affairs (ibid)

Presumably the Minister for Home Affairs realised that the exemption of any film from censorship would have to be a public act and that the Catholic Truth Society and other organisations could well campaign against it. Therefore the Minister had gone as far as he could in acquiescing to this request.

Relationships between the film industry and the Catholic Truth Society had been strained for some time. Catholic periodicals like *The Standard* regularly carried reports berating the industry and pressing for the more rigorous application of the law. The animosity in

this conflict was made evident in 1930 when the Minister for Justice agreed to meet a deputation from the Kinematography Renters Society. The *Standard*, in a leader the contemporary *Sun* newspaper would be proud of, said

We are informed that the attempt to destroy the censorship of cinematograph films in the Irish Free State has reached a critical stage” The *Standard* reported that the film industry was proposing that “no Minister for religion and no woman be appointed on the new Appeals Board” In a clear reminder to the Minister for Justice, who incidentally the paper could hardly believe had acquiesced to such a meeting, the paper stated “That is the proposal they wish to lay before Mr Fitzgerald-Kenney, a Catholic Minister. In brief the “trade” wants to get rid of the catholic clergy. It wants to force the Censor to pass films that Christian Morality and Feminine modesty abhor. We understand that the deputation that the Minister has consented to receive will threaten to suspend the supply of films to the Free State if its demands for a relaxed censorship and the banning of the clergy be not granted (*The Standard* 14 10 1930)

The film industry representatives did indeed feel that the censorship imposed by the lone censor often failed to be broad minded or objective enough and they questioned the basis on which he took many of his decisions. For example, they complained that he regularly cut footage of female sporting events because of the costumes the women were wearing, when, as they pointed out, these costumes could be seen worn in public places every day in the Free State. This they suggested “really reduces the question of censorship to an absurdity” (NA.H231/41). They also illustrate what they view as the misapplication of criteria by the Censor. They cite one reason for rejection as the Censor’s view that it was “a British production and how?” The representatives of the film industry asserted “It is not easy to understand why the fact that the film is a British production should have any bearing on the question of rejection” (ibid). They suggest it is time to replace the single Censor with a panel of three men with “reasonably broad views”. The submission did address the composition of the Appeal Board and pointed out that not only was it drawn

from an unrepresentative constituency but that more often than not it sat at a bare quorum, which usually consisted of two clergy and one woman or two women and one cleric. The submission did indeed suggest that the views of all clergy on matters of recreation were so extreme that there was no point in them sitting on the Appeal Board as the result was that they would find in favour of the Censor's decision.

They concluded that if an appropriate panel of three businessmen between the ages of thirty and forty-five were appointed the system would be fairer and an Appeals Board would not be required. The leaking to the press of the confidential document passed to the Minister for Justice was of some concern to the film industry representatives as they asserted that it had not come from them, with the clear inference that it must have come from the Minister's Department. The assertion by *The Standard* that the industry was about to boycott Ireland if it didn't get its own way was completely erroneous, although the Renters Society did say that the system was so slow and cumbersome that it was threatening the speedy supply of new titles.

This was not only an economic battle between those who supported the censorship legislation and the film industry but was also a case study of the way in which those opposed to the prevailing Irish Catholic orthodoxy of with us and Irish or against us and by definition not Irish were characterised. In what has been termed above the "Irish Inquisition", those who opposed the prevailing orthodoxy were vilified as alien wrongdoers whose very existence was corrosive to the moral fibre of Catholic Ireland.

The representatives of the film industry, despite providing popular entertainment and adding substantial amounts to the coffers of the State, clearly felt that they were viewed as heretics by key members of the establishment. They asserted that the members of the Censorship Board viewed them as

an international gang of money grabbers with unhealthy minds and entirely devoid of sound moral thought, and that they would put their morals (if any) on a commercial basis. We quote the following statement by Dr Gogarty (a former member of the Appeal Board): As I once said we would require no Censorship Board if you projected on the screen the faces of the renters - you could see an international gang of people who have less character than anyone who ever came out of the Levant (Dail Debates of 7th May 1930)

This view was not just proffered in Parliamentary debate. The May 1932 edition of the Irish Franciscan monthly, *Assisi*, reported

“There are still many enemies in our midst - enemies from the East and from the West - from London and Hollywood. Turning to the cinema or talkies, we find that there is very much to be desired. A parent ought to blush with shame to think that youth is present at some of those pictures. Somebody has said (a dramatic critic, I think it was) that the influence of Hollywood is having its effect on this country. Catholic consciousness and race consciousness are bound to suffer. Hollywood can mark out for us in false colours a path of life that is alien to Faith and Morals. There is much to be done towards the betterment of our country and many problems are pressing, but the moral life of the Nation is surely the most pressing problem. Definite and immediate steps must be taken by a Catholic Government to safeguard the Nation's moral life by dealing drastically with suggestive film, ‘entertainment’ or printed page. The moral life of our country is before her national, political or economic life. Ireland has many children of Mary and Legionnaires of Mary. She has many members of the Third Order of St Francis to whom *Assisi* specially addresses itself. They can do much individually and collectively to keep at bay those foreign evil influences that threaten the purity of the Irish race (Vol 4 No5 195-197)

The article is a good example of the interchange of the words Catholic, Ireland and Irish race all unified ideologically against the foe of foreign and evil. The device is designed

to communicate that Catholic and good equate with the word Irish, therefore if you are not a good Catholic you cannot be a good Irish person, or indeed a truly Irish person at all. There is also the parallel assumption that evil is foreign and is at work everywhere, with foreign demons preying on the souls of the young and vulnerable and in so doing not only condemning them, but Mother Ireland, to the abyss. These devices will be very familiar to anyone who has studied regimes that attempt to impose a homogenised cultural and racial order. These messages are not only cultural communications to the faithful but clear messages to confirm the risks run by those who deviate from the party line.

The only other voice of dissent was that of H B Kennedy, Dean of Christchurch (who was later to be a member of the Carrigan Commission) and spokesperson for the Dublin Christian Citizenship Council. He asserted that “The state, in any action beyond its present powers which it may contemplate for the protection of its citizens from the effect of immoral printed matter, should have due regard to the necessity in a free country of preserving the freedom of the press.” He went on in his evidence to suggest that education and access to relevant literature was the best course of prevention. (Page 1 Unnumbered archive document held at the Censorship Board Dublin). Thus it was in a predominately Catholic/Nationalist fervour, which asserted that Ireland had a historic Catholic mission, that the Committee reported in 1926.

Following the publication of the Report of the Committee of Enquiry on Evil Literature, legislation was drawn up to introduce a Censorship Bill. The debate on this Bill in the

Dail is fascinating and covers the tensions in the intellectual and religious divide in the Free State

During the Dail debate in early 1929 two Deputies, Tierney (University College Dublin) and Law, (a government TD) suggested an amendment to the original Bill, which they felt was too strict. The Bill had proposed that immorality alone, in any section of a publication, would be enough to have it banned. The Deputies proposed that this be amended to any individual books that “ Wholly or in general character were indecent or obscene or which advocated unnatural prevention of conception or abortion ”

Professor Tierney felt the amendments were necessary as

He was anxious as anyone to keep down the sale of obscene books and other publications, but he wanted to avoid doing injustice to individuals, or to the community. It might result in attempting a kind of anti-Irish propaganda, which might do more harm in the long run.

This point proved prophetic, despite the fact that the Deputies' points were accepted by the Minister for Justice Fitzgerald-Kennedy, who agreed to modify the bill. The Deputies withdrew their tabled amendment on that basis. (*Irish Times* 28 2 29)

The amendments to the Bill seemed to trouble the Catholic hierarchy and those who shared their worldview. By February 1929 the newspapers were carrying articles reporting sermons by the Bishops in which they expressed their concerns for the progress of the Bill. For example, the Bishop of Ossory wrote in a pastoral letter

We trust that the Censorship of Publications Bill before Dáil Éireann will not be weakened in its progress through the Oireachtas and that it will be enacted in such a way as to face an effectual barrier to the diffusion of literature injurious to the march of our people (*Irish Times* 11 2 29)

The zeal of some Catholic clerics appears to have had an impact on members of the legislature. The *Irish Times* reported that a Labour Deputy, Mr Anthony, claimed that the influence of clerical pronouncements made many Deputies afraid to say what they thought about the Censorship Bill (*Irish Times*, 22 2 29). Professor Tierney articulated the weight of the religious pressure visited on Deputies who voiced concern over certain aspects of the Bill. He complained that the government proposals for registering complaints proposed by the Bill would involve him in complaining “to some of the bodies that had branded him as a ‘non-Catholic’ for his attitude to the Bill” (*Irish Times* 22 2 29). In the Senate Sir John Keane feared that such was the feeling that “anyone who opposed the Bill would be ostracised from public life” (*Irish Times* 12 4 29). Indeed the Editor of the *Catholic Bulletin* referred to those who didn’t follow the party line on censorship as “those low creatures, vulgarians, wastrels, materialists, mere Irish scum” (March, 1927 233).

With one or two exceptions opposition to the Bill came from the minority protestant community, as was the case with the evidence against extending censorship presented to the Committee of Enquiry on Evil Literature. The idea that failure to support censorship in exactly the form proposed by the Catholic hierarchy was in some way a betrayal of Ireland itself and worse, tacit support for the re-colonisation of Ireland by England, was increasingly peddled by the Catholic press in this period and must have proved a potent

silencer of debate In an article entitled 'Far and Near' in the Catholic Bulletin the author asked "What Irishman ever foresaw or imagined an Ireland so debased and despicable as to be undistinguished from England in the matter of its newspapers and periodical literature" and then later in the same article the author asserts, " The mind of England has been trained to criticise and think for itself, that of Ireland to believe and accept what it is taught" (*Catholic Bulletin*, 2,1928 124)

Despite attempts to silence the voice of opposition, some individuals dared to challenge these orthodoxies In a Senate debate in 1929 Senator O'Farrell, speaking of some Catholic publications asserted

They deceive the ordinary, average, ignorant reader into believing that they are orthodox publications approved by the authority of the church, and that consequently that they should have considerable moral weight Sectarian bitterness and animosity are favoured and encouraged by these papers They preach and practice a code that is as far removed from Christian religion as barbarism is from civilisation (*Senate Debates* Vol 12, Col 106 1929)

Whilst no group supported pornography, the advocacy of contraception or abortion, some were concerned that freedom of speech should not be affected The main battle lines for this debate were to be drawn on the issue of the composition of the Censorship Board and the method devised for referral to it The Government proposed that a single individual from a recognised organisation would be able to refer a publication to the Board However, several TD's recognised that this would give insufficient protection at the referral stage This led to Professor Tierney's concerns outlined above

Two Independents, D Craig and J Cole, proposed an amendment that a complaint would require 10 individuals who were residents of the State to swear that they had read the whole of the publication before it was acted on Professor Alton, an independent, supported this amendment and added that in the case of a periodical the complainant should have read several successive issues (*Irish Times* 22 2 29) This amendment, had it been successful, might well have saved a large number of books from censorship

Another TD, Major Brian Cooper, led a devastating attack on government policy in this area He compared the Minister to a “ Chief of an African tribe who engaged a witch doctor to smell out immoral practices The Minister, could not smell them out himself but he was going to authorise associations to find out the sins of the various books ”

(*Irish Times* 22 2 29)

Sir John Keane also opposed the Bill in the Senate He claimed that it was an attempt by politicians to impose “mental hygiene” He claimed that the mind was the last place that politicians were unable to control and that the Bill was an attempt to allow them to do so

(*Irish Times* 12 4 29)

Whilst it may reasonably be assumed that the Irish newspaper industry had a vested interest in maintaining freedom of speech they were curiously devoid of comment during the debate The *Irish Times* seems to have limited itself to what may be veiled attempts at stimulating debate In January 1929, for example, they published a long historical article on the ‘Banned Book’ by John Williams The article argued that banning books and burning books does not necessarily suppress or eradicate the ideas held within them

The author points to the Bible as one such book (26 1 29) The paper also printed a lengthy report entitled ‘Censorship Dangers ’ This article details a resolution passed by a meeting, held in New York, of artists, authors, journalists and actors born in Ireland or of Irish extraction It reads as follows

Whereas a Bill has been introduced into the parliament of the Irish Free State to place serious restrictions on the liberty of the press and on the right to publish freely one's opinions This meeting resolves that we deplore the introduction of the Censorship Bill as a step backward towards autocracy and tyranny, institutions the Irish People long fought to overthrow because of their destructive and alien character (23 3 29)

The publication of this resolution provided an obvious opportunity for editorial comment Yet the implied invitation was studiously ignored The lack of comment by the Irish Times seems particularly strange when it is remembered that just three years previously, in February 1926, the *Irish Times* had warned that a moral censorship of the press “would merely feed the national vice of self-complacency and would divert public attention from more urgent perils The things that defile Ireland today come not from without, but from within” (Horgan, 1995 63), a quotation that with hindsight was prophetic However, in the run up to the introduction of censorship legislation, the Irish Times had no comment of its own on the matter

Criticism of the proposed legislation from abroad could also be found closer to home The Welsh pro-nationalist publication *Y Llefarn* commented ruefully

“The aim of the Bill is by legislation to keep out of the country every book which Catholic priests dislike Already the people of Galway have burnt Tolstoy's works Assuredly *Y Llefarn*, harmless as it is, will find no access to Ireland It

is not too much to say that there is no other country in Europe, nor perhaps in the world where a Bill like this could be passed in the present day and there is not a country in the world with so few enlightened people to raise a protest against it While we are all struggling for political rights, we may lose the culture without which political rights have no significance (The Irish Statesman, 12 1 29 376)

It is suggested here that the newspapers' silence on the issue of censorship can be explained by two factors Firstly, as has been shown above, the English newspapers had far larger circulations in Ireland than the indigenous papers and the indigenous press had more or less supported the Committee of Enquiry on Evil Literature Censorship was in the main viewed as an attack on the English press that, if successful in limiting the market for the English press in the Free State, would increase the sales figures of Irish papers Irish newspaper proprietors may well have been buoyed by the views expressed by leading figures in the Catholic Truth Society who spearheaded the assault on 'evil literature' For example the Reverend R S Devane suggested that

In any question we must remember we are not dealing with the liberty of the Irish press but with the licence of an external press Hence I suggest that the proposed legislation be not directed towards the home press To my mind Irish journalism and the Irish press are as near perfection in this matter as any human can be Why should we legislate for them who need no trammelling and why should we cast a slur on those who do not deserve it (Submission to the Committee of Enquiry on Evil Literature Unnumbered archive file, Censorship Board Dublin)

The xenophobia of the Catholic publications during this period is apparent On 12th October, 1929 the *Standard* commented that the Irish were being led on a path of restlessness of spirit that led them to seek excitement They were clear who was to blame for this

To foster these tendencies the secular press of protestant, nay, pagan England, backed as it is by powerful and wealthy companies are doing much And here in Ireland we, a small people numerically and financially compared with those across the sea, are in great danger of being influenced unconsciously perhaps, but none the less surely, by this mighty press (12 10 1929 3)

If the Irish newspapers had found allies in the Catholic Truth Society and the right wing religious press why should they bite the hand that fed them and having supported the Catholic Truth Society, how could they now attack the resultant legislation, whatever the implications for freedom of speech

Secondly, the attitude of Irish newspapers to such legislation may have been influenced by the same factors spoken of by TD's and Senators during the debate The papers may well not have wanted to risk the displeasure of the hierarchy In particular the Irish Times was attempting to shed its image of being an Orange paper during this period (Horgan, 2001)

There were, however, some notable exceptions in the shape of weekly publications which brought far more detailed political analysis to bear on the issue The *Irish Statesman* was one such publication that is worthy of note Perhaps this was in part because the paper was to fold in April 1930 and therefore lacked a vested interest in towing the line to promote sales towards the end of its life

Jenkins in his book 'Paedophiles and Priests' has identified the way in which the Catholic church in America used its economic might and influence to suppress stories

which showed its clergy in a poor light, for example by putting pressure on Catholic business men not to advertise in journals that published unfavourable reports (1996)

It is not suggested here that the *Irish Statesman* was dependent on advertising that could be stemmed by the Catholic church. It relied in the main on patronage. Clearly the ability of censors to stop sales of a journal and to prosecute and inflict financial penalties on proprietors who opposed them must have been a powerful economic incentive not to come into conflict with the censorship legislation. The consequences of offences against the Censorship Act and the Church's role in policing it will be explored below. The Catholic church was a major player in the censorship debate and carried significant influence on matters of censorship.

The *Irish Statesman* is also one of the journals that was cited by Fitzgerald-Kenney, the Minister for Justice, who applied pressure on the Government of the day to remove the Recognised Associations status proposed in the original Bill which so angered the Catholic Truth Society and its supporters. By tracing the debate in the pages of the *Irish Statesman* it is possible to get a clear map of the terrain being fought over by the more liberal minded intellectual elite in the fledgling state and the more powerful groupings of the Catholic right. These groups which were to dominate for the next 50 years and they were to provide an important part of the dynamic that would instil a culture of silence and secrecy, keeping out of the public eye any issue which the state and the informal powerbrokers of the Irish Free State and Republic wished hidden.

Whilst the *Irish Statesman* recognised the need for some level of censorship it was convinced that current legislation was adequate for dealing with transgressors. However, it went on to focus its attack on the Bill on two specific areas, namely the inclusion in the Bill of a role for Recognised Associations and the definition of prescribed literature under the Bill as that which “Tends to inculcate principles contrary to public morality or is otherwise of such a character that the sale or distribution therefore is or tends to be injurious or detrimental to or subversive to public morality” (Censorship of Publications Bill 1928)

However, the main thrust of the journal’s attack on the Bill was to challenge the proposed role for Recognised Associations. The Irish Catholic church had already claimed a stake in the governance of the country. It was well organised, wealthy and able to claim it represented 98% of the population (Whyte, 1980), which gave it real electoral clout. The Church already had the lead role in the education of the nation’s young and the Editor of the *Irish Statesman* was keen to ensure that it did not develop any more of the educative power which representation of Recognised Bodies would afford it. In a lengthy editorial on the 25 of August 1928 the question was asked of the Recognised Bodies

Are the associations of intelligent and cultivated men? Or are they associations of fanatics, the associations which have been clamouring for censorship and seizing and burning excellent journals like the Observer and Sunday Times ” The article went on to claim that if the Recognised Bodies section of the Bill were un-amended that it would give to these groups or associations “ an importance that its members individually have not. It merely increases their shouting power, their capacity to disturb the natural wisdom of the censor

The same article also explored the misuses of the ‘detrimental to or subversive to public morality clause’ and suggested, prophetically as it turns out, that the legislation could be used for more overt political purposes

There are people who think sincerely that socialist literature is subversive of public morality. Would a book like Mr Shaw’s *Guide to Socialism* be liable to prohibition? Then again there are people who think sincerely that the literature of agnosticism is subversive of public matters. Are we to have an orthodoxy of such thought on such matters?

The editorial reinforced this by detailing what it viewed as the ludicrous lengths that individuals and representatives of the Catholic Truth Society and others would go to in order to counter what they viewed as immoral

We have seen in Irish houses reproductions of the paintings of the Sistine Chapel by Michael Angelo, with branches and drapery painted over them. The people who did this were more moral than the Popes. We remember the attempts in Dundalk and Cork to prevent posters of a nude baby reaching for soap being used in an advertisement, and the solemn way in which bill-posters went to paint breeches on the baby!” The piece ended with a warning of a foreign press backlash and the heartfelt plea that “We do not wish our country to be made ridiculous (25 8 1928 2-3)

This editorial was to spark an intensive round of correspondence to the *Irish Statesman* and was to fill its pages with many more letters and articles expressing various opinions on the issue

Whilst most of these correspondents broadly agreed with the editorial line there were one or two notable exceptions who dissented. For example, one correspondent supported the enactment of the Censorship Bill to preserve the Irish way of life by excluding the English press as it had the unfortunate habit of “Anglicising” the Irish. He argued that whilst “Anglicisation is excellent for the English man its effect on the Irish man can scarcely be called beneficial. The decay of the culture and his democratic economic organisation since the disaster of Kinsale is proof enough” (8 9 28 10). Needless to say this correspondent got short shrift from the editor in reply.

In a Free State that was still very much in the shadow of the gun the *Statesman* noted with concern that some organisations were pursuing their attempts to eradicate the English press from the Free State by violence. The weekly concluded that this potential for force would not be lost on the censor, particularly if vested interests had a direct access to him by virtue of a statutory role in his work. The *Irish Statesman* asked if the organisations who were vying for this role were the same organisations who had been pushing for censorship with the “aid of revolvers” and went on to say “We think it is very unfair to the Board of Censors that they should have to bear in mind if they do not suppress a book they will probably be irritating bodies with a large membership and their sense of the political influence of such bodies must always be in their mind” (15 9 28 24).

The following week the journal highlighted its concern about the physical force used by some groups who supported censorship. The article also clearly charged Irish dailies with

of economic complicity with the thrust for censorship by with a stern warning as to the possibilities of such complicity

The censors armed with revolvers who held up the limited mail outside Mullingar and burnt some thousands of papers are doubtless concerned lest principles detrimental to, or subversive of public morality should spread in Ireland. We noticed that none of our dailies criticised the action of the marauders. Where they discreetly pleased? Did they feel that the removal of rivals gave them a better chance? But if there is no public opinion directed against this they may find their own papers burnt later on to give a better chance to some rival paper who's principles are approved of by the marauders. We would like to ask if whether the men with revolvers are members of any association recognised under coming censorship (22 9 28 45)

The *Irish Statesman* was clear that some of the forces that were seeking to shape the new Ireland had the potential to mould the new state into an introspective, impoverished third world nation. The paper was clear that the main proponent of this destiny was Eamon de Valera. Indeed De Valera and his party Fianna Fail were to go on to become the strongest political entity in the State, a position they still hold today. The paper railed against De Valera's isolationist economic and political theories. In 1928 it concluded that De Valera falsely believed that nationhood was enough to make people willing to live in a worsened economic position in order to maintain a "splendid Galic isolation" (28 7 28). It also parodied DeValera's economic isolation as the "economics of an asteroid" (ibid 30 3 29).

However, in 1929 the *Irish Statesman* still felt that the Irish Free State compared favourably with many other European states in terms of freedom and tolerance. The article explored the suppression of the press by Mussolini in Fascist Italy. The journal argued that Ireland could develop a growing reputation as a bastion of freedom if

our moral fanatics do not deprive us of it by trying to prevent us reading literary masterpieces There are quite thousands who want to be Mussolini's over literature, and if they win the first fortress they attack they will not be satisfied until we are stifled as the most autocrat-ridden nation on the continent (9 2 29)

The *Irish Statesman* enlisted many heavyweight intellectuals in the debate in its pages These included Sean O Faolain, Padraic Colum, and George Bernard Shaw O Faolain, whose own journal, *The Bell* took up the cause of opposing censorship in the 1940s, wrote a lengthy article on the experience of censorship in the USA which highlighted the way in which a few individuals could hijack the legislation for their own political ends(6 10 28 86-88) Padraic Colum focused on the damage that the proposed legislation could do to the Catholic Hierarchy, whom he mistakenly believed not to be part of the thrust for censorship He castigated the Catholic Truth Society for “ giving outsiders the view that the mental age of Catholic Irish people is about seven and a half”

He also warned that “ The Censorship bill will have the effect of associating Catholicism with the worst kind of obscurantism We will come to think of the North East Counties as a place of intellectual liberty Belfast and Portadown will become centres of enlightenment” (13 10 28 107) Bernard Shaw with his typical wit noted that

“ Under the feeble apologetic tyranny of Dublin Castle we Irish were forced to endure a considerable degree of compulsory freedom The moment we got rid of that tyranny we rushed to enslave ourselves ” He went on to say that if Ireland, having broken England's grip on her, “ slopes back into the Atlantic as a little grass patch in which a few million moral cowards are not allowed to call their souls their own by a handful of morbid Catholics, mad with heresyphobia, unnaturally combining with a handful of Calvinists mad with sexphobia (both being in a small and intensely disliked minority of their own co-religionists) then

the world will let 'these Irish' go their own way into insignificance without the smallest concern (17 11 28 206-208)

As has been mentioned above, the columns of the *Irish Statesmen* were home to intense debate over the passage of the Bill. One particularly astute correspondent was A. Cumming who suggested that the passage of the Bill had three main causes. Firstly s/he suggested that it was the result of the "exaggerated belief which people unused to managing their own affairs are apt to put in the mysterious agency of government". Secondly, that people "desired to do good to other people" as they never think censorship applies to them. And thirdly, s/he asserted that a subtler cause could be found in "the wave of Puritanism which is passing over Ireland" which Cummings asserted "seems to me in some sort a reaction from a recent stormy history, a violent and rather unpleasant effort to get back to the Island of Saints idea upon which recent events provided some ironic comment. I may be quite wrong, but I am inclined to think that as a national conscience becomes more normal the national geniality will return". S/he went on "Galway is not really Tennessee, though it may seem likely for the moment to bear a horrifying superficial resemblance" (19 1 29 397).

The Censorship Act that eventually emerged from the Dáil in March 1929 was substantially amended in terms of its definition of the type of literature that could be banned and it excluded the concept of Recognised Associations. The *Irish Statesman* seemed broadly pleased with the emerging legislation. It commented "On the whole Deputies have done their work of revision well and the Bill is much more reasonable in its post-Dáil form than most expected who saw it in its first monstrous infancy with its

fanatical sponsors blowing symbolic horns and waving symbolic flags to terrify any critic from cleaning up the little beast” (30 3 29 64)

In a conciliatory article in July 1929 the *Irish Statesman* asserted that the Censorship Bill as put to the Dail was departure from the Cosgrave Government’s usual skilful handling of affairs. The journal chose to believe that the Bill came about as the result of

“an evil moment” in which Ministers “permitted themselves to be influenced by the din of a strident minority who had convinced themselves this was a golden opportunity not only to suppress pomographic stuff, but to enforce prohibitions on any and every kind of book that ran contrary to their prejudices or soared above their limited intelligence. We do not suggest that members of the government were scared by the threats of these moral bullies that anyone who dared to oppose their demands would be driven out of public life, and we have too high an opinion of their intelligence to assume that they failed to see the so-called arguments with which it was sought to justify the terrorism were balderdash of the rankest kind. The only explanation we can advance for the surrender of this impudent crusade was that our rulers came to the conclusion that it would be simpler to give the fanatics what they asked for on the very cynical ground that the mass of the Irish people did not care two straws one way or the other (13 7 29 366)

Whether the mass of Irish people did care two straws one way or the other must be a moot point. However, one must remember that if members of Dail Eireann were complaining that they were finding the pressure to conform to the will of the pro censorship lobby very difficult to withstand then one must ask how possible it was for the ordinary citizen to deviate from the pulpit line. It is suggested that for the reasons articulated by A. Cumming above the response of the ordinary citizen would have been governed by the position of the powerful Catholic lobbies

Indeed the centralising tendencies of a people unused to freedom described by Cumming seems to be supported by an analysis of Free State legislation from 1922 to 1928 carried in the *Irish Statesman* which indicated “ a tendency to centralisation of power, to bureaucracy, to exaltation of the State, to a diminution of democratic freedom” (25 5 29 226) This type of legislative slant is indicative of post revolutionary regimes that manifest their insecurity by attempting to control most aspects of the lives of their citizens, be it in the economic, political or cultural sphere (Fanon, 1967) Indeed this trend can be charted into the Fianna Fail era, from the 1930s, through to the 1960s (Fanning, 1984)

The voice of the *Irish Statesman* was to be silenced in April 1930 The edition of 29th March, 1930 indicated that a key American funder had died and that the journal was no longer able to continue publishing A letter from the Directors in the same edition indicated that

The Directors came to the decision with great regret as they feel there is a real need in Ireland for a paper of this kind as, though the circulation was not great its influence has been considerable and when it disappears there will be no journal to take its place to comment on politics from an independent standpoint, or to give a forum for interchange of opinion on literature, drama, music and art (29 3 1930)

The final edition of the journal featured a lengthy editorial, part of which pulled no punches on what the journal believed to be the political realities of life in the Free State The section headed, THE NEW SECRET SOCIETIES, is worth quoting at length

“That political sanity, that easing of race hatreds, are definite goods which have come to us through self government We wish we could bring our comments on

Irish happenings to an end on an altogether hopeful note. There is one change which is a distinct deterioration, and that is the character of the secret societies from which we have not freed ourselves. The secret societies of a generation ago had for object the freedom of Ireland. There was good reason, too, for their being secret. All small nationalities submerged in large empires tend to develop a subterranean political life. It is impossible to fight great battles openly, and the very character of their ideals makes open propaganda difficult. Whatever may be said against the secret society of a generation ago, their members were not self-seeking and their ideals were defensible. A new kind of secret society, or semi-secret, has come into existence, whose object seems to be a kind of religious masonry to procure business jobs and contracts for members, and they threaten, bully or cajole barristers, solicitors and business men into membership. It is a commercialising of religion, using God to get jobs. The swift growth of this most ignoble of all Irish secret societies has come along with the publication of some semi-theological journals which have revived religious bitterness in a country where the people are naturally tolerant. The Christian virtue of charity has been so exiled from their pages that they were rebuked lately by an eminent priest. We hope that this kind of secret society, this kind of sectarian journalism are but transitory phenomena. But as it is they suggest to us an office with God in large letters over the front door and devils busy inside in complete control of the business (12 4 1930 104)

This then was the landscape in which the battle for the shape of the newly emerging state would be fought between a large and powerful state machine, buoyed by what was arguable a larger and more powerful Catholic clerical elite with the ear of the vast majority of the people and the ability to intimidate the majority of dissenters into silence against a small highly articulate minority of artists and their supporters who neither had the public ear nor its sympathy. If the *Irish Statesman's* assertion was right (and it is suggested here that it was) a type of Catholic Freemasonry was at large controlling key players in the communications process in Irish society by the use of patronage. If this process was aided by an influential group of religious newspapers selling to a near captive audience and reporting a view of Irish society approved of by the Catholic hierarchy, which Frank Duff described as “invented storyettes”, which in turn set the agenda for the rest of the domestic media, then it is quite possible to see how this control

of communications would purvey an acceptable view of Ireland and could further marginalize and hide the plight of vulnerable children. Perhaps it also took a publication with no fear of banning and the resultant economic hardship to map the realities of the communications process in the Irish Free State.

The warnings issued by some who gave evidence to the Committee of Enquiry on Evil Literature and in the subsequent debating of the Bill in the Oireachtas proved prophetic. The legislation was used inappropriately and damaged Ireland's image to the world by exercising a level of censorship that echoed back to the thought control indicated by Sir John Keane in the debate on the Bill in the Senate. Concerns about the Act being based on a Catholic agenda reflected unfavourably on the Irish nation.

The passing of the Censorship Act of 1929 was a watershed for the inclusion of Irish Catholic dogma and sensitivities in Irish Law in ways which were to silence the press and public debate on the hard issues of the day, including the treatment and abuse of children for decades to come. The Act was to provide a legalised mechanism for rightist Catholic elements to flex their muscles against social campaigners, journalists and artists alike. They were not to be long in spreading their influence via this channel whether or not this compromised the letter and spirit of the law as interpreted by the government and its officials. The first case brought under the Act (the *Standard*, 29 10 1929) was against a newspaper editor for printing details of an alleged sexual assault on a child by a wealthy local businessman.

4) A MESSAGE FOR THE PRESS THE CASE AGAINST THE WATERFORD STANDARD

“Bald heads, forgetful of their sins, old, learned, respectable bald heads edit and annotate the lines” W B Yeates

The first court case was brought against the editor/proprietor of an Irish local paper, the *Waterford Standard*, for reporting the trial of a man who allegedly sexually abused a young girl. The success of an action against a newspaper editor in the reporting of a crime must have sent a clear signal to the press about which way the wind was blowing.

The study of this case provides revealing evidence in relation to the social and economic dynamics in play in the world of local reporting and the impact that these have on the selection, prominence and interpretation of local events, which in turn is reflected in the national coverage of these events.

On the 29th of October 1929 the Catholic newspaper the *Standard* proudly proclaimed that the first prosecution under the Censorship of Publications Act against the Editor of the *Waterford Standard* had been successful. The newspaper claimed that it had been its campaigning that had led to the Act's implementation. The case in question was brought against D C Boyd, the editor of the *Waterford Standard*. An examination of the *Waterford Standard* under the editorship of Boyd shows the paper to have had a keen

interest in social issues and to be unafraid of a strong editorial line. This is far from true of many of the non-religious Irish papers of the day.

The action was taken as a result of a report carried by the *Waterford Standard* of a preliminary hearing of a case against a local theatre owner, one Mr Breen. It was alleged by the state that Breen had sexually assaulted a 13 year-old girl in his employ. The presiding Judge felt there was a case to answer and the matter was put over for trial.

Boyd had carried an extensive account of the trial and had included some medical details. The basis for the prosecution against Boyd seems to stem from the reporting of two particular pieces of evidence, as another Waterford paper the *Waterford News* had also carried a lengthy article which differed to Boyd's in only one respect which was that Boyd had printed the following medical details, the girl noticed blood after she went to the toilet following the assault, her mother had noticed blood on her daughter's chemise and the attending physician attested that the girl had "two abrasions on the vagina and the hymen was dilated" and "took two slides from the vagina and sent them off for analysis, the analysis was negative. The condition of the vagina would be consistent with what was alleged took place 15-16 days earlier" (*Waterford Standard*, 28 9 29).

Outside the simple transcript of the evidence the report did not dramatise the actual events of the alleged assault but this became the first basis for the prosecution. The second basis was that Boyd had deliberately printed these details to swell circulation.

The fact that the *Waterford Standard* had printed an extra edition on Saturday morning (publication day was Friday) was used as evidence of this profiteering by the prosecution. Evidence was given by a member of the Civil Guard, Bartholomew Downing, who claimed that as he mixed with the crowds in town “ he had heard the case in question discussed by every class in the city and it had attracted an enormous amount of attention” (*Waterford Star*, 18 10 29)

Boyd defended himself against the first charge by pleading that he had done what he had in the public interest. He claimed that Breen was a leading public figure in Waterford and that cases like this often did not get publicity and it was publicity that perpetrators of these sorts of offences feared most (*Waterford Star*, 18 10 29). In his evidence Boyd alleged

In cases of this particular kind very often attempts were made to suppress their publication. I often lose money by my policy of publicity, but I hold I have a duty to society and that it is in the interest of the public that newspapers should be free and independent (*Waterford Standard*, 26 10 29)

Boyd is clearly asserting here that these cases were not unknown and that when they emerged economic pressure had been brought to bear on his newspaper for not suppressing stories. This seems to be born out by a report on a sermon delivered by the Bishop of Waterford who stated in reference to Boyd’s report in the Catholic newspaper the *Standard* “ While this outrage remains un-atoned for, parents cannot be expected to admit the offending newspaper to their households with the implicit confidence which they may have hitherto entertained” (the *Standard* 26 10 29)

The accused man Breen was clearly a pillar of Waterford society and a relatively wealthy man with various business interests in Waterford. Boyd suggested that this was one of his motivations for giving the story such coverage as he felt that those who held prominent and powerful positions in society should be fully exposed to the public eye when they behaved badly. Boyd was pushed on this point during cross examination and asked by the prosecuting barrister “If the defendant had been a clergyman of some religious denomination would you consider it in the interest of the public to publish them?” Boyd replied in unequivocal terms “Yes if he were a clergyman he should get full publicity for an offence of this nature” (*Waterford Standard*, 26 10 29). This is an interesting point in the cross-examination as the prosecution seems to be trying to discredit Boyd by leading him down a road where he would admit that he would bring public attention on a cleric. The inference here is that if Boyd had his way then even clerics would be fair targets for the press.

Boyd would seem to be a campaigning journalist with a strong sense of press freedom and of social justice. One may well surmise that he would have been incensed by the evidence given by the 13 year old girl’s mother that when she approached her daughter’s alleged rapist he dismissed her by offering to pay for a doctor and when this was refused and the woman said she would take it further that he allegedly said to her “Do you want your name all over the papers?” (*Waterford Standard*, 28 9 29). When Boyd was challenged on why he published the medical details he argued that he had done nothing wrong. He said that he had only published “clean medical facts” and that he had done so

in fairness to the accused as they were the only part of the evidence that might be in his favour (ibid)

Boyd responded to the charge that he had run a second edition of his paper on the Saturday morning to cash in on the story by pointing out that it was the paper's regular practice to print a follow-on Saturday edition

The Judge, F J McCabe, ruled that Boyd was guilty as charged and fined him £25 In his summation the Judge said he felt that this case was just the sort of thing that the Act had been introduced to curb This assertion was greeted with triumphant coverage in the Catholic paper, the *Standard* (26 10 29)

Whatever the rights and wrongs of the case against Boyd, he was clearly a man who was not afraid to challenge authority, whether secular or clerical In one exchange during his trial Boyd was asked how he defended himself in the light of the Bishop of Waterford's condemnation of his actions Boyd responded that the Bishop of Waterford was as entitled to his opinion as Boyd was The Judge interjected, saying, " The defendant's remarks regarding the Bishop of Waterford's letter were most improper and impertinent" (*Waterford Standard*, 26 10 29) The trial judge seems to suggest that Boyd was not entitled to an opinion that differed from that of the Bishop of Waterford

Breen's first trial led to a hung jury and he was subsequently acquitted on the charge by a Dublin court. He was killed in a motor accident on his return to Waterford from the trial. Breen's social standing in Waterford is obvious by the coverage this received in the *Waterford Star*. An examination of the *Star's* content during this period gives great insight into the way local affiliations may support the selection of news coverage. The *Waterford Star's* first coverage of the case was of Breen's acquittal in Dublin and his subsequent death, with little reference to the details of the initial case. Indeed on the same week as the other two Waterford weeklies published details of the original hung trial the *Waterford Star's* only mention of Breen was to announce "Mr R H Latimer appointed manager of Theatre Royal by owner Mr L Breen" (4 10 29), until after his death it reported the fact he had been acquitted and its elegised his character. Yet in an edition of the *Waterford Star* a month later a report was carried on an assault on a little girl by a man called Mahoney "Who should not be at large as he was very dangerous" (9 11 29). It appears that the *Waterford Star* desired, for whatever reason, to keep Breen's name out of the paper, despite their concern over the activities of another individual in their community who was committing, or was accused of committing, sexual assaults on children.

Breen's death also received coverage from one national paper, the *Irish Times*. However, it should be mentioned that this was during an era when car crashes were front-page news. It was also covered in two papers in the neighbouring county of Cork, the *Cork Weekly Examiner* and the *Cork Examiner*. Their coverage is worth noting for its difference in tone. The daily *Cork Examiner* simply carried a report of Breen's death on

the 8 3 1930 with no mention of the court case, which had not been mentioned in the paper. The paper also carried a photograph of Breen as a younger man in British Army Uniform on its 10 3 1930 edition. In contrast the *Weekly Examiner* carried a report of the death along with the nature of the alleged crime. The paper mentioned that death occurred as Breen returned from a trial in Dublin for “alleged assault of a little programme seller aged over 13 years”. Their reporter did not mention that he had been acquitted prior to his death and the reporter noted that “in view of the interest in the court proceedings, the news of the tragic occurrence has caused consternation in the City tonight”. The article also referred to Breen’s high social standing in the community. It read “Mr Breen was brother of Mr S. Breen, Vice-President of the Chamber of Commerce and proprietor of Breen’s Bridge Hotel” (7).

This coverage is worthy of note on several grounds. It will be shown below that it is one of the few examples of a national or local paper carrying details of an alleged assault of this nature on a child. In the main bar some examples in the *Irish Times* Irish newspapers were either mute on the issue or reported in such a coded fashion that it was impossible to decode the nature of the offence. It is the only example of a comment of Breen’s death that mentions the allegation in any sort of detail and the only one that does not refer to the fact that he was acquitted. It also indicates that the case excited wider public debate in Waterford itself and it is the only example that the author has found in which details are given about a perpetrator or alleged perpetrator that does not involve a member of the working or peasant classes or an individual portrayed as psychiatrically ill or suffering from a learning disability.

One of the startling details of Boyd's trial under the Censorship of Publications Act is the lack of coverage in the national press. In journalistic terms this was not only a story of the alleged rape of a 13 year old girl by a wealthy business man but it also invited a debate on the rights of the press after major censorship legislation and on the right of an individual to assert that his views were of equal worth with those of the religious hierarchy. It was not long before the zealots of the "Evil Literature" campaign were to turn their attention to the artistic community. However, the use of the Act in this regard was clearly extended to include reasons for banning that were outside both the letter and the spirit of the Act.

5) THE USES AND ABUSES OF CENSORSHIP GOD, IRELAND AND THE ARTISTIC COMMUNITY

“A word fitly spoken is like apples of gold in pictures of silver”

Proverbs 26

Soon after the legislation was passed the battle lines over influence and the use of the Act was drawn. What follows is a revealing case study of pressure placed by the religious establishment on the government to suppress world-views that challenged their own. For this reason it is particularly useful in mapping the actions of those who, it is argued here, sought to suppress freedom of communication in the Free State in order to support their own social and political agendas. It is not suggested here that the creation of an environment that facilitated the type of secrecy that would keep the abuse of children hidden from public view was desired by these organisations. It is, however, argued that the suppression of debate and expression by the implementation and manipulation of censorship legislation fused with other economic and social factors explored above to create an ideal environment in which the abuse of children could thrive unreported and unchecked.

In October 1929 F. O'Reilly, the Executive Secretary of the Catholic Truth Society, lodged a complaint in a personal capacity to the Minister for Justice, against a book by Warwick Deeping entitled “*Ropers Row*”. Mr O'Reilly claimed that the book advocated birth control. The Minister rejected O'Reilly's request as the book “Whilst perhaps it

treads on delicate ground could scarcely be called indecent or obscene, and the rhetorical question on page 394 in the light of the rest of the chapter could not be construed as an advocacy of contraception within the meaning of the Act” (NA S2325)

O'Reilly took exception to his response and lodged a direct appeal to President Cosgrave. It should be remembered that at this date the role of the President was that of head of government, an equivalent position to that of the Taoiseach today. The correspondence on this issue make for fascinating and illuminating reading. In threatening terms O'Reilly informed the President “ I do not intend to let the matter rest where it stands. I shall publish the correspondence with comments, unless you may be able to induce a change of heart and a change of attitude in the Department concerned” (NA S2325)

In a hand written letter to the Secretary of his Department, the President noted the likelihood of a growing number of correspondences on the matter of censorship and the potential for negative press coverage. Referring to the Minister for Justice, President Cosgrave noted that “the Minister is in an impossible position” in trying to balance a realistic application of the Censorship Act against the “strong suppression” favoured “by such people as the Secretary of the Catholic Truth Society”. The President seemed to indicate that the board would not suppress the book as the contents were “piffle” and it was “mealy mouthed”. In essence Cosgrave felt that the government could score points by referring a book to the censor even though he knew that it would not be banned. The President claimed that a reversion of the Minister for Justice’s original decision on the

book would “do us good rather than no harm” The President was clearly concerned to stop attacks “on the Act within a few months of its passing ” He went on “You must bear in mind the possibility for amending this being promoted from any one or more sources” The President indicates that he felt potentially trapped in a pincer movement between the Catholic Truth Society and the writers themselves He speculated, “as far as the material transgressing is concerned it may well be that the author had the Act in mind” (Letter to O’Friel, 28 10 29 NA S2325)

The journey of the Censorship Bill through the Dail had been a balancing Act for the government between allying the fears of more liberal minded members and giving the more fundamentalist groupings a sense that their concerns were being addressed Cosgrave was clearly not ready to reopen this issue

The threatening tone of O’Reilly’s letter was not lost on the Presidents office A memo dated the 6th November 1929 in the Taoiseach files in the National Archives states

In my opinion the tone of the second paragraph of Mr O’Reilly’s letter of the 25th Ultimo, addressed to the President, is most objectionable It is obviously an endeavour to get what he wants done by means of threats The whole practice by which he endeavours to make the President a court of appeal from the Minister for Justice in the matter of the Censorship of Publications Act is strongly to be deprecated To give way in this instance is, in my opinion, simply to invite further trouble from this gentleman (NA.S2325)

This advice was not heeded The President referred the matter back to Fitzgerald -Kenny who agreed to the President’s request to refer the book on to the Censor’s office A civil servant noted that in relation to O’Reilly “ We are unfortunately in the position of

having to tell him now that his tactics have succeeded in the present instance, this I am afraid, will only *invite further trouble*" (NA S2325)

A letter was drafted that sought to limit the damage with a final paragraph which was never sent which concluded " I have to add that in considering this matter the President has not been helped by the tone of the opening sentence of the second paragraph of your letter, which he feels is excusable only in the light of your obvious sincerity" The civil servant who drafted it noted in a hand written footnote that " The President of course may not approve to the last paragraph of my letter" (NA S2325) He was right and it would seem that even this thinly worded rebuke was seen as too strong The President had decided to simply send O'Reilly a copy of the Minister for Justice's reply agreeing to the request

On the 13th November 1929 the Catholic Truth Society responded to this news by informing the President that they would let the matter rest as " He [the President] has done all in this matter that we requested him to do" (NA S2325) The same civil servant who advised the President against this course of action noted in his own hand at the end of the reply that " The President should see this " It would seem that he viewed the outcome as a warning for the future This warning was to prove salutary, as there is ample evidence in the National Archives that the Catholic Truth Society contacted the President after this date to persuade him to use his influence in supporting the suppression of books

Whether the Minister for Justice was concerned about the potential results of taking on the Catholic Truth Society on the issue of censorship or whether he genuinely felt it beneath his dignity to indulge in debate with the Society, there is evidence of what would now be called spin on the issue of censorship

A year after the above events F. O'Reilly was again campaigning on the censorship issue and wrote a letter to the Irish Independent, commenting on a speech made by the Minister. In response the Minister's Private Secretary wrote to the Editor of the Independent:

The Minister for Justice has directed me to request you to publish the following observations on Mr O'Reilly's letter for the information of your readers. The Minister cannot undertake to enter into a controversy in the newspapers with Mr O'Reilly as to whether the Oireachtas was wise or not in passing the Censorship of Publications Act in the precise form in which it was passed (NA H315/43)

The debate over Censorship was to rage on with representations both from those who wished its extension and for those who demanded greater artistic freedom. The President's concern over being drawn into public debates on the issue was to surface some years later. However, this in the main was to focus on the foreign press.

In 1930 Evelyn Waugh's novel "*Vile Bodies*" was referred for censorship by the Catholic Truth Society. The Board rejected the case and the book was freely published in the Free State. Not only is the novel sexually explicit but it has a three page skit on censorship (Waugh 1930 18-20). Yet on this occasion the Catholic Truth Society made no objections or complaints. The book's passing by the censor raised some eyebrows at the

time The matter was to resurface in 1937, with allegations of clerical influence on the “*Vile Bodies*” decision

In 1936 the Censorship Board banned the book “*Bird Alone*” by Sean O’Faolain this led to strong complaints from a group of Catholic professors One of them wrote to the Minister for Justice complaining about the banning of “*Bird Alone*” He could not understand why this book had been banned when “*Vile Bodies*” had not Unfortunately the letter held in the National Archives has been separated from the author’s signature It reads

I remember being astonished at the time when “*Vile Bodies*” was passed and I spoke about it to the then Minister Rumours were current at the time that the reason why it was passed was that the author had become a convert to Catholicity and that ecclesiastical influence was used to prevent the scandal of the banning of a convert’s book I do not know whether there was any truth in the rumour but I feel that there must be some unpublished explanation of such a curious occurrence (Unsigned copy NA J315/38)

No formal appeal procedure existed under the Censorship Act until 1945 the amendment to the Act to allow for appeals was passed in 1946 and became operative in 1948 This amendment was introduced to distance ministers from being used to appeal the decisions of the Censorship Board (Cooney, 1999) However, it appears that the Minister for Justice contacted the Board on this matter The censor sent an unequivocal response

“ I decline to revise my estimate of “*Bird Alone*” which I consider an immoral and dangerous book, the more so because there is some fine writing in it The writer seems rather to gloat over the sexual incidents he presents, and I definitely refuse to lend my name to permitting its circulation amongst the youth of Ireland” (Censor’s Minute, NA J315/38)

The Censor clearly did not agree with Oscar Wilde's assertion that there is no such thing as a good or bad book but merely a well-written or badly written book. Indeed in the Censor's view the evident craft of the author is one of its greatest sins.

The misuse of the Censorship Act is again illustrated by a case concerning the writer the Catholic establishment loved to hate. In the 1930s George Bernard Shaw published a story entitled '*The Adventures of the Black Girl in Her Search for God*'. The book was duly banned by the Censorship Board, on the grounds that the "book in its general tendency was indecent." In June 1933 a group of Irish writers, consisting of W.B. Yeats, F.R. Higgins, George W. Russell and Michael O'Donovan, made representation to the Minister for Justice. They argued that the banning of the book as outlined by the Board was not justified. The group requested that the Minister use his powers under Section 8 of the Act to revoke the decision of the Board.

The Minister promised the group that he would look into the matter. A reply from the Secretary to the Board states:

In our opinion this book is a blasphemous composition, deliberately offensive to the cherished sentiments of the vast majority of the people, irrespective of religious opinion. But under the statutes governing our proceedings, we are not allowed to determine our decisions by considerations of this character (3 July 1933)

The Secretary concluded that there was virtually no hope of the Attorney General bringing a prosecution under the Blasphemy Law.

However, quite apart from such considerations, the Board was unanimously of opinion that the book was objectionable in its reference to sex, indecent and general tendency, and liable to corrupt in sexual matters. In coming to this considered opinion the Board was largely influenced by the book's attitude of contemptuous disregard of the usually accepted standards of morality, in conjunction with the coarseness and vulgarity of its illustrations (NA.H315/43)

This view of the book was not supported by a minute to the Secretary of the Department of Justice, penned in July 1933, which advised "It is difficult to find in this book substantial justification for the statement that it 'was objectionable in its references to sex, indecent in its general tendency, and liable to corrupt in sexual matters'." In a handwritten note at the end of this document the Secretary advises the Minister that "It may be dangerous to over rule the Censorship Board. The Board is doing good work. They do not appear to be unreliable and they are working voluntarily." (NA.H315/43)

The Secretary of the Department of Justice then sought advice from the Attorney General's Office. The reply is illuminating. The author, Conor A. Maguire, suggests in his advice that whilst there was ample evidence that the book was blasphemous

There is more difficulty in finding evidence to support the findings of the Board that the book is in its general tendency indecent. The illustrations do feature prominently the naked body of the black girl. In the eyes of the Board this appears to lend an atmosphere of coarseness and vulgarity (24 July 1933)

Maguire goes on to suggest

I consider the book from beginning to end an extremely clever attack upon the fundamental basis of the Christian religion. It is subtle in the extreme and its free circulation would provoke trouble. There is no doubt that clergymen of all denominations would feel outraged if it were to get the imprimatur of the Minister. Its attraction or danger lies in the attacks upon the Christian and other religions, lightly dressed in Shavian garb. The withdrawal of the ban would

stimulate interest in the book and cause a demand much greater than if it had not been the subject of the ruling by the Board For these reasons I consider that it would be a serious matter for the Minister to interfere with the ruling of the Board even though he may feel that if he were deciding the question for the first time he would have taken a different view from theirs (NA H315/43)

It would appear that the Minister's advice was that whilst the basis of the ban was flawed and he had the power to overturn it was best to leave well alone as the publication, whilst not indecent within the terms of the legislation, was a well constructed argument against Christianity and that the banning of the book on immorality grounds was the only vehicle open to the powers that be

Whilst it may be difficult to decide from a contemporary perspective how shocking the text of *The Adventures of the Black Girl in Her Search for God* may have been, it is certainly the case that the woodcuts mentioned that illustrate the book were not shocking Indeed their banning would have necessitated the emptying of most art galleries Shaw's book would appear to have been placed on the banned book list because it was a well-articulated argument against religion, but this motivation was wrapped up in the guise of preserving the public from sexually indecent literature It is not hard to imagine that other forms of writing which, for instance, blew the lid off unpalatable social issues or brought the clergy themselves into disrepute, would receive a similar welcome with a far greater economic impact on transgressors The indigenous press springs readily to mind in this regard

There is more evidence that the Act was misused to hand from the early years of the Censorship Board. The main vehicle for deriving complaints came from one source, the Catholic Truth Society. Indeed whilst some have claimed that Censorship was introduced on a wave of popular sentiment (Kenny 2000), the evidence of newspaper sales pre-censorship tells a different story. The contacts with the Committee of Enquiry on Evil Literature came from a small group of catholic organisations and the Censorship Board itself complains in its first Annual Report that

The failure of the general public to co-operate in making the Censorship a success is a matter of great regret to us. We regret to say with the exception of the Catholic Truth Society of Ireland, which has furnished the majority of complaints received, little assistance has been obtained from those sources (Censorship Board Annual Report, 1931)

An examination of the role of the Catholic Truth Society in promulgating censorship in these early years is useful in highlighting the tensions between the executive branch of the State and the views of an influential and well connected Catholic pressure group. It highlights the way business was done and was to be done for the next 60 years. Clearly the masking of issues in one area of our national life lays the foundation for masking in other areas. Given the commitment of the church to defending the family at all costs and the active participation, indeed near monopoly, of the church in the child care system any potential for church/state collusion could impact on the area of child protection and the development of social and legal policies in these areas.

In the main it was ordinary people who felt the impact of censorship. The archive holds a record that illuminates the way that censorship affected ordinary people in the Free State.

On September 23rd 1930 a Miss McClean posted herself a copy of Radcliffe Hall's "*The Well of Loneliness*" whilst on holiday in London. This novel exploring lesbian relationships was banned by the Censorship Board. When the book failed to be delivered Miss McClean wrote to the Postmaster in Southampton Row, London who referred her to the Department of Posts and Telegraphs in Dublin. It would seem by the correspondence that no provisions had been put in place for information regarding confiscations under the Act. The Postmaster wrote to the Department of Justice:

It is proposed if the Minister for Justice agrees to inform the applicant that when the parcel in question was opened it was found to contain a book - *The Well of Loneliness* - which is prohibited under the Censorship of Publications Act 1929 (NA.J315/35)

A more public debate took place on censorship and the role of the Church in 1931 which was to lead to some discomfort for the President. Censorship of the American authors G S Viereck and Paul Eldridge led to a public row that received a wide amount of coverage in the American Press and allowed the Free State to be depicted as a priest ridden medieval backwater in the international press.

Their book, '*My First 2000 Years*', had been widely acclaimed in all other catholic countries and had won praise from the Vatican and yet it was banned in the Free State for some reason. Viereck was outspoken on the issue and was particularly distressed that this action had been taken in the Free State as some of his songs had been brought into the country and were sung widely by the IRA during the War of Independence. He expanded on this theme in the *Brooklyn Eagle* of 11 2 1931 and added

“ It will strengthen the suspicion of anti-Catholics that intolerance prevails wherever Catholicism is in control of government” (Cutting in NA S2323) In another newspaper Viereck went on “censorship is the work of a small bureaucracy rather than representative of the feelings of the intellectual group in Ireland” (Unidentified newspaper clipping NA S2323)

The publicity for the Free State got worse with a press release on the matter by a group of international authors in which Louis Bromfield claimed “ A clerical censorship is the worst in the world Its operation in Ireland is evident ” The release also contained a markedly patronising and imperious statement by Havelock Ellis, who said

In England we do not worry about it, we merely look on and smile I have always rejoiced in the establishment of the Irish Free State But freedom has to be paid for! In Ireland it means the domination of the narrowest and most medieval sections of the Catholic church (much as I love Catholic priests) (NA2323)

This unwanted foreign interference and ridicule would no doubt have led the Church and State further along the road of conviction that Ireland must not be exposed to any further negative publicity

Whilst the Censorship of Publication Act 1929 seemed effective at controlling the domestic press and those foreign newspapers that desired a market share, it probably did little to stop the flow of banned novels to those elements in Irish society who wished to

read them as there was a thriving black market in them (Carty,1995) By suppressing the wider availability of a more challenging press and by restricting the world of ideas to a limited well educated market it laid a solid foundation to build the myth of the new Ireland within Ireland itself, a myth that would be quarantined from the heresy of the reporting of the unpleasant aspects of Irish life internally and from the unwanted criticisms of outsiders and those who dissented from the party line In short it perpetuated a mythical Ireland in which the truth was often an unwanted visitor It was in this cultural and legislative climate that the plight of marginalized Irish children was to be examined and legislated for

The evidence from the censorship debate and the use of the subsequent censorship legislation indicate clearly that a moral and political censorship had fused with the Catholic/ Nationalist mission to produce a self-serving and ideologically reinforcing world view This had at its core a romantic view of a Celtic Catholic society, which was anti-materialist and free of many of the vices suffered by the outside world To this end communications which negatively effected this world view had to be restricted and carefully managed as the myth was an important part of the fragile post-colonial state's identity, one which the two most powerful organisations in the state, the Church and the Government, had vested interests in supporting The image that the Church and State wanted to project of Ireland can therefore not be ignored as an important determinant in the development of social policy, particularly in those areas that were emotive enough to convey a badge of civilization or otherwise The plight of marginalized and at risk children was one such issue and consequently needed to be explored with discretion and

commented on in ways which would not bring negativity on the state or upset the delicate economic, political and social balances required to maintain its equilibrium

The earliest of these explorations was conducted by the Committee on the Criminal Law Amendment Act of 1880-1885 and Juvenile Prostitution (The Carrigan Committee) The Committee reported in 1931. It may well be that the first victim of war is truth, but in the ideological war for Ireland's heart and soul vulnerable children were to be early casualties. The Carrigan Committee explored the issue of childhood prostitution, the sexual abuse of children and other vulnerable groups. If its findings had been made public they might have sparked a major public debate which would have exposed the plight of many children in Irish society and provided them with a higher level of protection. However, the environment created by the desire to portray Ireland in a positive light and to protect its religious and cultural integrity through the propaganda of purity ensured the report's suppression. The tools of this ideological campaign, censorship and secrecy, ensured that this suppression went unnoticed.

6) THE CARRIGAN COMMITTEE

“It is one thing to show a man that he is in error, and another to put him in possession of truth ”

John Locke “An Essay Concerning Human Understanding” 1690

In 1930 the Minister for Justice, James Fitzgerald-Kenney, established the Carrigan Committee. Part of remit of the Committee, headed by the Q C William Carrigan, was to investigate the need to upgrade the legislation relating to child prostitution in Dublin. The committee reported in August 1931 but the report did not see the light of day until its release to the National Archives in 2000. The secrecy with which the Carrigan Report was handled at the time of its proposed publication can be illustrated by a letter sent by Mr D Coffey, the Assistant Clerk to the Senate to the Department of Justice who requested a copy for use by the Senate special committee. Stephen Roche, Secretary at the Department of Justice, agreed to the request but pointed out that so few copies had been printed that he would have to lend the Senate special committee his own and that he wanted it back (Kennedy, 2000 362)

In exploring this issue the committee took evidence from a wide variety of interested parties. It soon became apparent to members of the Committee that there was some startling evidence to be heard in relation to sexual offences in the Free State, so much so that Mr Carrigan himself made a request to the Master of the High Court for a male

typist as “ the evidence tendered has been of such a nature that it could not be properly given for typing to female typists”(NA H/122)

The press seemed curiously mute on the work of the Commission. Admittedly it decided to hear its evidence in private but nonetheless it advertised in all the major daily papers outlining its brief and asking for witnesses. Almost the only comment on the work of the Committee came from the English *Daily Express* and focused on the gender composition of the Committee, stating that there should be more women on the Committee as “it was a women’s issue” (ibid). That is not to say that the Irish national press was oblivious to matters of sexual morality. In 1926, prior to the imposition of the Censorship of Publications Act, the *Irish Times* had published an article decrying the slippage in standards of morality in Ireland. The article concluded “If the police authorities and hospitals could speak freely on this subject, they might shock the national conscience” (9 2 1926). This article is interesting not just because of its assertions about public morality but also because it implies a level of censorship on sexual matters that was understood and adhered to prior to the formalisation of censorship under the law.

General O’Duffy, the Free State Commissioner of Police, gave extensive and detailed evidence of the extent of sexual crimes against children in the State. O’Duffy’s evidence was based on a survey compiled by the Superintendents and Sergeants of over 800 police districts that covered the state. Having heard O’Duffy’s evidence the committee reported

That the moral outlook of the country had changed for the worst in recent years,
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 downward, including many cases of children under 10 years,

That the police estimated that not 15 per cent of such cases were prosecuted, because of

- 1) the anxiety of parents to keep them secret in the interests of their children, the victims of such outrages, which overcame the desire to punish the offenders,
- 2) the reluctance of parents to subject their children to the ordeal of appearing before a Court to be examined and cross-examined,
- 3) the actual and technical embarrassments in the way of a successful prosecution of such offenders owing to (a) the difficulty of proof, from the private nature of single witness, the child, (b) the existing law, or the rule of practice in such cases, requiring corroboration, or requiring the Judge to warn the Jury of the danger of convicting the accused upon the uncorroborated evidence of the witness

In explanation of the numerous cases of outrages upon young females, the Commissioner pointed to the fact, to which other witnesses had attested, that in the Free State at the time children of the poorer classes were less protected than in Great Britain

“In Dublin the necessity in the case of many families living in tenements, for the parents, both father and mother, to leave the children to look after themselves in the day time whilst they themselves went out to earn their livelihood, was a constant source of danger In rural districts girls of 14 are sent out to service, which deprives them of the protection they had with their parents (Carrigan Report 13-14)

Several witnesses saw that sexual danger to girls and young women in service was a real feature of their daily lives Mrs Tom Kettle, a leading social reformer of the day, stated

in her evidence to the committee that whilst she generally favoured an increase in the age of sexual consent to 18 years, “Where the girl’s seducer is her employer, guardian, tutor or such the age of consent should be 21 years” (NA H/122) Several other witnesses to the Committee supported these views, including a Father Fitzpatrick who argued that “any employer that seduced a girl in his employment might be regarded as using intimidation” (ibid pg 39)

This clearly recognises that various influential individuals should be prevented from abusing their positions of power for sexual reasons The recommendation to this effect, which was never adopted by the Committee, was an extremely radical one Indeed it was not introduced into UK legislation until the late 1990s in relation to social care professionals and teachers There is still no law to this effect enacted in Ireland

It is worth noting here that there is no hint or mention of abuse in institutions, which at this stage would have been almost exclusively run by church organisations, or of intra-familial sexual abuse, which we now know to be the main area of abuse (Aldridge 1994 Savi 2002) These omissions raise several questions Is it that the pattern of abuse, its reporting or investigation has changed over the 50 years since this report was written, or that indicating intra-familial abuse or abuse of children in institutions was a step too far for even this far-sighted panel? This is not to say that all contemporary commentators were quite so reticent on these difficult issues

As early as 1930 a councillor called Cooney, on Wexford County Council, had raised concerns over Industrial Schools, describing them as “factories for criminals” and alleging that too many young people were being placed in Industrial and Reformatory Schools on erroneous grounds and were having their lives ruined as a result. In a plea for what would now be called diversion Councillor Cooney asserted, “If a lot of children’s crimes in the first instance were glossed over instead of having them sent to Industrial schools they would turn out better citizens”. His fellow councillors gave his concerns no credence. One of them, a Councillor Gibbons, suggested the need for an independent enquiry into Industrial Schools (*Wexford Echo*, 15 11 1930 8). However, it would seem that this comment from Councillor Gibbons was not sincere but a jibe to get back at Councillor Cooney for concerns he had raised at a Wexford Board of Health meeting in the September of 1930. This incident is illustrative of the difficulty of complaining about concerns over abuse and of how the establishment closed ranks on the issue. It is also a very rare example of newspaper coverage of alleged brutality at a school run by a Catholic religious order. It is worth spending some time exploring this event before returning to the work of the Carrigan Committee.

In the September 1930 Councillor Cooney raised the case of a Mathew Daly of New Ross who had returned badly beaten to his family home from the Cabra Deaf and Dumb Institution in Dublin, an institution run by the Christian Brothers. Mathew’s father had complained to the Christian Brothers over the treatment of his son and received a very unsympathetic hearing. The Christian Brothers completely denied the allegation, stated that the doctor who had examined Mathew who had clearly been “savagely beaten” was

wrong and asserting that she had even had the date of the examination wrong as Mathew had left their care a month earlier. The Brothers stated that no child was ever beaten at their institute and provided several letters of testimonial from local Wexford families. Cooney objected to them being read into the record as they were of no relevance to the case at hand but this was over-ruled, the letters were read and they were reproduced in the newspaper coverage. All the other parties concerned, Mathew, his family, the doctor involved and Councillor Cooney were clear about the date that Mathew had returned to New Ross from Dublin, and clear that he had received the beating whilst at Cabra. The Christian Brothers refuted Mathew's own evidence that he had been beaten at Cabra stating that "no importance can be attached to his answers." This, they asserted, was because he signed and would simply follow the lead of the person asking him the questions. All of the other members of the Board of Health present rallied to support the Christian Brothers. One suggested that the release date the brothers had given was correct and the boy was beaten after returning home. Cooney was not bowed and demanded that an independent enquiry be established on the matter. This was rejected by the rest of the Board of Health, as was Cooney's assertion that the Board should have regular reports about activities in the institute. One member of the Board, a Mr Quinn, rounded on Councillor Cooney stating that he was trying to "make out that the boy was beaten by one of the brothers." Cooney said he simply wanted to know who was guilty (*Wexford Echo*, 20 9 1930 6).

The tone in both these reports indicates the difficulty of expressing any concerns over the running of centres by the religious, the closing of ranks by the majority in power and the

hostility aimed at those who brought the complaint, even if they were elected representatives

Notwithstanding this unrelated evidence it is fair to say that the evidence presented to the Carrigan Committee referred in the most part to extra familial abuse that was not perpetrated in institutions. For example in General O'Duffy's submission to the panel he claimed, "Assaults on girls under the age of 10 usually occur in tenement dwellings in the absence of the parents or guardians" (ibid)

Thus the family and the church were until recently untouchable institutions within the state. As Breen suggested in 1990

up to the 1960s a distinctive combination of religious orthodoxy, family based production and the Catholic church's unrivalled prestige and legitimacy left the family largely outside the sphere of state intervention (Buckley, Skehill and O'Sullivan, 1997: 93)

The evidence of the then Commissioner of Police differentiated between girls and male children indicating that the police recognised the sexual abuse of boys. Later in the report the committee make this explicit. In section 11 of their recommendations they deal with what they refer to as "Outrages on decency"

"The offences in this section relate to gross indecency between male persons, a form of depravity that is spreading with malign vigour. The difficulty which the law encounters in efforts to suppress it is aggravated by the notorious fact that the offence has become an habitual vice in the case of most adult offenders who are charged, that of adult offenders some commit it with adults, some practice it habitually on children of tender years of both sexes, and others systematically decoy boys to become their "patients", who at first are void of knowledge of the

nature of the acts to which they innocently submit, but in process of time from association with their deceivers become corrupt and debased (NA, H122 23)

The report presents the number of prosecutions for sexual offences against girls under 18 and between males, including children. The figures for sexual offences against girls under 18 were 169 for the years 1924-26, 268 for the years 1927-29 and 93 for the year 1930. Whilst the corresponding figures for offences against or between males, which included children were, 76 for the years 1924-26, 174 for the years 1927-29 and 69 for the year 1930.

O'Duffy clearly indicated his view that "defilement of girls under 13 years" was a persistent and growing problem. In a chilling section in his evidence he informed the Committee

In my opinion the attempt to commit this offence should be also classed as a felony. Cases have occurred recently in which children between 4 and 5 years have been interfered with. It is impossible to have complete connection with a child of such an age - the attempt should therefore, be made a felony.

Such offences on children between the ages of 9 and 16 are unfortunately, increasing in this country. During the years 1924/1929 we find the following figures for Dublin City alone. For the reported defilements of girls under 10 there were 13 prosecutions, for the age 10-13 there were 7 prosecutions, 13-16 there were 11 prosecutions, 16-18 there was 1 prosecution and for the offence of Rape, over 18s, there were 7 prosecutions and 72 prosecutions for the Indecent Assault of females (ibid 5) [Original in table form]

Indeed the worrying trend of the increasing profile of sexual assaults against young girls persisted for the rest of the decade. An internal Department of Justice memorandum written in 1936 states "There is no appreciable change in the figures for indecent assault

on females, but unnatural offences and offences against young girls show a definite tendency to increase” The memo shows that for the years 1927/8/and 9 offences against young girls totalled 86 For 1930/1/2, they totalled 92, and for 1933/4/5 they totalled 132 (NA J 8/451 1936)

It should be remembered that General O’Duffy in his evidence to Carrigan estimated that this represented not more than 15% of such cases (ibid 19) When examining the figures relating to males one must remember that these included prosecutions relating to adult sexual relationships These may have been based on an assumption by the Committee that adult homosexuals automatically gravitated sexually towards children This theory was prevalent at the time and still enjoys some popularity today, despite evidence to the contrary

O’Duffy’s findings are fascinating on a number of levels Not only do they indicate that the sexual abuse of children of both sexes was known of in Irish society at that time but that it was not an uncommon occurrence They allude to the preference of families to protect their children from stigma rather than choose prosecutions O’Duffy’s evidence highlighted the difficulties presented for children giving evidence by the court system and that for that evidence being accepted in the courts and by the public Indeed the latter sections of the evidence refer to what we now call a process of grooming by perpetrators of children and young people, the possible link between being abused and going on to abuse It is also fascinating that the committee seems to allude to the persistent and habitual nature of this form of behaviour and the subtlety with which perpetrators

operate, something that has only recently been accepted by psychiatrists and other professionals working in this field (Jenkins, 1996) O'Duffy's evidence is of particular value in assessing the accurate reporting of this type of crime in the Free State at that time It gives us an important insight into a hidden and lost part of life in Ireland during the early decades of this century It is a small though important part of the jigsaw As Lalor has argued "it is unlikely that we shall ever know the extent of child sexual abuse as it occurred in Ireland for much of the twentieth century" (2001 6) Mark Finnane writing in *Irish Historical Studies* in 2001 gives some indication of the significance of this problem in the late nineteen twenties, reviewing the conviction rate he notes

Of particular note is the frequency of sexual assaults involving a female victim of under 10 years of age In one year, 1927, which recorded the highest number of sexual assaults involving a females (133), nearly a quarter of all prosecutions involved offences against girls under ten years of age Over the three years 1927-9 more than a third of prosecutions involved offences against girls under thirteen years of age (XXXII No28 532)

Finnane also notes the increasing number of prosecutions for offences against boys The reporting of these crimes is itself noteworthy and for Finnane it suggests the Garda's effort in relation to these offences, which he notes are " difficult to prove and shameful to be involved in" (ibid)

In his evidence General O'Duffy presented a sample list of sexual offences and alleged sexual offences perpetrated in the Free State in 1930 NA J 8/451) These totalled some

34 cases Of these 32 related to offences or alleged offences against children, two were of bestiality and two for homosexual activity between consenting adults

In an attempt to determine the level and nature of the reporting of these crimes an analysis was conducted of the year 1929 using two national papers, the *Irish Times* and the *Irish Independent* and at least one local paper which covered county/city that the crimes or alleged crimes against children that took place in and would therefore ordinarily be tried there A total of 17 local papers were sampled covering the counties Clare, Cork, Dublin, Kerry, Leix, Limerick, Louth, Mayo, Offaly, Roscommon, Tipperary, Waterford, Wexford and Wicklow and the cities Cork, Dublin, Limerick and Waterford The abuse of children was not something that manifested itself in certain environments or geographical locations but appears to be a broadly spread phenomenon

FINDINGS

The first thing that is evident from surveying the identified local and national papers for 1929 is the comprehensive and highly detailed coverage of the proceedings of the various courts around the country by both local and national papers The reports were often highly detailed, in some cases carrying verbatim testimony The issues covered ran across the whole range that one would expect to find in rural and urban courthouses and the communities they covered Crimes ranged from petty larceny to the most serious crimes of criminal violence However, crimes of a sexual nature other than that of homosexuality, which was reported using the codes “a grave offence” or “an unnatural act”, are noticeable by their absence Many of the local papers also carried stories of the

physical mistreatment of children by their parents and detailed coverage of local National Society for the Prevention of Cruelty to Children (NSPCC) meetings

Out of the seventeen local and the two national papers surveyed only one local paper carried reports of a crime or alleged crime on O'Duffy's list. A total of five other cases not on O'Duffy's list were reported. These indicate that as well as O'Duffy's estimate that only 15% of sex crimes against children were reported police data on reported offences was not comprehensive. This, if O'Duffy was right, would have substantially inflated the percentage of the estimated level of crimes against children reported to Carrigan.

Of these five cases one is described in such vague terms that it is difficult to determine the nature of the offence and two reported the judge's view that mitigating circumstances should lessen the sentence imposed for the crime. One of these justifications was that the lad was "soft" (learning disabled) and the other that the judge would not dream of imposing anything like the maximum sentence as the victim, a girl of fifteen, had "admitted to not being a virgin". The fourth offence listed the man's occupation as being a stonecutter, and the fifth referred to the rape of a child carried out by two juveniles. There was no discernable difference between the reporting of sexual crimes or alleged crimes from rural or urban areas.

From the evidence to hand there would seem to have been a general reluctance by local and national papers at the time to publicise cases involving sexual crime against children. Whether this was due to a general Irish societal sensibility on this issue, whether to the censorship legislation and the impact of the Waterford Standard case, or whether there was a general unwillingness through conviction or fear to publish the truth can now only be a matter of conjecture. A detailed analysis of the coverage of sexual offences in the Irish press before and after censorship would be interesting. Whatever the reason, the incidence of child sexual abuse cases in Ireland during this period and, according to the "Crime Reporter" cited above in *The Bell*, over ten years later, was shrouded in a conspiracy of silence. This did not help to protect the large number of Irish children who appear to have been sexually assaulted during this and subsequent periods.

The Carrigan Committee took evidence from a wide variety of witnesses during its deliberations. Mrs Hanna Clarke, an NSPCC inspector, gave evidence to the committee in a private capacity. The NSPCC and the Society of St Vincent De Paul had both been invited to give evidence to the Carrigan Committee but had declined to do so. In a letter to the Committee the NSPCC stated

We have come to the opinion that the society has no material information to give, especially as such cases in Ireland as that referred to are undertaken by the police we have not got the evidence we should want, if a representative of the society went into the witness box. Signed, W J Elliot Director 10 7 30 (NA.H/1220)

However, Mrs Clarke was less reticent than the Director of the NSPCC in sharing her views. She was unequivocal on the profile of the typical offender and the judicial bars to their apprehension.

Men who tamper with children are between 40 and 50 years and older, and justice is severely influenced owing to the fact that the law of evidence prevents reliability being placed on the evidence of young children between six and ten. The children are not so much in danger between ten and fifteen as blackguards are afraid that children will tell and are conversant with the law. These children are more exempt from attack than younger and older girls. Men that assaulted little girls under ten years appear to be well aware of the loophole of the inadmissibility of the uncorroborated evidence of their victims" (Evidence of Hanna Clarke NA.H/122)

The report's recommendations were extremely far reaching and included safeguards for children's anonymity, the raising of the age of consent and streamlining the court process. It advocated the improvement of the adversarial system to give greater credence to sole witnesses' evidence and greater protection for vulnerable adult women such as those with learning difficulties and mental health problems. The Committee also recommended higher penalties for offenders and, with startlingly modern overtones, the naming and shaming of perpetrators. The report also recommended the equalisation of the law for rich and poor as the 1861 Act had given specific protections for heiresses in relation to abduction that were not applicable to those of the poorer social orders.

The Carrigan Committee also recommended that boys be brought under the umbrella of legal protection from sexual abuse. The realities of male prostitution and the sexual abuse of male children were not lost on a group of 54 women doctors who prepared a submission for the Carrigan Committee. They argued "The young male offender must be dealt with also. Efforts should be made by a man probation officer to get in touch with him." They went on to suggest that those who hired prostitutes should also be targeted.

Soliciting by men must come specially under your consideration, for to attempt to prevent or destroy prostitution by protecting girls alone will prove as futile as the

attempts to eradicate disease by treating women only (Evidence of Lady Doctors NA H/122)

The evidence of the 'Lady Doctors' was far reaching in terms of recommending protection for children and those with learning difficulties. They recommended hostels for young girls, female probation officers and a movement away from punitive approaches to prostitution. Their public health emphasis was clear in their recommendation of more effective street lighting as a preventative measure. The submission portrayed the problem of sexual harassment of women in Dublin as being acute. Women were being "constantly accosted and pestered by men at night." They asserted that "in dealing with juvenile prostitution prevention is better than any remedy" (NAH/122)

Whilst many of the report's recommendations are radical for their day and some are still under debate in this jurisdiction at the beginning of the 21st century, its findings were steeped in the social conventions of the Free State in the 1930s. Indeed, although the Commission was made up of a barrister, a Jesuit, the Dean of Christ Church, a surgeon, a Commissioner of the Dublin Union and the Matron of the Coombe Hospital, a group which could hardly be considered anti-establishment, its findings were deemed too risky for publication.

Two unsigned government briefing documents on the report are held at the National Archives. One of these documents draws attention to certain concerns about various

elements of the report, to the way in which evidence was heard in closed session and to what the author viewed as the one sided nature of the evidence. The memo also challenged the state of mind of the committee members in relation to various views and the fact that the Committee recommending major legislative changes although no Circuit or High Court Judges had been called to give evidence. The latter point seems to ignore the fact that Carrigan was a KC with a long history of prosecuting criminal cases. The civil servant concluded his report by stating

On the whole the report should be taken with reserve" and that "It would be advisable to circulate the report to the Judges and obtain their views". The author was keen to point out that his memorandum was to "call attention to certain points which might be considered by the government before a decision is taken to adopt the report. The arguments contained in it should not be taken as representing the views of the Department of Justice (NA. H247/41D)

However, the second memo which accompanied the Carrigan Report to government, is less reticent in its condemnation and recommends the non-publication of the Carrigan Report. This memo gives some indication of the establishment view of the time. It argues against publication on several legal grounds and expresses the view that the heart was ruling the head, despite the fact that the committee was headed by a KC. The memo goes on to articulate the concerns for the social order, suggesting that unscrupulous young women will seek to marry above their station by naming innocent young men as their lovers. Indeed, the document suggests that the present arrangement "confers a measure of protection on unsophisticated young men against the wiles of designing hussies" (NA. SR 22/36). This concern for the welfare of "unsophisticated young men" betrays a deeply class based bias by the author who feared that young men of property could be

forced to marry beneath them as a result of the sexual liberality of girls and women from what were viewed as the lower social orders

The Department of Justice Memo also expresses concerns over the validity of the evidence of child witnesses. This has been a major area of contention over many decades and the debate continues to this day (Dent & Flin 1996)

After several pages of argument the memo asserts,

Apart from the question as to whether the report should be adopted, it is the question whether it should be published. The view of the Department of Justice is that it should not be published. It contains numerous sweeping charges against the state of morality of the Saorstát and even if these statements were true, there would be little point in giving them currency (NA.SR 22/36)

The suppression of this report clearly had a social and political agenda. The memo concludes

Unless these statements are exaggerated the obvious conclusion to be drawn is that the ordinary feeling 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 wider circulation (ibid)

Here we see in graphic relief the desire of a civil servant to suppress information about embarrassing crimes against children for the sake of the international view of the state and the perception of the supremacy of religious faith and values which acted as far more of a social glue than the rule of secular law albeit with its Judaeo-Christian base

Given this historical baggage there must have been a strong desire not to re-enforce this image internally or to other states and groupings, particularly the British and those who supported the Union in the North (Tanner, 2001) It is possible to see the motive for suppressing this report no matter how retrograde a step it may seem now As Finnane asserts “Facing up to what was going on in their own society was not something which came easily to Irelands governing elites in the decades after independence” (2001 535)

In essence the state’s response to this report gives a blueprint for its responses on this issue for the next 50 years Censorship and social control were the hallmark of the emerging state and the Catholic church was very much entwined into its fabric The domestic media supported this consensus and the indigenous press did not welcome foreign competition (Horgan, 2001)

The civil servant quoted above gave voice to a view about the evidence of children held by experts for most of the preceding 200 years when he said

It is understood that many competent authorities have grave doubts as to the value of children's evidence A child with a vivid imagination may actually live in his mind the situation as he invented it and will be unshaken by severe cross-examination (NA SR22/36)

This scepticism draws from a rich tradition (Dent and Flynn 1996) which was one of fundamentalist Catholic orthodoxy viewing children as angelic creatures close to God on

the one hand and on the other as potentially malevolent spirits who needed to be cowed and managed by adults (Hoyles 1989)

In his work as a barrister Carrigan had gained insight into the prevailing culture of secrecy and its effect on children. In 1929 he had acted as the prosecuting barrister in a case in Kerry in which a number of men had been tried for sexually assaulting a young girl. In his summation he argued that the “crime would seem to have no counterpart except perhaps among savages in an unknown part of the globe”. He went on to claim that the “village was abandoned to an orgy of drink and dissipation” and that the “Civic Guard were disrupted every step of the way” (Irish Times 28 2 29)

James Geoghegan, the Minister for Justice at the time of the presentation of the Carrigan Committee report, arranged for circulation of the draft to various interested parties amongst the religious and political elite. The view of both the Catholic and political establishments seems to have been that publication was undesirable. David Keane, the Catholic Bishop of Limerick, replied to the Minister, having read the draft and the civil servants view on the report cited above, that he could “see no great gain in publication which on the other hand might give rise to a good deal of unsavoury correspondence in the Press” (NA SR22/36). In a subsequent meeting with the Bishops of Limerick, Ossory and Thanos. The Minister invited the views of the Bishops on the question of publication of the Report. The Bishops intimated that it was a question of some difficulty and that they felt that for the present at all events the Report should not be published. The Bishop of Ossory said that if a copy were sent to each of the Bishops, and to a few other persons

who might have useful suggestions to offer regarding reforms, there would be sufficient publication and that general publication “was not desirable” (ibid)

It should be noted, however, that not all the religious who commented on the Carrigan draft took such anti-democratic views M J Browne, who was a lecturer in Moral Theology at Maynooth in 1931 and went on to become the Bishop of Galway, wrote to the Minister for Justice suggesting that

Certainly the publication of the report would not create a good impression It would lead many to say, as the Department report suggests, that the influence of religion has failed in this country They would be partly right I am not at all quite sure that the Report should not be published It will rejoice our enemies, I admit, but the more I consider it the more I see the need of wakening up and the dangers of suppression (NA H247)

This concern over the dangers of suppression does not seem to be a view shared by Catholic clergy, hierarchy or lay activists It is also worth noting the use of the word “enemies”

The Carrigan Report having been circulated amongst a small group of clergy, politicians and civil servants, it was decided not to publish This view was not universally popular and there is evidence that the Minister for Justice came under considerable pressure to release it A civil service memo (NA H247/41D) expresses this view without alluding to the source of the pressure Clearly the more conservative view that favoured non-publication won the day The national press made no comment whatsoever about the

failure of the Carrigan Committee to produce a report. It should not be assumed however that this failure went unnoticed. As late as 1951 Michael Farrell, one of the pioneers of Irish radio, developing a programme called 'Thrashing It Out' which later changed its name to 'Pros and Cons', claimed that amongst the criticisms of Radio Eireann should be its refusal to allow debate relating to the Carrigan Report (Farrell, 1951: 59).

Although the report had not been published Carrigan had exposed, to however restricted an audience, the unsavoury aspects of life in the Free State and it was clear that something needed to be done in terms of amending legislation. However, the political establishment and religious hierarchy of the fledgling state, whose leaders perceived it as having a religious and historical mission, did not want outsiders, particularly the English, or indeed their own population, to know the nature or extent of sexual crime against children in the state and the more general existence of what societal norms at the time viewed as sexual immorality. The Minister for Justice, James Geoghegan, therefore set about the establishment of a Dáil Committee that would not rock the boat, but would allow legislation to be introduced that would tackle the difficulties unearthed by Carrigan.

In a letter to W. T. Cosgrave, leader of Cumann na nGaedheal dated 26th November 1932, Geoghegan acknowledged that they were in agreement on the strategy to bring in legislation growing out of the Carrigan Report. The Minister was no doubt mindful of the impracticality of the advice he received from the Jesuit Fr. J. Canavan who bemoaned the propensity of committees like Carrigan to "lament in public for other people's sins." In

his view this rendered the Committee's findings " lacking in judgement and unworkable " He suggested that for these reasons it would be " far better if a bill dealing with the matters reported on the Commission could be passed into law without public discussion in the Dail " He went on to suggest " A judge or two, a lawyer or two, a well balanced priest or two, an experienced police officer, meeting in private" (Letter dated 19 11 1932 NA. H247) Geoghegan seems to have attempted to steer a middle course between the anti-democratic sentiments of Father Canavan and the necessity of parliamentary process He suggested that an informal Committee be established which would liaise with the Parliamentary Draughtsman on the Heads of the Bill He further suggests

The committee to be representative as to be likely fully to criticise the Report and to advance any further suggestions which might be helpful to the Oireachtas, with a view of avoiding as far as possible public discussion of a necessarily unsavoury nature Personally I think a committee of this kind could adequately discuss the Bill and that its various stages in the House might well be formal but as others may take the view that it would not be feasible to pass the Bill without public discussion in the Dail it may not be possible to confine the discussion to this committee (ibid)

Here we have the Minister for Justice seeming to suggest that in his view that parliamentary scrutiny of a Bill may be a regrettably necessary consequence, rather than a democratic imperative A view that the leadership of the other parties in the Dáil supported (ibid)

Geoghegan felt that independents and representatives of minority parties should be included in a small committee and that it might be useful if

In addition to these members of the Dail I would suggest the inclusion of a judge, a barrister with large experience in criminal cases, and a member of the medical profession. Would it be desirable to reserve liberty to call in others in a consultative capacity if thought necessary? (ibid)

William T. Cosgrave assented. He indicated that Mr Fitzgerald-Kenney, the former Minister for Justice, and Mr D. Fitzgerald would act on the committee for Cumann na nGaedheal. However, Cosgrave felt that the membership of this committee should be confined to "Dail or Dáil and Senate" representatives (Letter dated 12 12 1932. NA J/H247)

Having gained the agreement of the main opposition party, Geoghegan then set out to involve independents and minority groupings. In a letter to Daniel Morrissey dated December 3rd 1932, the Minister makes it clear to the independent TD that the purpose of the committee is to minimise "Public discussion in the Dail on subjects necessarily unsavoury". Geoghegan went on: "As I have indicated the committee is not being set up under the Standing Orders and although constituted by reference to parties or groups in the Dail it is not intended to be in any sense "party" (NA.H247)

The committee was duly established and included the Minister for Justice, the Attorney General, and Deputies Davin, Dillon, Fitzgerald, Fitzgerald-Kenney, Morrissey and Thrift. In an unsigned letter from a civil servant to the Minister for Justice dated the twenty third of February 1933 the 'understanding' between those on the committee was spelt out: "It was understood that any minority on the Committee would be bound by the

decision of the majority and would not press their point of view in committee stage or elsewhere” (NA H247/41D)

The Committee held eight meetings. The minutes of their seventh meeting, held on May 30th, 1933, show that the Catholic hierarchy felt free to involve themselves with the business of the Oireachtas by requesting that they be given privileged access to the Bill ahead of the members of the Dail. However, on this occasion the Committee rejected the bishops request, asserting that “It would not be advisable to comply with the request of the Bishops for an opportunity to consider the draft Bill as such a step would be contrary to the practice of the Oireachtas and, in fact, breach privilege ” (NA H247/41D)

The Criminal Law Amendment Act was passed into law in 1934. It was devoid of all of the radical proposals put forward by the Carrigan Committee and objected to by the leadership of church and state. Indeed one civil servant stated in a memorandum that the Committee had been established to ensure consensus and that the resultant Act reflected this and was weaker for it (NA H247/41D)

The Act ensured that the less desirable aspects of daily life in the Irish Free State that the leadership wished to hide from outsiders in its suppression Carrigan could be further controlled. Section 20 of the Act reads

- (1) Whenever any Judge or Justice is trying an offence which in his opinion is an offence against or contrary to decency or morality, such Judge or Justice shall have discretionary power to exclude the public during such trial from the court in which such trial is taking place

- (2) For the purpose of this section references to the exclusion from the court of all persons whatsoever except the Judge or Justice presiding at the trial then in progress, the officer of the court, the jurors (if any) sworn for such trials, the accused person and any member of the Garda Síochána or prison warder in charge of him, the counsel and solicitors engaged in such trial, members of the Garda Síochána on duty in the court, other officers of the State present in their official capacity, the witness (if any) who is from time to time giving evidence, barristers bona fide practising as such in Saorstát Éireann, and representatives of the press
- (3) In this section the expression “ representative of the press “ means a person who is regularly engaged or employed in journalism and is duly accredited by the editor of a bona fide newspaper published not less than once a week or by the manager of a bona fide news agency or press association as a representative of such newspaper or a reporter of legal proceedings for such newspaper, news agency, or press association ” (Pg 6)

The use of ‘bona fide’ may well have had a useful impact on restraining public knowledge on some matters as a result of the 1929 Censorship of Publication Act which muzzled those newspapers that would have been more forthright in their investigation of events

This suppression of information may be seen as being in keeping with the desires and operational norms of both church and state during this period. One small example of this is a case of the horse whipping of students at a diocesan college in Mullingar, County Westmeath, where two pupils had been beaten by their teacher with a riding crop. The boys took a civil action against the priest who contended that the punishment had been reasonable and necessary to promote discipline. The jury found in the priest’s favour. The story received extensive coverage in the British Press (Clippings from *Belfast News* and *News of the World* (NA DJ 93/63) but it did not receive any coverage in the

newspapers published in the Free State The Department of Justice were alerted and the Garda Commissioner requested a report from the local Superintendent His officer concluded his report by stating

“ The case was dealt with in this area in great secrecy It never came to the notice of the Garda officially, and all that is known about it is hearsay Perhaps if discreet inquiries were made of the other parents, residing in Kiltbeggan and Multyfarnham respectively, some fairly definitive confirmation of the facts could be procured there

The local Superintendent thought further enquiries into this matter were “undesirable”
(NA. DJ 93/63)

One can easily imagine that if horse whippings in a local school could remain secret despite a High Court action the daily events in closed and secretive institutions could also go un-investigated or unreported

Whatever the cultural or political imperatives which lead to the suppression of the Carrigan report the main tragedy of this event is that the evident understanding and expertise of the witnesses in what was and is a deeply complex and troubling issue was lost to the Irish state as it scrambled to find a way to legislate with minimal publicity for what was and is a hard issue to deal effectively with, without public knowledge and education (Aldridge, 1994, Costin et al, 1996) Kennedy poses the question

If the Carrigan Report had been debated in public, would public awareness of the prevalence of child sexual abuse have ensured that the relevant authorities took appropriate action” She continues “If as Bentham said ‘publicity is the soul of justice’, perhaps the answer to the question is in the affirmative (Kennedy, 2000 362)

Unfortunately any public debate of Carrigan would have run counter to what was acceptable in the fledgling Irish Free State

7) OUR MOST HELPLESS CITIZENS ADOPTION, THE CHURCH AND THE DISCOURSE OF THE STOCK YARD

“I am writing on behalf of the most helpless of our Irish citizens”

Opening line from a letter to Eamon de Valera from a mother pleading for the enactment of legalised adoption in Ireland 1946 (NA S10815A)

The next significant piece of legislation that was brought forward to provide care and protection for vulnerable children, legalised adoption, was also destined to elicit a negative reply from the church. However, on this occasion, whilst the church initially got its way on the issue the State was eventually forced to implement legislation in the face of public pressure

The issue of the legalisation of adoption serves as an important example of how an issue with widespread public sympathy with which the church had objections could find its way onto the statute book despite governmental concerns over the reaction of the Church. It is suggested here that the scales fell in favour of legislation when a burst of political lobbying which was latterly supported by the *Irish Times* convinced both Church and state that the electoral and public relations difficulties which would emerge from their continued resistance to legislation, in the wake of the Mother and Child Scheme debacle, outweighed the consequences of failing to introduce the legislation. The lobbying against the church's objection to legislation was a well-educated, well

mobilised group of middle class professionals. The issue was one that found widespread popular support and therefore the pro adoption lobbyists did not have to do substantial work in broadening the appeal on the issue. Indeed the clerical arguments against would probably been harder to communicate, not that the church chose to but rather applied pressure on the government to achieve their aims.

The issue of adoption can be seen as an early example of what Inglis referred to as development of a more protestant form of Catholicism in Ireland (Inglis,1997). A development that would lead to a more radical and pluralistically based call for social change in the wake of the Kennedy Report in 1970.

The *Irish Times* was to play a role in supporting the campaign to legalise adoption. However, the *Irish Times* role cannot be described as campaigning on the issue until the February of 1951 when the paper was spurred into action as a result of adverse comments against it by the Attorney General following an editorial on the issue and the Mother and Child debacle was to have begun to alter the political landscape by exposing the role clerics played in the shaping of state policy. A role which led the *Irish Times* to assert in the April of 1951 that the most serious revelation coming out of the Mother and Child affair was that “the Catholic church would seem to be the effective government of this country”. An assertion that was to cause both church and Government severe discomfort and an assertion that neither church nor government wanted to confirm by continuing to oppose what was seen by the public as a self evidently necessary piece of legislation.

However, even at an early stage the issue of the legalisation of adoption may be seen as a soft enough issue for the press to feel that they could voice support for legislative change without raising public hackles in what a newly evolving social and political landscape Hovland writing in 1949 argued that messages communicated in the press stand a far greater chance of gaining widespread popular support if the message lays “within peoples latitude of acceptance” (O’Connell, 1996 8) It is argued her that the adoption issue fell within this latitude of acceptance This issue can be seen as an early example of the breakdown of the consensus that the Church was sovereign in social affairs

During the late 1930s and through the 1940s the Irish Government came under increasing pressure to introduce legalised adoption, in line with other European states, America and Canada Adoption was facilitated informally A couple could acquire a child by simply attending a convent home with a letter of recommendation from a parish priest Outside this no checks were run on the adoptive parents and there would be no monitoring of the informal arrangement, as there was no requirement for this under law Conversely, the adopted children did not have the right under law to remain with the adoptive family, or to inherit the parent’s estate in the way birth children did This was also an age when adopted children were not informed that they were not the natural offspring of the adoptive family and this family secret was often exposed when young people needed birth certificates for examinations etc There is evidence that deeply entrenched conservatism amongst some of the rural population in relation to land ownership led to an instinctive rejection of legalised adoption As one rural TD put it to a

member of the Adoption Society of Ireland who were lobbying for change, interfering with the line of succession was like “interfering with the stud” (Whyte 1980 187)

In 1938, in response to growing public concern, Taoiseach Eamon de Valera , requested the views of the Department of Justice. They opposed change for three reasons. The first was that no real case had been put forward and that people who advocated this type of legislation were “ moved by a vague feeling that in failing to pass such a measure the Oireachtas is in some way falling behind in social matters the British Parliament”

The second was that legalised adoption might not only prove of little utility to the child but might place it at a material disadvantage if it ended up with an adoptive family that was less well off than a birth family which was prepared to take them back into the fold. Thirdly they cited a consideration that was never far from the minds of Irish Governments “The religious problem would almost inevitably involve the government in difficulties” (Letter dated 11 8 1938 NA DJ 93/39). On receiving this reply the Taoiseach’s noted that he was minded not to pursue the matter at this time (NA S10815A). However, despite De Valera’s stand on the issue the public were to take a different view.

By the mid 1940s an active campaign had been established. This mobilisation of pro adoption opinion culminated in the December of 1947 with the establishment of the Adoption Society. This group was to focus its efforts on convincing members of the

legislature of the need to legislate on the issue of adoption. The Adoption Society also ran flag days to raise money for the cause. It was the political class and not the press who were to be the Adoption Society's main target for lobbying.

By the mid 1940s issue of adoption was linked to the growing social problem of unmarried mothers. On June 18th 1945 the Department of Local Government and Public Health wrote to the Taoiseach's Office outlining their concerns. In this letter an interview between Dr Ward, Minister for Local Government, and Archbishop John Charles McQuaid is mentioned. The Minister suggested that if the church were to fund a shelter for the "unmarried expectant mother" in order to take the pressure off maternity services in certain geographic areas, particularly Dublin, caused by the increase in unmarried pregnancies the State would pay for the care of the baby (NA S10815A).

Dr Ward also broached the issue of legal adoption during his meeting with McQuaid. The Minister reported that McQuaid was minded that any objections the Church might have had on religious grounds could now be overcome (ibid). Seemingly buoyed by this amber light from McQuaid the Department of Local Government sent a report to the Taoiseach outlining the history of the difference of opinion on this matter between them and the Department of Justice. In 1939 following Justice's rebuttal of the adoption issue the Department of Local Government's Inspector of boarded-out children, a Miss Lister, argued that provision for legal adoption in the Free State should be pursued as a matter of urgency. Miss Lister stated that

- 1) She failed to see that any danger would arise from legislation governing the adoption of children since the effects in this country would be to regularise relationships already existing without the sanction of law
- 2) Cases under the proposed measure would be dealt with in a Court of Law where all due care would be taken to safeguard the interests of the parties concerned
- 3) Adoptions take place daily practically in the case of children boarded out by protection societies, and many of the foster parents desire to give the children the further protection of the name of the foster parent and are disappointed to find that there is no machinery available
- 4) The adoptions which take place at present are open to abuse, they are unregulated and unsupervised and it would be in the interests of the children and the adopting parents if legislation were enacted to govern adoption" (NA. S10815A)

Miss Lister and her Departmental colleagues continued a dialogue with the Department of Justice on this issue until 1945. Justice's position was to remain entrenched on the issue. In April 1945 the Department of Justice wrote again to the Department of Local Government and Public Health and informed them that they were prepared to make modification to legislation regarding birth certificates to save embarrassment but that their Minister had decided not to draw up adoption legislation "because he is aware that such proposals would be opposed on religious grounds" (ibid)

The Archbishop would seem to have been sending out mixed messages. Two months prior to his meeting with Local Government and Health he wrote to Justice stating

If my advice be sought, I should urge that no step be taken in respect of Catholic Children - and you know what a proportion that category entails - without referring the matter to the Catholic hierarchy (NA S10815A)

McQuaid's meaning was not lost on Stephen Roche, Secretary of the Department of Justice. His subsequent memo to the Minister indicates that, whilst the religious aspect of adoption was merely part of the objections being raised by Justice in its original response to the Taoiseach, it was in fact the substantial reason for them not recommending the legalisation for adoption despite the pleas made by many sections of public and professional opinion, including, as will be shown below, senior Catholic clerics.

It seems that the position of the Department of Justice on legal adoption was revised in 1945 as a direct result of communications with McQuaid. Whether the Department misinterpreted his meaning or whether the Archbishop changed his mind on the issue, he was at trouble to point out to Mr Roche that any interpretation of his words that suggested compliance on the adoption issue was incorrect (ibid). Following the delivery of McQuaid's letter of the 13th March, 1945 Roche wrote to the Minister for Justice stating:

"It is difficult to see why Dr McQuaid should object to an Adoption Bill which would contain a safeguard on the lines suggested by us. Perhaps he fears, however, that mothers of illegitimate children might be induced by Protestant societies to swear in Court that their religion was Protestant so as to enable the Courts to make Orders for the adoption of Children by Protestants. I do not think anything would be gained by referring this matter to the Catholic Hierarchy. If the Archbishop of Dublin is not in favour of the proposal, it is unlikely the Catholic Hierarchy as a body would agree to it. I suggest, therefore, that we should drop, for the present, at any rate, any idea of introducing legislation... (NA.DJ93/39).

The Minister agreed and plans were shelved. It would seem that this was entirely at the behest of one man, Archbishop McQuaid, who in government circles would seem to

have had more influence than the electorate. The assertion that this issue is something of an individualistic or factional crusade is born out by the available documents. For example two senior clerics, Drs McCarthy and Lucey (later Bishop of Cork) from Maynooth, approached the Department of Justice in April 1945 with proposals for a legalised adoption Bill drawn up by a Catholic lawyer at the behest of “certain Catholic societies”. Archbishop McQuaid had gone to some lengths to imply that Catholics as a whole did not want adoption. This does not appear to have been a universal truth. Stephen Roche explained to them that

the introduction of a Bill by the Minister was held up on account of the religious difficulty, and that Dr McQuaid, who had been approached informally, had not encouraged us to proceed with the matter. Dr McCarthy and Dr Lucey said they would consider the matter further in the light of what he said, but we have not heard from them since (NA.DJ93/39)

McQuaid certainly feared that adoption would lead to the loss of young Catholic children to the Protestant faith. It is not possible to overstate the fear of the Protestant appetite for Catholic converts to their faith in some Catholic quarters during this period.

This concern led to the development of elaborate conspiracy theories that would seem to have gripped a number of senior clerics around this period. The concerns ranged from evidence of proselytising of young unmarried pregnant Catholic girls by Protestant churches through to what amounted to a belief that Protestants were running a slave trade in Catholic babies. The Bishop of Ferns, J. Staunton, wrote a long letter to a supporter of his views on January 3rd 1945. The bishop asserted that young Catholic women were being delivered of illegitimate children in un-registered Protestant maternity homes.

Records of the children's birth were kept away from public gaze at a separate location to ensure that the children could not be identified. These children would then be raised in Protestant homes he referred to as "bird's nests" from the age of two. The children would be spirited off to England by Dr Barnardo's who would ensure that the boys, suitably indoctrinated, would join the British Army and the girls would be sent to work in restaurants etc.

The Bishop went so far as to accuse government agencies of colluding with the practice. He claimed "The Department of Public Health would probably not like an examination of the facts, which might bring some indefensible proceedings to light. They want peace at any price." He continued this assault in nakedly sectarian language claiming that Protestants were "always confident with the ascendancy complex, on which they were founded" and that they were able to keep this a secret as the homes were staffed by "zealous Protestants" where it was "easy to keep secrecy in regard to Catholics." In an extraordinary personal attack the Bishop claimed that the head of the section dealing with boarded out children in the Department of Local Government and Public Health [the Miss Lister who had so stridently advocated legalised adoption and greater scrutiny] was part of the conspiracy as she was a Protestant. He also claimed that a local inspector had been hounded by the local head of inspection who was "Also Protestant"-for exposing a "bird's nest" in Wexford. It is worth noting here that the Bishop also advocates the manipulation of the local press to hound out perpetrators. It would appear that this theory was not exclusive to the Bishop of Ferns as he recommends his

correspondent to contact Dr O’Rahilly [President of University College Cork] who “is well up in the matter” (NA S10815A)

A later correspondence from a Canadian Priest to Eamon de Valera dated 6th June 1951 alleges that the priest had been informed by a senior cleric in Ireland of the selling of Irish Catholic children in Canada as cheap labour for a fee of £10 via Protestant orphanages in England. Interestingly he used these concerns as an argument for legalised adoption (ibid)

The Bishop of Ferns’ allegations were passed on to the Department of Health. In a written reply that deals with some though not all of the allegations, this letter points out a great many factual inaccuracies in the Bishop’s assertions but, as with any conspiracy theory, there are always elements of truth that fuelled it. For example Protestant organisations were offering to care for illegitimate children born to Catholic mothers (Whyte, 1980). It was also the case that Irish children had been adopted abroad in unfortunate and regrettable circumstances. It has never been shown, however, that this is a Protestant conspiracy or that Protestant civil servants were aiding and abetting the farming of Irish children for export. Indeed there is ample evidence to show that children were exported for adoption by Catholic agencies (Kennedy, 2000)

Despite these wild claims the State was clearly under pressure from powerful elements within the religious establishment to shelve any attempts at introducing legalised adoption

In an effort to gain some definitive answers based on Canon Law De Valera consulted Monsignor William Conway, later Cardinal Conway, Archbishop of Armagh, at the seminary at Maynooth, regarding the standing of adoption in Canon Law. The reply was that there was no objection per se. In an addendum to his original reply Conway makes a caveat. He states that whilst Canons 1059 and 1080 leave the provision of laws that govern relationships [including adoption] to the State, this applies to laws passed prior to the code of canon law being promulgated in 1918. He goes on

With regard to State laws subsequent to that date the canons contain no guarantee (sic) that all such laws will necessarily be approved by the Church, it contains no implied renunciation on the part of the Church of her right to refuse approval to a particular law. In order to ensure that a particular law on such a matter would actually be accepted and given the force of an impediment by the Church prior consultation with the ecclesiastical authorities would be necessary (NA S1085A)

However legislation that Catholic children should only be adopted by Catholic parents and Protestants by Protestant parents should be enough to clear up any ecclesiastical doubts on the issue. De Valera wrote to Conway on 11th April 1946 thanking him for his help and informing him that he was shelving the idea of legalising adoption as no adequate safeguard could be found to ensure that the religions of children would not be compromised (NA S108151A)

De Valera lost the 1948 election and the Fianna Fail administration that had been in power since 1932 was replaced by the first Inter-Party Government, led by John A. Costello. Despite election promises on the issue of legalised adoption this government was also to run shy of challenging ecclesiastical authority.

During the election campaign individual politicians, including Costello himself, had promised to legalise adoption speedily. However, plans were shelved once again in the face of Church pressure. This led to a flurry of protests to Ministers by concerned constituents, coverage in the press and parliamentary questions. One constituent of the Taoiseach wrote a particularly heart rendering letter which was full of frustration and concern for her adopted son. She pleaded with the Taoiseach:

“SURELY you remember your Election platform promises - you solemnly promised this law - that was one of the main reasons that I, and all my friends voted and canvassed for you, and subscribed well to all you stood for at the time” She begged him to remain true to his convictions and asked “WHAT ARE THE FEARFUL DIFFICULTIES? Are we always in Southern Ireland to lag behind other civilised countries. Please write even ONE line of hope this time” This was the lady’s second letter to the Taoiseach following an earlier reply from him that referred to the difficulties over religious matters (NAS10815A)

Another constituent, the social campaigner Mary Kettle, wrote asking for honesty. She argued that if the government continued to refuse to disclose its reasons for not enacting legislation on the adoption issue there was no point at having a Dail or Senate. She asked, "Why not have an open dictatorship?" (ibid). The Minister for Justice wrote to the Taoiseach following Mrs Kettle's letter stating that he had

Come to the conclusion, after considering the question in all its aspects, that it would be extremely difficult to frame a practical proposal that would not be likely to lead to a very undesirable controversy and no doubt it was for this very reason that the previous Government were unwilling to proceed with the matter

Whilst the Minister does not mention the Archbishop of Dublin his mention of controversy clearly refers to his objections. The Minister concluded

I am not sure that you will think it wise to say all or any of this to Mrs Kettle, more especially as I have so far refused to give 'my reasons' in the Dail. Accordingly, I enclose an alternative reply. It will not I fear, soothe or satisfy your correspondent but then nothing I can say is likely to do that (ibid)

The Women's Societies and Social Workers Joint Committee wrote expressing their outrage and claiming a constituency of 50,000 women across the country. A great deal of the frustration was caused by the dual blow of the breaking of electoral promises and the refusal of Ministers to outline the real reason that they would not enact legislation. In a Dail debate on November 29th 1950 the Minister for Defence, Dr O'Higgins, taking questions for the Minister for Justice, displayed typical governmental evasiveness in relation to this question. When asked by Deputy Derrig for his reasons for not bringing forward legislation he replied

I understand that there is an obligation on a Minister to give his reasons for any legislation which he introduces. There is not an obligation on a Minister to give

reasons for the multiplicity of pieces of legislation which he is not prepared to introduce (Dail Debates Vol 123, No 9)

This response serves to illustrate how the state assisted the veiling of Church activity at a government policy level. For as Kennedy argues any attempt to understand the level of Church involvement in the policy process is not complete without an understanding of its ability to see potential legislation off prior to it being framed for debate (Kennedy, 2000)

This unwillingness to expose the real objections and objectors to legislating for adoption may well spring from what Whyte described as a reluctance of old fashioned Catholics to engage the Church in public debate (Whyte, 1980). However, this culture was about to change with Noel Browne's disclosures about the Mother and Child Scheme. It was also the case that there was a clear constituency for the development of legalised adoption particularly in urban areas. Earlier commentators like Whyte have concluded that the Church hierarchy were not involved in the business of unduly influencing government on this issue and it was the reticence of politicians that fuelled the idea that the Church was acting in an obscurantist fashion. This view is not shared by many commentators of the time.

The *Irish Times* was so troubled by the activities of the hierarchy led by McQuaid in relation to the usurpation of the public will that it published an article that referred to the Catholic church as the "Grey Eminence" behind the Government (12 1950). In a speech made by the Attorney General, Charles Casey, in February 1951, shortly after the

Irish Times comments, he used the opportunity to resurrect the assertion that criticism of or dissent from the line proffered by the Catholic Hierarchy made you anti-Catholic, and by extension anti-Irish. He went on to reassure the *Irish Times* and its readership that “any influence of that Church on this or any other Government will only be for good”.

The Attorney General spoke at length of the difficulty of framing legislation that would not leave Catholic souls a prey for the devil. He asserted that it was his “earnest hope that the State will never by legislation imperil the immortal soul of a single child to satisfy the well-meaning but misguided views of those who advocate legal adoption” (NA.S10815A).

This speech, made by the senior law officer of the land, at once patronised and vilified those who advocated the implementation of legalised adoption whilst asserting the primacy of Catholic doctrine on social issues over the government of the state. It is worth noting that up until this point outside of the Editorial which had so offended the Attorney General the *Irish Times* coverage of the issue of legalised adoption had been sparse and in no way campaigning. This assertion is based on a comprehensive analysis of the *Irish Times* from the January of 1948, the month following the establishment of the Adoption Society, up until the July of 1952, when the legislation was enacted. Indeed up until the ‘grey eminence’ editorial there were only two mentions of the issue, one in the August of 1948 noting the Adoption Society’s first flag day and the second in the November of 1950 which was simply a report of a parliamentary question on the issue. Neither can be described as campaigning. Indeed the *Irish Times* carried an article on the passage of the

Adoption Bill in Northern Ireland in the November of 1949 which despite the obvious opportunity for comparative comment made no mention of the situation in the Republic. The issue of legalised adoption did not appear to be an issue which excited the campaigning instincts of the *Irish Times* even the 'grey eminence' editorial stated "we do not propose to meddle further in the grey waters of government policy" (12 12 1950 7). However, in the wake of Casey's speech the issue of the legalisation of adoption and the inequities and the potential for corruption within the existing arrangements became far more of a regular feature on the pages of the *Irish Times*.

A Fianna Fail government was returned to power in 1951. The public pressure to implement legalised adoption remained. This time the Adoption Society of Ireland, decided to try a different tack and appeal directly to the hierarchy. It is significant that although most of its members were from Dublin they decided not to approach McQuaid as they felt that he was too biased against legalised adoption. Instead they petitioned Archbishop D'Alton of Armagh. The hierarchy formed a committee to ensure that adequate safeguards were put in place and, following line by line consultation with government on the measure, gave the project its blessing. The negative publicity being generated by the issue for both politicians and the hierarchy may well have been a factor in their change of mind, and it may well be that it was this rather than any principled change of mind that persuaded Church and Government to finally enact the legislation. One thing is clear. It was only when the Church gave permission that the State acted on an issue that impacted so clearly on the "most helpless of Irish citizens". However, the publicity, which it is argued here, led to this change of heart, was in no small way due to

the lobbying of the Legal Adoption Society, who used classic lobbying and briefing techniques alongside a public awareness campaign. This culminated in the acceptance into the government's legislative programme of a Private Members Bill which enjoyed cross party support.

The transcript of the Committee on Finance debate on the Adoption Bill 11 6 1952 illustrates the way that organised pressure of a pluralist nature was instrumental in bringing the Bill into being and ensuring its passage into law.

In opening the debate the Minister for Justice, Boland, is clear on the wide-ranging support for the Bill from around the country with motions of support from city and county councils, trade unions and a variety of other organisations. An examination of Dail debates from the previous three years shows the increasing discomfort of politicians from all sides in relation to questions on why the government was failing to enact legislation. Speaking in the debate of 11 6 1952 the Minister for Justice of the former government General MacEoin highlighted the pressure that he had from clerical sources not to draw up legislation on the adoption issue. He stated:

I must assume that the Minister has got over the difficulties with which I had to contend. In the main, these difficulties were purely of a religious type. I have to assume that he has got over these difficulties because I do not believe for one moment that the Government would make these difficulties permanent (Dail Eireann-vol 132-11 6 1952).

This response was rather more candid than the one offered on his behalf by his colleague Dr O'Higgins in the November of 1950 (see above). Indeed it was far more illustrative

of the truth behind the suppression of legislation that he had given the Fine Gael Ard-Fheis in the February of 1951 when he had claimed that it was the non-availability of a capable parliamentary draftsman capable of drafting a Bill that “would meet the requirements of the ordinary Christian State” (ibid)

Some members seemed at pain to absolve the hierarchy of any blame for an earlier introduction of legislation Captain Cowan asserted

I think it is unfair and improper that it should rumoured around that the failure to bring in that Bill was due to the fact that the Archbishop of Dublin had condemned an Adoption Bill under any circumstances I think that was entirely unfair to the Archbishop of Dublin (ibid)

The evidence presented above clearly shows that John Charles McQuaid’s involvement in blocking the introduction of adoption legislation was far more than just a rumour in the corridors of power

The role of the Legal Adoption Society is clearly recognised by deputies as being pivotal in bringing the legislation into being A Deputy Rooney noted

I believe that the real credit is due to the Legal Adoption Society, which did all the spadework and put forward the various problems for the consideration of the public representatives who were actively interested The result of all the spadework done by the society was codified to enable a Bill of this nature to be presented to the House in the form of a Private Deputies Bill coming unanimously from all sides of the House (ibid)

Deputy Lynch illustrated the campaigning tactics of the Legal Adoption Society During the debate he noted

On the formation of the adoption society individual Deputies were canvassed both inside and outside the House and succeeded in forming branches of the society in different centres throughout the country and in convincing other Deputies, if they were in need of convincing, that there was a dire necessity for the introduction of such a measure. Those Deputies who were returned here in 1948 voluntarily formed a committee. That committee frequently met the representatives of the adoption society and the representatives of other kindred societies (ibid)

The role of the Legal Adoption Society was echoed by Deputies of various parties throughout the debate

Notwithstanding the change in clerical and political opinion the *Irish Independent* still stood against the issue, or perhaps it is more correct to say that the *Irish Independent* found in the pressure for action on this issue a cause for concern, namely a concern over the application of pressure from the Legal Adoption Society despite clerical opposition. The paper asserted

There is a moral to be learned from the introduction of the Adoption Bill. The moral to which we have referred is that it pays to make a clamour. There was no real demand for this Bill from the public or from any considerable section of the public. The case was made for it by a small section, which clamoured loudly and persistently for this so-called legal reform, and the Government, putting aside infinitely more urgent business, set its draftsmen and its printers to work and yield to the pressure (ibid)

However these protests were to no avail as on this occasion it was the message transmitted by the *Irish Times* which resonated with the public's 'latitude of acceptance'. It would seem that the *Irish Independent* had no time for the pluralistic nature of the campaigning engaged in by the Legal Adoption Society, whilst its pages were evidently devoid of any expressed concerns over the rather more elitist focused lobbying of the

hierarchy Perhaps the *Irish Independent* sensed the threat that a more diffuse type of issue based pressure group may pose to the prevailing orthodoxies and social order, whose most stalwart supporters formed the basis of its sales Whatever the cause of its disquiet the paper portrayed those who applied issue based pressure through mobilizing wider constituencies to oppose the status quo as spoilt children stamping their feet and getting their own way rather than a pluralistic model of organisation which would strengthen Irish society and democracy

For the next decade and beyond the issue of marginalized and at risk children was in the main lost to the political establishment and the Irish people However, with the wind of change that started to blow in Ireland from the late 1950s, a new generation of politicians began to take an interest in the hidden and largely forgotten group of children and young people who lived in the wide network of Industrial and Reformatory schools that peppered Ireland and kept society's problems out of sight and out of mind behind the walls of institutions The reawakening of the interest of politicians in the treatment of these children and young people was not born of altruism but of what a generalised interest in a rise of recorded crime among young people in the western world and a concern for the morality of the next generation One of the most urgent areas that needed to be addressed was the Industrial and Reformatory School sector

8) THE INTER-DEPARTMENTAL COMMITTEE ON THE PREVENTION OF
CRIME AND TREATMENT OF OFFENDERS 1962

“IN THE COUNTRY OF THE BLIND THE ONE EYED MAN IS KING”

H G Wells The Country of the Blind

At an official level the government of Ireland may be seen to have ignored the issue of young offenders for many years. The only official research into the area was carried out in 1944 as a result of concerns over significant rises in youthful and general offending in the first three years of “The Emergency”. The report concluded that

The big increase in both juvenile and adult crime dates from the beginning of 1941 and increased unemployment, scarcity of essential commodities and “war” unrest are, therefore, probably the chief cause of the increase (DJ 93/180)

By the early 1960s the issue was very much on the agenda as it had not dissipated after “The Emergency”. Lengthy papers were presented to conferences in Dublin during 1959 and 1960. They focused on the psychological and environmental components of juvenile offending (NA DJ 93/168) and were circulated and discussed by civil servants and Ministers (NA DJ 93/173). The growing interest in the area of the causes and treatment of juvenile offending led to the establishment of the first inter-departmental committee to take an active interest in this area, the Inter-Departmental Committee On The Prevention Of Crime And Treatment Of Offenders, established by Charles J Haughey, Minister for Justice, in September 1962. Whilst this Committee was established with a far broader remit than the examination of Reformatory and Industrial Schools the Committee took a

keen interest in the area and was to unearth evidence of poor conditions and abusive practices in many of the institutions funded by the state

The Warrant of Appointment states that the Committee was to investigate a) Juvenile delinquency b) the probation system and c) the institutional treatment of offenders and their aftercare (DJ 93/182) The members of the Committee, Chaired by Peter Berry, Secretary of the Department of Justice, included representatives from the Departments of Justice, Education, Health and Industry and Commerce

In the early 1960s there was increasing popular concern throughout the western world about what was felt to be a growth in offending by juveniles This concern was probably fuelled the attention in the popular media and entertainment industry on youth and youth issues Youth culture and the development of teenage culture had been a rapidly developing focus of media and film coverage during the 1950s Films like *The Wild Ones* and *Rebel Without a Cause* had concentrated on the possibility of disaffected youth drifting into crime Indeed, one particularly interesting British movie made in 1958, “*Serious Charge*”, Directed by Terence Young and starring Anthony Quayle and Cliff Richard, explored the issue of teenage pregnancy and the vulnerability of the clergy to allegations of sexual abuse The film links juvenile delinquency with rock and roll music and explores how an unscrupulous youth accuses a vicar of sexually assaulting him when the vicar discovers the truth about the death of the youth’s girlfriend following her discovery that she is pregnant Linked with the concern about the moral health and criminality of youth was the growing popular awareness of psychology which had placed

previous liberal beliefs about the ability to reform and the influence of early experience on the development of offending in later life very much in the field of public discourse Ireland, with its strong focus on conformity and tradition, had long worried about the moral character of its youth and the likely impact of the exposure of that youth to foreign images, particularly those coming from Britain and America In Ireland these states were seen as having thrown caution to the wind and turned their backs on tradition values (Cooney, 1999), with all that that implied for future delinquency Irish parents began to find themselves fearing for the next generation like many American and British parents This fed through as pressure on politicians from constituents and church groups and to questions in the Dail (DJ 93/182)

The 1950s was a decade in which much publicity was given to the issue of links between childhood experiences and later criminality (ibid) In a criminal case in Dublin in 1962, two experts, a Father Sweetman and a Dr McLoughlin, claimed that a twenty eight year old who had committed a serious sexual offence against a twelve year old child was the product of a deprived and abusive youth and that 90% of Irish crime could be abolished through the application of counselling regimes (*Irish Times* 28 11 62 8) These experts concluded that “ It should be possible in a well organised society to devise methods for the recognition in childhood of symptoms of deviations from the norm (not necessarily criminal deviations) and to devise appropriate remedies” (DJ 93/182/1) This assertion led to a parliamentary question which asked the Minister what steps he was going to take to investigate these remedies (DJ PQ No79 377/62)

The Inter-Departmental Committee was to be provided with this study of juvenile offending as the latest available research. The reason for the dearth of research may be indicated in a civil servant's briefing notes for the Parliamentary Question mentioned above. The author concludes "An immense amount of research would be necessary in such a project at enormous cost. We can only await the researches of other, more affluent countries and agencies" (DJ 93/182/1)

One of the experts quoted above, Father Sweetman S J, gave evidence to the Inter-Departmental Committee. Amongst other areas he alluded to was the existence of sexual abuse and its relationship to adolescent offending. He stated

Lastly, I believe that if a very few really evil influences – well known to the police and courts - were more or less permanently removed from circulation there would be a remarkable drop in juvenile crime of a more serious nature. One name has cropped up constantly in the last 12 or so years, since I first became involved in these matters, the amount of harm done by this one person is quite incalculable. I am ready to name him in any reasonable quarter. And there are others. But while the whole weight of the law will bear down crushingly on some comparatively insignificant adolescent, really evil practitioners can run rings around it. Court procedures greatly favour the clever more powerful and more evil criminals. e.g. continuous and notorious corruption of the young by moral perverts cannot be stopped apparently by the guards because of the type of evidence required to obtain conviction in these cases DJ 93/182/17

Sweetman went on to state that

"He had some doubt as to whether priests and religious generally were the best people to have control of reformatory and industrial schools and institutions such as the proposed detention centre in Finglas. The ideal arrangements might very well be that these institutions should be managed by lay people who would therefore have responsibility for matters of discipline and punishment and that priests' relationship with inmates should be simply as a priest. He would thus stand a better chance of being accepted as a friend by children (ibid)

The Inter-Departmental Committee was soon to get evidence that matters in the Industrial and reformatory school sector were far from well. This cannot have been a surprise. In the 1950s significant concerns were raised about Marlborough House (this will be explored in greater detail below) and in 1963 a solicitor who was defending two boys in a court in Galway made his concerns public. When the judge in the case was considering sending his clients to Letterfrack the solicitor urged the judge to take a different course as every murderer in this country has served his time in these reformatories and I would rather these boys got six months in Limerick Prison than two years in one of them. This is a reflection on these institutions, those who run them and society. The judge responded “There may be a great deal in what you say but I cannot do anything about it” (DJ 93/182/17)

The manager of the school wrote to the Ministers of Education and Justice to complain of the reporting of what he termed the “very scurrilous and false allegations on reformatories, which was published by the *Evening Press*, the *Connaught Tribune*, the *Connaught Sentinel* and the *Tuam Star*”. As well as the Manager demanding to know what the Minister is going to do about it he states interestingly “I also wish to draw your attention to the fact that too many TDs are applying to the Minister for Education to have certain boys discharged from here” (ibid). Clearly there were concerns about the system at large at this time. Indeed, when we look at what has emerged in recent years about the conduct of staff in Letterfrack, the solicitor’s words seem far from “scurrilous and false”. The reasons that members of Dail Eireann were petitioning the Minister for Education to have young people discharged from Letterfrack cannot be established here

but it is reasonable to surmise that they or their constituents must have had some level of concern over conditions in the institution

One of the first people to give evidence to the Inter-Departmental Committee was Father Moore, Chaplain to Artane Industrial School. Father Moore gave broad based evidence which included concerns over the label Industrial School, the institutionalisation of boys from babyhood and the problems this caused them in later life. He said

Very many of the boys are institutionalised from babyhood. This creates great problems: the boys become maladjusted and find it very difficult to adapt themselves to life in the outside world when they leave the institution. They have no idea of normal social intercourse or the social conventions (DJ 93/182/8)

Father Moore went on to criticise the manager of the centre as being an “unwilling captain, and too conservative in his approach”. Indeed Father Moore stated that the Archbishop was dissatisfied with the management of Artane. He criticised the educational programme, the mixture of boys with different needs, the numbers of staff and the funding of the institution. He concluded that

- “ a) The boys are badly clothed. They have no overcoats (unless they can pay for them out of their pocket money), only rain capes. They have no vests and no change of footwear or socks: sometimes a boy’s shoes are too small and give him sore feet. They have no handkerchiefs. There is no such thing as a boy having his own shirt or pyjamas - after washing, articles of clothing are distributed at random.
- b) Bed clothes are inadequate
- c) The boys are undernourished
- d) The medical facilities are appalling. There is no resident nurse or matron. The brother who is in charge of the infirmary has no experience of nursing - he used to be employed on the farm. The surgical room is unsuitable for the purpose and the infirmary smells (ibid)

Father Moore urged that the appointment of Visiting Committees to industrial schools would be highly desirable

As a result of Father Moore's evidence an inspection team was despatched to Artane by the Inspector in charge of Industrial Schools. The inspection was conducted by three Department of Education representatives on the 20th and 21st of December 1962 and drew a very different picture to that painted by Father Moore. They concluded that the boys in Artane were "well fed, warmly clothed, comfortably bedded and treated with kindness by the Christian Brothers in an atmosphere conducive to their physical and spiritual development" (DJ 93/182/8). The section that addresses the boys' clothing is of particular interest as it gives some insight into the preconceptions held by the inspector.

Before turning to other premises visited, I think it is proper to comment at this stage on the clothing of the boys, the outward show by which the uninformed public must, perforce, judge the work of the school. Canons of criticism inevitably change once the criticised is the ward of the State and/or in the control of the religious. The cherry nosed ruddy-faced boy playing coatless in a muddy street on a winter's day will at once be the happy despair of his mother for his appearance and his father's pride for his rude health. Place the same child in the gates of an industrial school and he immediately earns the label 'neglected and exploited' (ibid).

The inspector also commented on the discipline applied in the school. Again the author's prejudice on this issue is outlined in his preamble: "Complaints about the treatment of children in industrial schools are not infrequent but from experience I would say the majority are exaggerated and some even untrue" (ibid).

The inspector commented that the Dean of Discipline, whilst occasionally having to use the strap, "fills this demanding position with sincerity and firmness but without harshness" (ibid). It is worth noting here that he interviewed the Dean of Discipline without the presence of the Manager or other senior managers, a privilege he did not afford to the children as the Manager was present at all times. The idea that the Manager's continual presence may have had some bearing on the interactions between the inspectors and the boys seems to have escaped the inspection team and the Inspector in charge of Industrial Schools reported to the Inter-Departmental Committee that "not a single boy had any complaint to make except the one about the breakfast sausage" (ibid). The inspector felt that the Dean of Discipline would benefit from a course in psychology at UCD!

The only item of note the inspector wished to draw to any one's attention was the concerns the manager of Artane expressed about the full time chaplain with whom he had some difficulties, Father Moore. There follows a piece of character assassination no doubt designed to undermine the validity of Father Moore's evidence to the Committee.

The inspector went on:

" I inquired into his difficulties. He stated that on the chaplain's appointment he had informed him that the week day Masses commenced at 7.10 am but that his predecessor had made it a practice to attend each morning at 6.50 am to be available for consultation with any boys who wished it and that the manager would like the practice maintained. The new chaplain so undertook but failed badly in punctuality, turning up frequently late even for Mass. The manager then admonished him pointing out that such upsets to the timetable could not be permitted and that in future the boys would be removed from the chapel if Mass had not commenced at 7.15 am He had again occasion to admonish him for

instructing the boys to come to him with any complaints of any kind pointing out that complaints outside spiritual matters were the manager's province. He added that later the chaplain apologised to the boys from the altar for his unpunctuality ascribed it to a "weakness" and asked for their prayers. Hearing all this I did not see the chaplain, as I did not think the matter called for investigation it being a question of staff discipline and apparently then settled (ibid)

The Inspector circulated the comments about Father Moore to the Inter-Departmental Committee members. The inspector had informed the other Committee members that he did not have the highest regard for the manager of Artane in the past. However, he never indicated why. But for some reason in this letter he rehabilitates him and outlines what his difficulties were in the past. He ends by saying "having passed strictures on Brother Slattery in the past I must say that he emerged from this inspection with, in my opinion, much improved stature his previous weakness being an apparent casual disregard for the authority of the Department". This Damascus Road seems to have been travelled on the brief visit to the school following the outlining of Father Moore's concerns where he had gone from viewing him as an "unsatisfactory" manager to viewing him as a "good manager".

It would appear that it was not only about the manager of Artane that concerns had been expressed. At a meeting of the Inter-Departmental Committee on January 29th 1963 concerns were raised by the Department of Justice representatives over conditions in Clonmel Industrial School. In response to the concerns the Inspector of Industrial Schools commented that "the Manager at Clonmel was an old man who was really unsuitable for the job but that fortunately he would be retiring in 18 months time" (DJ 93/182/12). Here then is the Inspector accepting that the conditions in Clonmel were

poor due to poor management, but proposing to take no action as the manager was to retire in 18 months. The Chairman of the Committee suggested wisely that, “perhaps, something should be done in the interval if Education were satisfied that he was an unsuitable manager” (ibid)

The Inter-Departmental Committee visited several industrial and reformatory schools. The reports of these visits had to be accepted by both the Department of Justice and Department of Education representatives on the Committee. What may be described as turf wars were clearly in evidence in the work of the Committee (see below) and the politics involved may account for the nondescript reports of the visits in relation to criticisms of the institutions, with the use of guarded language that, whilst implying that all was not well, put a positive spin even on negative comments. It is only when you compare the Committee’s reports on schools such as Dangan and Letterfrack with two schools that the Committee did praise, namely St Anne’s Reformatory School, Kilmacud and Lakelands Girl’s Industrial School, Sandymount, that what is omitted seems more significant than what is said. The Committee noted that the St Anne’s buildings were “attractive both within and without and apart from a slight “institutional” smell one might be in a modest and well run country hotel. The predominating impressions were of colour, cleanliness and cosiness” The report later commented)

Regarding the much more important matter of personal relations, a matter not so easy to judge in the course of a single visit, the school again appeared to have attained an excellent standard. None of the girls observed or met showed a trace of subservience or unhappiness. One nun was observed taking a lively part in a ball-game and an easy, friendly relationship seemed to subsist between the girls and nuns. It should be remarked, however, that the present Mother Superior

appears to be a person of quite exceptional quality She is now rather advanced in years (DJ 93/182/17)

In noting the role of individual leadership the Committee is highlighting an important factor that had a particular resonance in relation to institutions run by the religious

As has been mentioned above, the level of inspection in these schools varied between the completely inadequate and the non-existent The power of individual managers was considerable Their vision and commitment was often the factor that determined the quality of care in that institution The Provincial of the Order might be removed and disinterested, indeed the institutions were used by some orders as dumping grounds for undesirable members of their orders or as punishment details for transgressors in their own communities (Transcript of an interview, with an ex-Christian Brother conducted by the author) Given these factors the quality and authority of the person in charge was even more Important than it would be in a well inspected, and regulated system

The Inter-Departmental Committee's report went on to suggest that another factor in what they viewed as the high level of care in St Anne's included,

“ a point that struck one again and again - that the general excellence of St Anne's may arise not only from the quality of the present Mother Superior but also from the fact that the religious order is an international one with a varied experience in caring for young female delinquents and orphans in Great Britain, France, Italy and the United States At every point of discussion with the Rev Mother new ideas were readily considered and an evaluation attempted (ibid)

Not only then did this Order, the Sisters of Charity of Our Lady of Refuge, exist to care for marginalized children, they were clearly exposed to a wider repertoire of techniques, philosophies, and legislative arenas than some of the other teaching orders who were charged with the care and education of troubled and troubling children in Ireland and who may have viewed the work more as a punishment or penance

The international developments in childcare practice were mentioned on the Committee's visit to Lakelands Industrial School. They noted that several of the nuns had completed a year-long childcare course run by the British Home Office. Again the Committee's tone in describing Lakelands differed greatly from the guarded language used in relation to Letterfrack and Dangean. The Committee described Lakelands as having "no room" that was "depressingly large and the coloured bedspreads and gay window curtains, with an odd ornament or vase of flowers, created quite a homely air". The report went on to note "A very favourable impression was gained of the humanity of the Rev Mother and of the two sisters met, of the cheerfulness of children and of an easy, friendly relationship between the nuns and their charges" (DJ 93/182/17)

These descriptions stand in stark contrast to those of other reports. The report on Dangean starts with the view that the buildings gave an impression of "old fashioned homeliness" but goes on to say, "Nevertheless the efforts of the community can accomplish only so much, and the place remains a relic of the penal days". The Committee noted "evidence of advanced timber decay" that the better buildings on the campus were "grey and depressing" (DJ 93/182/17)

The “grey and depressing penal days” nature of Damgean would hardly have be surprising to the Inter-Departmental Committee given the low base the institution had started from In 1926 two visits had been made to Damgean by representatives of the General Prisons Board with the object of ascertaining the desirability of turning the institution into a Borstal if the Oblate Fathers decided to close the Reformatory School they ran there The first visit in the June of 1926 concluded that the premises were perfectly suited to a borstal institution They reported “The situation of St Clonleth’s [Damgean] would not only enable the Borstal Institution to be much more economically worked, but it is more salubrious and is admirable for agricultural purposes” (DJ 16/205)

It subsequently transpired that the visitors on this occasion made their assessment without having actually being allowed into the living quarters A second visit in October 1926 draws rather different conclusions They reported

It might be well to explain that the sleeping quarter appear to conform in every way with the hulks employed for Transportation between 1824 and 1857 and there is every indication that the building as it stands to-day has not altered in any way since it was first erected between those years as a Convict Clearing Prison for the hulks (ibid)

The visitors concluded that it was not suitable for use as a borstal institution and also commented on the mood of the young people and alluded to the relationships between staff and boys In a strikingly different phraseology to that used to the two girls schools the Committee noted that

The boys were met at their mid-day meal. They were not obviously unhappy and were not ready with any complaints when engaged in conversation. There was no evidence here of the gaiety and easy relationship between community and inmates that was noted at Lakelands and St Anne's - but of course one is dealing here with a much tougher type of youngster. They also noted that "Discipline appears to be strict but not rigid."

Discipline had not been mentioned in the Lakelands or St Anne's reports. This may be because it was not an evident feature of daily life or because the male committee did not wish to mention it in relation to girls.

At Damgean the Committee concluded that

There was not any worth-while opportunity in the course of the visit to judge of the state of personal relations between the boys and the members of the community. Father Mahon, [the manager] however, appeared to be humane, sensible, personally modest and concerned for the moral welfare of the boys. Mr Mac Daibhid, [the Department of Education representative on the Committee] who is well acquainted with Damgean, is of opinion that he is a first-class judge of youthful character and unlikely to err in his assessment of the treatment most suitable for any particular boy.

In the light of this view it seems ironic that the Committee found that the most demanding students at the school and those who were in the most need of remedial schooling were not taught by the qualified teaching staff but by a man who "was an unsuccessful candidate for the teaching profession" (ibid).

The Committee noted similar physical conditions in Letterfrack Industrial School. However, they did comment more favourably on the staff/boy relations. Their report stated "The boys seemed happy, not at all cowed and there appeared to be a very good

relationship between them and the brothers. The Manager seemed a sensible, humane man. He has made a number of improvements in the institution and is taking steps to make more.” Given what we now know about Letterfrack, which was described to the author by an ex-Christian Brother as “the worst of a bad lot” and whose problems have been described in various publications (Tougher, 2001), this view seems either naive or deluded.

The Inter-Departmental Committee had a particular interest in the use of the education and psychological services in penal institutions and would appear from their minutes to have been very much in tune with the prevailing view that delinquency was the product of psychological limitations which manifested itself symptomatically in poor educational attainment amongst the young offender population. On their visit they asked the Manager how many of the inmates had below average intelligence? His reply seems to have astonished them.

According to the Manager, there are only 2 out of the 114 boys who are below average intelligence. This seems an *inexplicably low proportion* but he seemed convinced that such was in fact the position. When asked if there were any boys who were suffering from mental or nervous illnesses he said “No”. This again seems unlikely to be the true position and it may be significant that there are about 10 boys in the institution who wet their beds. It would be very interesting to have the I.Q. of every boy in Letterfrack determined by an expert and to have every boy psychiatrically examined as well.

The Committee concluded their report on Letterfrack with a reference to the poor state of funding of the school and the shortcomings that this led to as well as by offering something of an apology for the regime.

“ A revision of the financial arrangements would leave no excuse for denying essentials, such as overcoats for the inmates, because of lack of means. If the present Manager were a less humane man and more preoccupied with balancing income and expenditure the position in Letterfrack could be a lot more unsatisfactory than it is (ibid)

Indeed the Manager as the senior brother in the monastery would have been judged as a success or failure in part by how much money his monastery fed back into the central coffers of the Christian Brothers (Interview with an ex Christian Brother by the author)

As mentioned above the Inter-Departmental Committee was a microcosm of a much wider administrative arena. It included, Education, which has a reputation for being a deeply conservative Ministry. Education did not enjoy or value its role as provider of beds for young offenders, which it thought the province of the Department of Justice, as indeed it had been until the mid 1920s. This view particularly applied to Marlborough House which was a remand centre that seemed to be more anomalous than the other schools, being neither a reformatory or industrial school but clearly a place of detention.

Marlborough House was a particular area of concern to the Inter-Departmental Committee. It was not only the major battle ground between the Departments of Education and Justice but was the only part of the Department of Education Industrial and Reformatory School sector which was not managed by the religious and was openly identified as an area of concern for a number of years. It is interesting to speculate on whether it would have gained the same amount of attention and exposure if it were not managed by lay people.

The Inter-Departmental Committee visited Marlborough House in January 1963 It commented on the physical structure of the institution saying

The building consists of an old two story house with a frontage on the road and newer extensions which have been added to the rear Although the façade of the old house has been shored up, internally it appears to be in good repair The newer buildings at the rear, where the boys are accommodated, and in which the oratory is located, appear to be in very good condition (DJ 93/182/11)

In fact the Office of Public Works (OPW) was to pronounce the building in danger of imminent collapse in the same year In a letter sent in 1969 the OPW reminded the Department of Education that in 1960 they had informed them that

“ The entire building progressively continuous to deteriorate and all of the top floor is not fit for habitation We would remind you that the measures taken to shore up the building were a temporary expedient and we must request that steps be taken to vacate the premises without further delay” (DJ 96/195)

It was not however the physical condition of Marlborough House which was the most shocking, bad as it was

Marlborough House had been a source for concern for years The Inter-Departmental Committee found a dilapidated institution with few or no amenities whose staff were unqualified men who were employed via the local labour exchange Education consisted of a few books that the staff would “help the boys read” Their report commented, “ The value of the assistance, having regard to the educational qualifications of the “teacher”, is very doubtful During the day 2 attendants are on duty in the institution at all times At night an attendant is on duty in the dormitory” Indeed life seemed so bleak in the

institution that the committee members felt that the introduction of “ wood chopping would be better than nothing” (DJ 93/182/11)

Marlborough House had been a thorn in the side of the Department of Education since it had opened as a place of detention in the mid 1940s. The site had been purchased from the military to replace Summerhill Police Barracks which had been used for remand purposes since 1912. The Summerhill premises had been condemned by the Commission of Inquiry into the Reformatory and Industrial Schools System in 1934-1936 as being “entirely unsuitable ”. The Commission had recommended that new premises should be acquired “ at the earliest possible opportunity” . The report said the building was unsuitable on the grounds of its location and of the fact that the building was a fire-trap. The Summerhill premises had also long been the source of condemnation by the Public Accounts Committee and members of the Oireachtas as well as those working with deprived youth. Despite the dire warning from the Commission of Enquiry and all the condemnation nothing was done about this situation by the Department of Education until mid 1943 when the potential for scandal and political embarrassment entered the picture.

On the 24th of February 1943 a fire broke out at night in St Joseph’s Industrial School in Cavan that cost the lives of 35 children and one employee. A Tribunal of Inquiry was established to investigate the circumstances of the fire and found that, whilst the fire was started by accident and could not have been anticipated, the fire safety training in the school was sub-standard. The Tribunal also found that “The position of the Department

of Education in relation to the orphanage in the matter under reference is not satisfactory” (Report of the Tribunal of Enquiry, 1943 16)

Shortly after these tragic events the premises at Summerhill were inspected by the Chief of the Dublin Fire Brigade. He concluded, that the building should be closed down immediately and stated that under the Fire Brigades Act, 1940 he would ordinarily close the premises with immediate effect but “ that he was unwilling to take such action against a Government Department” (NA S13290). In a memo to government, of which only an unsigned copy remains, the author requests funding to buy Marlborough House as

The Minister for Education feels that he cannot continue to accept responsibility for the continued use of the present Place of Detention. The disastrous fire at the Cavan Industrial School is still fresh in the public mind and should there be a similar occurrence in an associated institution for which he is directly responsible and which has been the subject of continuous condemnation for many years, he feels that his position and that of the Government, would be utterly indefensible (ibid)

Thus Marlborough House seems to have been born of political necessity rather than of a desire to improve living conditions for the children and young people who were resident. The Department of Education did not want this client group

As has been mentioned above the Department of Education resented the fact that it was paying for what it viewed as Justice beds. Whether this had led to the sad state of Marlborough House or whether other factors were at play can only be a matter of conjecture. What is however, irrefutable is that the authorities in both the Department of

Education and of Justice were fully aware of the appalling conditions in Marlborough House and that they engaged in a turf war which left children as the victims rather than address the issues

In January 1951 an attendant employed at Marlborough House, one Isaac O'Sullivan, was sentenced to twelve months custody for sexually abusing two boys detained in the institution, despite the fact that these allegations were rejected by O'Sullivan and the rest of the staff in the centre (DJ 93/122) This prosecution had come about as a result of a complaint made by the juveniles to Judge H. A. McCarthy who was trying them on a separate matter Judge McCarthy was asked by the Department of Justice in May 1951 if he would take part in a conference on conditions in Marlborough House This conference was requested by the Minister for Education following a meeting with a group representing the managers of industrial Schools and reformatories in April 1951 It seems likely that the spurt of interest in conditions in Marlborough House could have had some arisen from the recent conviction of O'Sullivan

A review of two national papers, the *Irish Times* and the *Irish Independent*, and of one local paper, the *Dublin Evening Mail*, found no coverage of O'Sullivan's trial or conviction The *Irish Times* did carry a report on one unrelated sexual crime during the first few months of 1951, whilst the *Independent* and the *Dublin Evening Mail* carried none Interestingly the *Dublin Evening Mail* appears to have taken a particular interest in the work of the Dublin Juvenile Court, in terms of reporting young peoples' offences and

sentences, but it remained totally silent on the abuse of some of these same young people in the custody of the state

Two articles nearly contemporary to the O'Sullivan case illustrate the print media's propensity to publish sensitive information of this type. In a series called "Fourth Estate", carried in the *Bell* in 1945, Vivian Mercier writing about the *Irish Times* commented on the paper's relative independence and campaigning spirit. Mercier asks "what other paper mentions sexual crime of any kind? But the Times is always ready with a campaign" (Mercier, 1945: 295).

Donat O'Donnell, [Conor Cruise O'Brien] commenting on the *Irish Independent*, noted that it was a purely commercial enterprise, which sought to eliminate from its pages any area of controversy likely to promote a negative reaction from its core readership of respectable Catholic citizens, including in their number many clergy. He illustrates this by citing what he terms a "verbal homily" from the editor to a prospective reviewer who was informed:

"When you get a book from us, the first thing to look for is to see whether there's anything objectionable in it. You know there are a lot of these books coming in now - books with some scene in them. If there's anything like that in it, we don't want any review, good, bad or indifferent. You see, even if you give it a bad review you can't quote the particular bits of course and some Parish Priest, or some Legionary maybe might get it into his head that it mightn't be a bad book really, then perhaps he looks into it and sees this scene and writes off to the Editor giving out the pay. We've had some trouble that way already. So you only review them if you're quite sure they're alright. This extends beyond the literary department" (O'Donnell D, 1945: 386-408).

These contemporary commentators reflect the two poles in the secular press, the campaigning voice of the *Irish Times* and the controversy avoiding Irish Independent. However it should be noted here that the coverage of the more difficult issues relating to crime, and particularly sexual crime, did not come close in any way to English papers like the *News of the World*, or the *Empire News* (*The Bell*, Vol 9, No 4, 1945)

In an effort to address the issues faced at Marlborough House in 1951 the Minister for Education, Richard Mac Eoin, wrote to his colleague in Justice, D Morrissey

I think a situation exists there which would dictate that at once we would have an inter-Departmental conference with a view to seeing what type of examination should be carried out there for the purpose of securing that the boys there were adequately looked after and all danger of scandal or criticism eliminated” The Minister went on “ I feel we have to satisfy ourselves that arrangements are made adequately dealing with the spiritual interests, the occupational interests, health and education of these boys (DJ 93/122)

Despite these high ideals the Inter-Departmental Committee still reported over ten years later in guarded terms on a centre which had not changed since 1951

It is worth quoting Judge McCarthy’s response to the Department of Justice at length as it constitutes a powerful indictment of the state’s care of these boys. The Judge affirmed his willingness to attend a conference and went on

“For some considerable time past I have been very uneasy about conditions in this institution the repeated escapes from the institution, and repeated allegations by the boys of ill-treatment culminating in the incident that gave rise to the recent prosecution in the Criminal Courts have convinced me that the conditions under which boys are detained at Marlborough House call for immediate enquiry and amelioration

I note that you point out in your letter that the Department of Justice have not received any complaints about this institution. You would most assuredly have received them from me, were I not aware that in practice, Marlborough House comes under the supervision and care of the Department of Education, to which Department I have complained on several occasions (ibid)

Judge McCarthy went on to explain that his colleague Justice O'Grady, who had tried O'Sullivan, had told him that the Superintendent of Marlborough House, Mr Harte, had given evidence that

“ the blankets were not cleaned or disinfected in any way except every six years. Considering the nature and variety of boys detained there - many of them itinerants - I felt that this was a condition of affairs that ought to be remedied, and I communicated this suggestion to Mr W F Walsh, of the Department of Education, Reformatory and Industrial School Branch. I have had other telephonic communications with Mr Walsh and Mr Sugrue, Inspector of the Branch, about similar matters, and on the 21st March last, I had a general discussion with these two gentlemen at Talbot House, Talbot Street, about conditions in Marlborough House generally. By way of explanation, Mr Walsh pointed out to me that the attendants at the institution were not well paid, and that, presumably, the best type of attendant was, for that reason, not procurable. I felt that whilst such attendants might not be expected to possess outstanding virtues, they should at least - however badly paid - be free of the most harmful vices. I pointed out to Mr Sugrue and Mr Walsh that, as far as I was aware, no person had ever been appointed, pursuant to Section 109 sub sec (3) of the children's Act 1908, to visit, from time to time, children and young persons detained in Detention Homes, and I requested them to bring this matter to the attention of the Minister. In conclusion, I may say that there are other matters, also, to which I would like to direct the attention of a Conference such as you envisage (DJ 93/122)

The author has not been able to trace any record of this inter-departmental conference ever taking place.

The next correspondence that could be traced between the Department of Education and Justice came from the Department of Education and is dated the 19th March 1952, nearly

a year after the Department of Justice's letter to Justice McCarthy. The Minister for Education seems to have returned to a more familiar bone of contention. It reads

The place of detention cannot in fact be regarded as anything more than a prison for juveniles, whether used as a place of remand or as a place of detention, and should accordingly be administered by the Department of Justice. The Minister for Education has accordingly asked me to request you to arrange for a Conference with this Department with a view to arranging for the transfer to your Department of the Administration of the Place of Detention at Marlborough House, Glasnevin (DJ 93/122)

The Minister for Justice replied in what may be described, in the light of the evidence he had to hand on conditions in Marlborough House, as a sad admission of his Department's inability to improve things. Whilst acknowledging that it would be appropriate if his Department were to manage Marlborough House he declined for the following reasons

“(a) The transfer would be unlikely to result in the Place of Detention being run more satisfactorily or more cheaply than at present. In fact, unless the supervision of the Place of Detention were entrusted to the Prisons Branch of this Department or the Garda Síochána, the cost of administration might be higher, as this Department has no other branch at present to which supervision of the Place of Detention could be entrusted, whereas in the Department of Education the Inspector of Reformatory and Industrial Schools is available for the work of supervision

(b) The transfer would be bound to be criticised as a retrograde step. As you are aware there have already been criticisms, because a psychiatric clinic has not been established in Marlborough House, and the Minister fears that, no matter what steps were taken to ensure that the Place of Detention was run on the best lines, it would be suggested that its transfer to the Department from the Department of Education would result in it being run as a prison rather than a juvenile home (DJ 93/122 April 1952)

By the time the Inter-Departmental Committee began to meet in 1962 plans were in train to replace Marlborough House with a new facility run by the De La Salle Order in Finglas. Much of the Inter-Departmental Committee's time was taken up with the Department of Education's attempts to transfer management of the new centre to Justice

and with Justice's attempts to force Education to increase the number of beds they would provide for Detention at without Justice having to pay for them (DJ 93/182/12) The Finglas Centre, which had been in the planning since the late 1950s, did not open until 1971 and then it was only as a result of the complete collapse of order in Marlborough House, which was causing much public concern

Marlborough House was to remain open in the same grim condition until 1970 despite the OPWs warnings about the physical structures in 1960 and again in 1969 Justice eventually took over its running on an interim basis when Marlborough House's management by the Department of Education proved too much of a liability to the government of the day The Prison Service managed it on an interim basis during closure and there is anecdotal evidence that the young people there at the time preferred the care they received from the prison officers to that which they had experienced from the staff employed by the Department of Education This will be explored in more detail below

There is evidence that the poor condition of Marlborough House was widely known amongst Ministers as well as civil servants On the 1st of August 1957 the Minister for Education, Jack Lynch, wrote to his opposite number in Justice, Oscar Traynor Lynch notes " This house of detention has apparently been the cause of some concern to my Department for some years" Lynch went on to explain that his Department's concerns extended beyond the poor physical conditions, which by this stage had been highlighted to Education by the Office of Public Works The Minister for Education expressed concern over the regime in place and the lack of activities He explained that he had

approached Archbishop McQuaid to get an order of brothers to take over the running of Marlborough House. He felt the alternative was “the provision of another house of detention by the government which would be very costly and the old system of control which, I think is not desirable” (DJ 93/93). This document provides proof that whatever assertions by politicians and civil servants that would later emerge that they were aware of the conditions and regime in Marlborough House. The document also illustrates the view held by the Minister that centres run by the religious were both cheap and more efficient than institutions directly managed by the state.

Despite the problems with the physical and educational environment the main concern of the Department of Education was not, it would appear, the improvement of conditions in Marlborough House but rather the transfer of its running to the Department of Justice. Justice had no interest in taking over this sector despite the fact that they had historical evidence that Education either could not run it efficiently or were exercising their distaste for it by allowing it to function in the most atrocious of ways. It should also be noted in relation to Marlborough House that the Department of Justice certified the beds in Marlborough House and therefore technically had the right to inspect it. They never exercised this right simply made an initial inspection of the building and then transferred their inspectorial role to the Department of Education. If activated, this role would have allowed the Department of Justice to highlight the deficits in care officially. However, once identified it would have had to be addressed and the matter of cost might have become a bone of contention between the two departments. The Department of Education also sought to maintain the status quo by minimising the scrutiny of the

Industrial and Reformatory School sector which was managed exclusively by the religious, whilst Justice constantly raised concerns about standards and the number and type of beds provided by this sector

This battle has been replaced today by the more public struggle between the Department of Health and the health boards on the one hand and the Department of Education on the other which occurs in the High Court on an almost daily basis. In both situations children were to suffer

It is difficult to write a balanced history of these events as the Department of Education and Science have constantly refused research access to their Industrial School files which they claim are “active”. The Department of Education enjoyed a close relationship with the Catholic church and its hierarchy because of the nature of prevailing church state relations and the historical role of the Church in education. Despite its statutory responsibility to fund and inspect the Industrial and Reformatory School sector it effectively abdicated the latter role in deference to the Church and in the interest of saving money. Indeed it is arguable that the Department of Education was still influenced at this stage by the old fashioned Catholic values that lead to the suppression of the Carrigan Report in 1930.

After four meetings the Inter-Departmental group reported on matters that concerned the Department of Education. The recommendations were tame. The Inter-Departmental

Committee's most radical recommendation was to appoint independent visiting committees to each of the schools. It also recommended the immediate implementation of formal aftercare programmes at Industrial and Reformatory Schools. Outside these recommendations the focus was on the educational and physical development of the schools. Clearly impressed by St Anne's and Lakelands Industrial School, the Committee recommended the inclusion of women to bring the "feminine touch" (DJ 93/182/16)

In October 1963 the Minister for Justice, Charles J. Haughey, wrote to the Minister for Education, Dr. Patrick Hillery, commending the findings of the report to him. Minister Haughey said,

I hope that the Inter-Departmental Committee's recommendations in relation to Marlboro' House and the Industrial Schools system will find ready acceptance, the more so as the recommendations are subscribed to by the expert from Education on the Committee

In particular, I should like to see some action taken to establish visiting committees and after care committees for the Industrial Schools. Contrary to views held earlier in your Department it has now become apparent that the Managers of schools such as Artane, are not opposed to such a development (DJ 93/182/16)

On a draft copy of the same letter held in the Department of Justice Archive a Civil Servant has placed a hand written note urging the Minister to put pressure on the Department of Education. He writes, "Minister Unless somebody prods the Department of Education the Committee's work will go for naught to a large extent" (ibid). This would seem to indicate Justice's view that Education was an unwilling partner in these matters.

Here then is the Minister for Justice urging the Minister for Education to appoint visiting committees to visit the Industrial Schools as the managers of these school did not object. This would seem to be a case of the tail wagging the dog. The Minister for Education replied in a fashion that suggested that the status quo would be maintained precisely because the manager had objected. He wrote

In view, however, of the rejection by the school managers some years ago of this Departments proposal that they be visited by an ad hoc committee of representatives of the Departments of Finance, Social Welfare and Education in connection with the managers appeal at the time for improved grants, the Minister is not over – sanguine as to the manager’s attitude to the idea of Visiting Committees. Neither is he clear as to how best such committees, if agreed to, should be brought into existence. He proposes, nevertheless, once more to approach the Managers association with the present suggestions. (DJ 93/182)

It seems inconceivable to a modern reader that the managers of industrial schools would have the power to reject visits arranged by their funding Department. There is no basis for them to do this under the 1908 Childcare Act or its subsequent amendments. It would appear that the Minister would not challenge the authority of what was a powerful group who represented church interests, even though this flew in the face of what is and what would have been viewed then as obvious good practice. It is not difficult to see how the power of the managers and the closed nature of the sector led to a permissive arena for the abuse of children at all levels.

Despite the Minister for Justice’s urging the Department of Education appears to have been singularly inactive on the Committee’s Recommendations. This incident is illustrative of the problematic nature of communications between the two departments.

principally involved Education initially replied to the recommendation by endorsing the no cost options and either avoiding the issue or giving reasons why it was not feasible to implement the options that would incur cost. (DJ 93/182) As late as 1966 the then Minister for Justice, Brian Lenihan, wrote to his opposite number in Education, Donogh O'Malley, saying,

A few years ago the Inter-Departmental Committee formulated a series of recommendations. The recommendations relating to the Industrial School's were referred to your Department. One of these recommendations was to the effect that a visiting committee should be appointed to every Industrial School, and indeed that an after care committee, also, be appointed in appropriate cases (ibid)

At the time the attitude of the Department of Education was that it was not over-sanguine about the prospects of implementing this recommendation but it undertook to approach the managers' association about it. Since we have heard no more, I assume that Education have dragged their feet or that the school managers rejected the idea" (DJ 93/182/16)

This communication between Ministers O'Malley at Education and Lenihan at Justice may be seen as the beginning of a series of events which led to the establishment of the Committee On Reformatory and Industrial Schools (The Kennedy Committee). This was to be an important watershed in the history of the Industrial and Reformatory School sector on a number of levels.

9) THE KENNEDY REPORT

“TRUTH IS RARELY PURE AND NEVER SIMPLE”

Oscar Wilde The Importance of being Ernest.

The Kennedy Report, which was published in 1970, focused on the administration of and conditions in Industrial Schools. The Report made far-reaching recommendations which in some cases have still not been implemented. However, it did lead to a major programme of closure of industrial schools and the introduction of different regimes for the few that survived. The Kennedy Report was to form the bench-mark for those seeking improvements in the Irish child care system over the following decades.

The history of the establishment of the Committee and the conduct of its investigations is somewhat difficult to establish. Few if any official papers are available to researchers, despite the passage of more than 30 years since its publication. However this may well be that few working papers were accumulated by the Committee, rather than any desire not to release them by the authorities (Interview with Risteard MacConchradha on 15/2/2002). It differed from earlier reports in several key areas, particularly in composition of the committee, which was not solidly drawn from the establishment and in the amount of publicity it received at publication. In essence this meant that it was impossible for the government to shelve its findings quietly as had happened in the past.

Private sources have indicated to me that the Kennedy Commission began its life as a reaction of the commissioning Minister for Education to the suppression at the behest of Archbishop McQuaid of a report by a cleric after it had been sent to him by an official in the Department of Justice. The cleric was one Ken McCabe who was a Jesuit scholastic nearing the end of his studies. Ken McCabe had a history of interest of the plight of young offenders. On September 4th 1964 he wrote to the Minister for Justice, Charles, J. Haughey requesting a private meeting. He apologised to Haughey for what he viewed as the “unorthodox approach in writing to your private address” and informed him that he had long had an interest in juvenile delinquency and had lately made a detailed study. The rest of his letter is worth quoting at length. Its tone communicates a sense of real concern coupled with a sense of the consequences of speaking out. He wrote

I have recently returned from a week in Daingean Reformatory which proved a tremendous help in understanding the background of the problem

I write now with the hope that it might be possible to meet you sometime to discuss some aspects of the problem with you. If this could be managed, I would like to meet you completely unofficially and I would ask you to keep our meeting strictly confidential. I am a Jesuit Scholastic with two more years to ordination (12 already completed). Since I am not ordained I cannot, of course, take a too-active interest in the practical side of the problem. I have, however, been given official approval of my interest in delinquency and its causes.

Should you be able to spare the time to meet me some time. I would like to bring another scholastic friend with me. I will finish by repeating that I would be glad if you could please keep my request confidential. I would also like to repeat that I would prefer to meet you as a private person interested in discussing ideas and possibilities to help the problem of delinquency (DJ 93/182/17)

It is clear from McCabe's comments that he is interested in the wider field of young offenders and not just in the treatment of children in Industrial Schools, but a brief report

he provided to the Minister about his time in Daingean is of particular interest and was to lead him into further research into this area

The correspondence clearly interested the Minister who in turn sent a letter back to McCabe saying he would welcome a meeting and providing him with his direct phone number McCabe's guarded tone and desire for secrecy is indicative of the pressure felt by those who wished to speak out against the system at the time

As a result of a meeting with the Minister McCabe furnished him with a written report on October 6th 1964 The report was wide ranging, covering the causes and treatment of delinquency However, when McCabe's report reached the section on Daingean, he said

This is the part that I feel strongest about and that I find the most difficult to speak about During my week's stay in St Conleth's I received wonderful hospitality from priests and brothers and I came away with a deep admiration for the heroic work done by the brothers No lay staff would work the same long hours under the same conditions Having said that I must now make a distinction Subjectively the brothers are doing work that deserves the highest praise and merits the highest admiration Objectively the standard of the school as a centre of reform must be judged inadequate

He went on to speak about the poor level of funding before continuing

The boys are dirty training facilities are very limited Games facilities are very poor Food is not good Many are illiterate The 'school' is an inadequate affair with no opportunity for grading Perhaps the worst aspect of all (and this is not in any way a reflection on the brothers themselves) the brothers are completely untrained Daingean is the only boys reformatory in the country where the most difficult boys, presumably, are sent to be reformed and this is being done by a completely untrained staff The system in Daingean now cannot be described as anything more than punitive I also feel rather strongly that it has serious bad effects For one thing it associates a group of religious in the mind of the boys with the worst sort of

authority From conversations with the boys, this association quickly spreads to include the whole church and all it stands with bad material (DJ 93/182/17)

Despite the diplomatic language things were clearly wrong in Daingean the staff were under funded and overstretched and seemed to McCabe to have be running a punitive regime that featured an abuse of power between the religious and the boys

Some two years later McCabe was introduced to the Minister for Education, Donogh O'Malley, by a third party who in turn sent him a letter of introduction to Brian Lenihan, Minister for Justice Lenihan and O'Malley agreed to let McCabe have access to various young offender institutions to research his final project before completing his religious training as a Jesuit McCabe had permission from his superior to conduct his research It was agreed that McCabe would return a copy of his project prior to submission to the relevant Departments On completion he duly did this A senior official in the Department of Justice was so worried by the contents of the report that he contacted Archbishop McQuaid to see if he could offer any assistance McQuaid contacted the Provincial of the Jesuits and expressed his displeasure at Ken McCabe intervening in the affairs of state The archivist of the Jesuits, Father McDonaugh, has confirmed to me that a letter to this effect in McQuaid's hand is held by the Jesuit Provincial but it is unavailable for public inspection McCabe was sent into retreat and subsequently left the order It has not been possible to identify documentary proof of the project or of events other than the confirmation of McQuaid's letter to the Jesuit Provincial, and all but one of those who are still alive and have knowledge of this affair have refused to give

interviews. It is certainly the case that after 14 years of study Ken McCabe left the Order on the eve of his ordination as a Jesuit in the 1966/67 period (Jesuit Archive Dublin)

The author asked Mr Desmond O'Malley, the former Minister for Justice and nephew of Donogh O'Malley, if he could offer any insights into this sequence of events. He said that he had no recollection but that it would fit with his experience of how McQuaid reacted against clergy who troubled the political establishment. Desmond O'Malley stated that during his own period as Minister for Justice a young chaplain had publicly criticised conditions in St Patrick's Institution. McQuaid immediately had him removed despite the Minister for Justice's agreement with his views and his support for their expression. Desmond O'Malley stated that McQuaid expected civil-service like loyalty to the government from prison chaplains and other clergy involved in state organisations, especially if they were paid by the state (Interview with the author 24th 4 2002)

A private source who was close to Donogh O'Malley and who introduced McCabe to him, informed me that O'Malley was so angered by the action taken against McCabe that he set the Kennedy Commission up as a direct reaction to McCabe's treatment by the hierarchy. McCabe's name was originally forwarded by the Minister for inclusion on the Kennedy Commission but was withdrawn later for no specified reason (DJ 93/195)

There would certainly seem to be a large amount of circumstantial evidence supporting this version of events

Archbishop McQuaid was a powerful force in Irish life and documentary evidence exists that he was not afraid to intervene on behalf of government departments against his own clergy. For example, in 1952 the Reverend Mother in charge of St Joseph's Industrial School, Whitehall, Dublin, decided "after mature reflection" to close down the remand beds they provided for girls. This was because of staff shortages, the lack of facilities to run this service and the damage to the much younger children who were the school's main client group.

The Department of Justice were unhappy with this decision and contacted Archbishop McQuaid. The Archbishop informed the Minister that the matter had never been referred to him and that he "had at once requested an explanation." McQuaid wrote back a week later informing the Minister that the decision had been reversed (DJ 93/182/16). It would seem likely that in this case "mature reflection" was forced to give way to political expediency.

The then Minister for Justice, Brian Lenihan, would appear to have been personally appalled at the conditions he saw in the Industrial and Reformatory school sector. He wrote to the Minister for Education suggesting that he "might have a close look at what was going on in Industrial Schools" (DJ 93/182). O'Malley wrote back in what reads like exasperation thanking the Minister for Justice for his interest and ending "I certainly will" (ibid).

Donogh O'Malley was a reforming Minister for Education who was not afraid to speak his mind and who had had occasion to cross swords with the religious over his attempts to reform secondary education. In 1967 he spoke openly in the Senate about his difficulties with the religious. He made an unambiguous statement that is worth quoting at length

“ No one is going to stop me introducing my scheme next September (These schemes included plans to ensure that all children could receive post primary education irrespective of their means, co-operation between secondary and technical schools and the development of comprehensive schools) I know I am up against opposition and serious organised opposition but they are not going to defeat me on this. I tell you further that I shall expose their tactics on every available occasion whoever they are. I had a deputation recently and a reverend gentleman as he went out the door said jocosely, but there was malice in his joke, ‘You will never catch us. We will always be ahead of you.’ It was our Divine lord who said, ‘Suffer little children to come unto me.’ There will be a lot of suffering if that is the mentality that prevails in Ireland. I am surprised and I am disillusioned because no Minister for Education came into this Department with more goodwill than I did and I was very surprised. Maybe I shall tell the tale and no better man to tell it. I shall pull no punches. Christian charity how are you (Whyte, 1980: 339)

At the time the Minister made the speech to the Senate outlining his frustrations and concerns at the attempts of the hierarchy to block his concerns and their perceived arrogance, he was aware of concerns highlighted by McCabe and others over the conditions in the Industrial and Reformatory school sector, a sector run, with the exception of Marlborough House Remand Home, by the religious. We have been informed by private sources that O'Malley was genuinely concerned and outraged at the conditions that prevailed in the schools, at the arrogance of the religious who ran the schools and at the hierarchy's treatment of Ken McCabe, but it must also have seemed a useful stick to beat them with. The Minister knew that if the truth about conditions in the

schools were made public, whilst it might be a source of embarrassment for the government he served in and his own Department, it would certainly deprive the religious who presided over these atrocious conditions of their control of the moral high ground. Perhaps he realised that the political damage could be minimised by reflecting most of the blame back on the religious. Perhaps he thought that this was the issue on which he could catch them.

In September 1967 the Department of Education wrote to the Department of Justice as follows:

“ I am directed by the Minister for Education to state that having given some consideration to problems connected with Reformatory and Industrial Schools, he has come to the conclusion that these problems should be subjected to objective appraisal by persons who have knowledge, of and interest in them. Accordingly, he has decided to set up a committee to report and make recommendations to him.

It is proposed that the terms of reference of the committee should be as follows - To survey the reformatory and industrial schools system and to make a report and recommendations to the Minister for Education” (DJ 93/195)

With this decision Minister O'Malley had broken the mould. This would not be a cosy committee of civil servants or those trusted by the establishment to follow instructions but would include independent committed individuals who had a real interest in the care of vulnerable children and young people. Indeed O'Malley wanted to take this further by appointing a committee that included no departmental representatives, but thus far the establishment was to prevail. The Chairperson of the Committee, Justice Eileen Kennedy, was herself an interesting mix of establishment and concern, having trained as a nurse prior to becoming a lawyer.

The determination of the Minister for Education in this matter did not mean that the Kennedy Committee's deliberations were unaffected by the heavy hand of officialdom. A private source has informed me that senior figures in the civil service of both Departments, Justice and Education, attempted to ensure that information fed to the Committee was carefully selected. To overcome this, clandestine meetings were arranged with ex-residents of Industrial and Reformatory schools to establish what conditions were really like in them. Some of the more unsavoury aspects of the practices in the schools may be said to have come out despite, rather than because of, official co-operation. Indeed, as has been mentioned above the Kennedy Committee itself was born at least in part as an attempt by officialdom to cover up what was really going on in these institutions. The fact that members of the Committee held clandestine meetings to overcome administrative manipulation was known by Risteard MacConchradha (Interview on 15 2002).

The working papers from the Kennedy Commission in the possession of the Department of Justice (DJ 93 series) tell a very different story from those of earlier committees whose membership was drawn entirely from the civil service establishment of various departments. It is necessary to assume that either conditions had deteriorated considerably in the intervening 6 years between the Inter Departmental Committee's work and the establishment of the Kennedy Committee or the previous inspection of the system had been poorly conducted or had deliberately attempted to gloss over the truth. The working papers also show that the Department of Education seemed to respond to

the Kennedy Committee's enquires and concerns in a defensive manner, again underlining its negative attitude to the communications process involved

DAINGEAN

The Kennedy Committee's report on Damgean Reformatory differs sharply from that of the Inter-Departmental Committee's in almost every aspect. It wrote to the Department of Education on June 14th 1968 stating that

“ The whole premises have a general appearance of grubbiness and whilst allowances may be made for the older sector of the buildings, even the newer section was not presentable. In particular the kitchen/refectory area, with its open drains and dirty yards adjacent, was very disturbing and the ware used for boys meals was in particularly poor condition. The buildings were noticeably cold. The visitors wore overcoats throughout and were still conscious of the prevailing low temperature. The boys presented a dirty unwashed appearance - even to the extent of ingrained dirt and verminous hair. The boys were attired in extremely ill-fitting, oddly matched, old, dirty and rather tatty clothes. Discoloured bed linen and the thread-bare condition of the blankets also gives cause for concern. On the basis of one visit, we hesitate to comment on diet beyond stating that on Ash Wednesday - the day of our visit - the boys' meal consisted of chipped potatoes and they were universally vocal that the quality of food served to them on the occasion of our visit was far in excess of what would normally be the case” (DJ 93/195)

This picture of Damgean differed remarkably from the one described by the Inter-Departmental Committee. It is worth noting that on the issue of clothing the Committee discovered that the Department of Education were approving of the purchase of second hand prison clothing from England (private source MacConchradha interview 15 2002). The food issue relating to improved provision when inspections were taking place is a common theme in the personal memoirs of ex industrial and reformatory school inmates (Raftery and O'Sullivan, 1999).

There was however, a more disturbing matter unearthed by the Kennedy Committee in relation to punishment inflicted in Daingean. The Committee informed the Department of Education that:

In the course of a discussion with the Committee as a whole, the Resident Manager disclosed that punishment was administered with a leather on the buttocks, when the boys were attired in their nightshirts and that at times a boy might be undressed for punishment (DJ. 93/195).

With the exception of two members the Committee condemned this practice. Whilst merely frowned upon at the time it clearly takes on a greater significance today with the knowledge we now have of cruel and on occasion sexually sadistic behaviour by individuals who worked in the schools (Touher, 2001).

The significance of these remarks was added to by Mr Mac Conchradha, the Department of Justice representative on the Kennedy Committee, who stated that in conversation with the Committee members the Director of Daingean had told them that corporal punishment was more humiliating when administered to the naked body (DJ. 93/195). This remark was denied by the Director when he was visited by Department of Education officials to investigate and condemn this practice (ibid).

During 1968 the Committee discussed these concerns with Mr Tomas O Floinn, the Assistant Secretary of the Department of Education. He stated that, "punishment of the sort disclosed by Fr. McGonagle [Manager of Daingean] would be regarded as irregular by the Department of Education. He also said that complaints of irregular corporal

punishment were investigated by his Department but he said that frequently these complaints could not be substantiated” (DJ 93/195)

On the 22nd of May 1969 the same Assistant Secretary responded to an enquiry by Justice Kennedy into the incidence of complaints about industrial schools sent to him six months before (DJ 93/122) The tone adopted in the letter was dismissive, saying, “ No complete record of complaints received is available since many of these complaints are of a trivial nature”(ibid)

It is worth noting that, of 9 complaints received in the 5 years prior to 1969 in all but one case the response defamed the character of the child or parent making the allegation Comments include “ the parents had a record of troublemaking with the Gardaí, the parish priest, and local teachers” Another read “ Reports from the ISPCC and Waterford Health Authority showed that father had only recently been released from prison after serving an eighteen month sentence for perverted sexual behaviour with other girls of the family” A third stated that the woman who made the complaint is the foster mother of the boy and is reported of being of an irresponsible nature ” The only cases in which the Department admitted any impropriety were reports made by professionals Therefore if a probation officer or doctor made a complaint it was likely to be taken seriously, but if a child or parent made a complaint it was likely to be ignored Whatever the background of the child or parent the dismissive approach of the Department of Education, based on previous history or prejudice, could hardly have

filled children or their families with faith that their voices would be heard. Indeed the Warden at Marlborough House was known to ignore any complaints (DJ 93/122)

During the course of his questioning by the Kennedy Committee the Assistant Secretary of the Department of Education informed the Committee that he had never visited Marlborough House or Dangan. On visiting Dangan in 1969 he was so appalled that he instructed that work begin immediately on correcting some of the physical shortcomings of the school. This speed of reaction was not typical of the Department of Education in the industrial and reformatory School sector.

Mac Conchradha himself had earlier reported to his own Department expressing concern over conditions and the ability or willingness of the Department of Education to challenge them. He closed his memo of April 20th 1968 by concluding

Even at the risk of breaking confidence, may I say that the system has been centrally administered in a very plodding way, with little sympathetic involvement or thought for the children. Finance has been ungenerous for years and what forward-thinking there was, came from individuals in the conducting communities. The lot of children, especially the boys, is very sad and there is an unbelievably entrenched “status quo” to be overcome, not least in the Department of Education, if there is to be any change for the better (DJ 93/195)

Interestingly the reply from the Department of Education of May 22nd 1969 made no mention of the stripping of boys for punishment purposes. This was referred to in a letter to Education from Justice dated April 16th 1970. Peter Berry Secretary of the Department of Justice informed his counterpart in Education that Mr MacConchradha was having some difficulties in signing the Kennedy Report because it made no mention of the

corporal punishment issue in Daingean and because the Department of Education had not given any undertaking in relation to the cessation of this practice MacConchradha's humane comments quoted above gave way to rather more bureaucratic and political considerations in Berry's letter

To sign a report which made no reference to the situation about punishment in Daingean would, in the absence of evidence that the practice had ceased, be to appear to acquiesce in a practice which is indefensible and for the continuance of which the Minister for Justice could not avoid some official responsibility arising out of his having registered Daingean as a suitable place of detention under the Children Acts. On the other hand, to make any reference, however oblique, to this particular method of punishment in Daingean would be likely to lead to a disclosure of the situation, and in this way, to cause a grave public scandal (DJ 93/195)

Mr MacConchradha was persuaded to sign the document following verbal assurances to Mr Berry by the Department of Education that the practice was stopped. This was followed by written confirmation from the Department of Education on April 30th 1970. This letter also apologised for the "oversight in not mentioning this matter in earlier correspondence" (ibid)

At an interview with the author on April 30th, 2002 Mr MacConchradha gave a more vivid account of his concerns over Daingean and the difficulties experienced by the Kennedy Committee in compiling their report. Mr MacConchradha explained that prior to going to the Department of Justice in the early 1960s he had spent 15 years in the Department of Education. He said that his appointment to the Kennedy Committee as a junior civil servant came as a surprise to him. He explained that the Department of Education had not liked his appointment as,

I was poacher turned gamekeeper I knew the way they operated I knew what a backwater the reformatory and industrial school sector was They [Education] didn't want it By and large the people placed in that section wouldn't have been placed anywhere else

He went on to tell me that the one senior inspector responsible for the schools had a problem with alcohol

When he went on inspection visits the religious would ply him with alcohol in the morning and he would do his inspection in the afternoon in a haze of alcohol It was a It was no inspection He saw what they wanted him to see

Mr MacConchradha informed me that Donogh O'Malley was well aware of the difficulties in the Industrial and Reformatory School sector

He called us all in for a meeting when the Committee started He knew things were rotten and he was very worried that those on the "left" would get hold of what was going on and make use of it against the government He knew what was going on I remember he said to us "Industrial Schools I want the skin pulled back on that pudding"

Mr MacConchradha went on to say that O'Malley benefited from McCabe's contact with Haughey "McCabe's report never went away It was floating around in the departments until O'Malley took up the issue" Mr MacConchradha illustrated the complex communication issues between departments by stating that one of the Kennedy Committee members was a "plant" "He was Charlie Haughey's man He was a good man but he was interposed after membership of the Committee had been decided so that Charlie would know what was going on Haughey and O'Malley were close politically but not quite trusting"

The communication between the commissioning department and the Committee was less than amicable according to Mr MacConchradha

Education did not even begin to co-operate. We didn't fully realise the powers we had as a committee. When we asked for documents we were blocked. Senior civil servants in Education knew what was going on but they had done nothing about it. When we went on visits to England and Denmark we were treated well and shown everything. The Committee was treated with respect abroad but not by the Department of Education.

Mr MacConchradha then outlined his recollections about the Committee's visit to Dangean.

"We visited Dangean on an Ash Wednesday. The place was dismal. There was a farm around it which was a money-spinner, the lads used to work on it but not a penny was ever put back into their living conditions. They looked puny, dreadful, ragged. The only decent staff that were there were the lay instructors. One of them sidled up to me during a visit and said 'Before you go ask about the night floggings.' I told Kennedy. She said, 'Do.' We sat in Father McGonagle's office and Dr O'Hagan and I asked about discipline. He told us that any breaches of the rules were noted during the day and punishment was inflicted at night. At 10 or 10.30 boys for discipline were called from their beds to a first floor landing. The first boy for punishment knelt on a lower landing and rested his elbows on the third step. A second boy sat on his shoulders and pulled up his nightshirt. The first boy would be flogged with a leather and so on and so on. McGonagle told us this as if he were passing the time of day or talking about motor cars or something. I couldn't believe my ears. He was completely unfazed, it was just a narration.

On the way back in the minibus we were discussing this. Dr Ryan [a Committee member] said he viewed it as a highly dangerous practice with pubescent boys. He said the beatings could cause the boy being punished to become erect and have an emission and if the boy associated humiliation and beatings with early sexual gratification it could lead to severe problems later on. I clearly remember clearly asking McGonagle why punishment was inflicted naked? "It was more humiliating that way", he said. He denied it after. We were so shocked by what we saw in Dangean we called for its immediate closure. We knew we wouldn't get it but we hoped they would stop the beatings, but they refused. Archbishop McQuaid intervened and they stopped but I think McDevitt [Reformatory School Inspector] went and spoke to them on behalf of Education to stop a scandal.

Mr MacConchradha went on to illustrate the pressure brought to bear on him for not conforming to the standards expected by the Department of Education from civil servants, even those from another department

“After we got back from Dangean the Assistant Secretary of the Department of Education, Tomas O’Floinn, attended a meeting of the Committee at which we put our concerns. He said he was shocked as he hadn’t known what was going on. This reply triggered a reaction in me and I said to him, ‘Dangean is inspected. How could you not know?’ He was furious with me. He said he was appalled that any civil servant would so embarrass an Assistant Secretary in the presence of non-civil servants. My Assistant Secretary upbraided me. I told him that as the Ministers nominee I was entitled to react as I did. I said to him, ‘My God they are helpless children.’ He replied to me coldly ‘Who ever gave you a remit for all the children of Ireland’

I was then sent for by Education. The Assistant Secretary and the School’s Inspector both attacked me. It was intimidation, intimidation, intimidation. But Peter Berry supported me. I refused to sign the Kennedy Report until the beatings in Dangean stopped. The religious were a law unto themselves. I knew of cases where schools inspectors complained and they were just ignored. Once I got reassurances that the beatings had stopped I signed and removed the paragraphs from my minority report that gave the details. None of us on Kennedy wanted to shame the religious. We too were Catholics. We just wanted them to abandon the old system and start again.

The evidence exists to show that Mr MacConchradha raised these concerns at the time and sought to have the issues addressed. However, he illustrates how the civil service closed ranks to prevent the verification of McGonagle’s comments about the humiliation of boys because of inter-departmental politics. This was a result of Mr MacConchradha intervening at Peter Berry’s request in the case of a destitute child scavenging refuse bins for food at night in Mullingar which caused embarrassment within the Department of Health. He told me

During the Kennedy Committee we became involved in a case of a child in Mullingar that put Health's nose out of joint. They felt that Peter Berry was trying to get at them through this particular case. During a discussion on the Daingean issue the Department of Health appointee on the Committee-although he had participated in the questioning- denied ever having heard McGonagle make his statements. Later on the Assistant Secretary of the Department of Justice-to whom Health complained-underscored to me "the reason they got amnesia was Mullingar".

In the smoothing over of the Daingean issue, notwithstanding Mr MacConchradha's principled stance, we have two government departments effectively making a deal to protect the Ministers for Justice and Education from adverse criticism by keeping the unsavoury details of what was happening in Daingean out of the public view. As has been mentioned above, a private source has informed the author that there was a great deal of pressure on the Kennedy Committee to leave the more embarrassing details alone and it would appear possible that this was one such issue. In assessing the cultural and communications genesis of this desire to restrict information flow on potentially embarrassing issues it should be remembered that not only did these issues affect the Catholic church which as it has been shown was keen to control information flows but that the administrators charged with managing these functions on behalf of the state worked in a civil service which had grown out of the British model with an inclination towards secrecy and a strong focus on collective responsibility (Interview with Desmond O'Malley 24 4 2002)

Apart from Daingean the institution which caused the greatest concern to the Kennedy Committee was the remand facility mentioned above, Marlborough House. The members

of the Committee were so concerned with conditions there that they wrote to the Minister for Education in July 1969 requesting that it be closed down immediately before issuing their report. The Committee noted that the building itself “ was condemned as a dangerous building in 1942” They went on

“ While the state of the building is a matter of concern the staffing is of even greater concern. The present staff employed in supervising the boys, are untrained and unsuitable for the work that they are expected to do. My Committee is strongly of the opinion that all staff to be recruited should have training in child care and the handling of disturbed boys, and that the remuneration offered should be sufficient to attract suitably qualified people to the work. My Committee is aware that work has begun on the building of a remand home in Finglas but we feel that the position so far as Marlborough House was concerned is so dangerous from every aspect that something must be done immediately to eradicate those dangers (DJ 93/195)

As has been mentioned above the Inter-Departmental Committee had raised concerns over the quality of buildings and staff in Marlborough House in 1962. However, in 1968 nothing had been done to improve either of these situations, indeed it would appear that both the buildings and the staff within them had deteriorated over the 6 years, leaving the young people resident in an even worse position.

A letter written to the *Irish Times* in the January of 1971 by Judge T C Kingsmill Moore gives a flavour of what Marlborough House was like in this period. In Dickensian tones he reported

We were led through a stone corridor to a large locked door, opened for us by a young man in charge during the day. We found ourselves in a single enormous hall comparable only to a disused garage. The walls were rough plaster, some falling from damp, exposing the bricks behind. At each end was a small black stove, each with a few red embers at the bottom. The sole furniture consisted of two tables and a few backless forms, some broken. There were not enough forms

to seat the numbers of boys incarcerated. Each tall window was blocked by brownish material and covered with wire netting, a little light came through part of the upper panes. Hanging from the upper ceiling were three or four low wattage bulbs, one broken. There was no means of occupation, recreation or instruction of any kind: no table tennis, no gym equipment, no books, papers, writing equipment, no construction models: not even sufficient seating. Upstairs there is a similar room housing the beds. The blankets were thin and insufficient for winter; again half the windows were blocked”
(27/1/1971)

The concerns expressed by the Kennedy Committee over the quality of staff were not just about professional competence but also about their basic performance in terms of the treatment of their charges. This concern was raised in the early 1950s by Justice McCarthy (see above). During the late 1960s a string of complaints about physical abuse of children by staff in Marlborough House came to light. This time it was not simply parents and children complaining but professionals who had actually witnessed the assaults.

One probation officer details a horrendous assault he witnessed in Marlborough House in September 1969. His statement records

on the 25/9/68 at Marlborough House, while attending there on duty as a probation officer, I was witness to a brutal beating of one of the inmates (a boy from Sligo I was informed), by an attendant named . . . This beating consisted of numerous punches with his clenched fist, which reduced the boy to a whimpering mass. The concluding portion of this incident was witnessed by Mrs O’Dowd [the wife of the superintendent], the matron and the complete incident took place in the presence of all the inmates at the time. May I say that I considered this a savage, uncontrolled beating, accompanied by expressions from the attendant, of which I could plainly hear ‘dirtbird’ mentioned on quite a few occasions.
(DJ 93/195)

The probation officer went on to say that he had received similar complaints from other young people and he had reported all of this verbally to the Superintendent. The same

probation officer in a later report complained that his work was being obstructed since he made the complaint. When he had asked to see the person in charge the attendant who was obstructing him told him “we are all in charge here.” This matter was taken up at a senior level with the Superintendent of Marlborough House who denied any wrongdoing (ibid). Indeed the man witnessed by the Probation Officer committing this terrible assault was still employed in the centre until the day it was closed and was only laid off as “he did not wish to continue.”

There were many complaints of physical abuse during this period against other members of staff, including an allegation made against the matron that she had beaten a boy about the head with a mug. Indeed Justice Kennedy in her role as a Children’s Court Judge had her Senior Clerk write to the Department of Education to make them aware of “her increasing apprehension concerning the proper care and treatment of children and young persons in Marlborough House.” (ibid)

There is a disturbing paragraph in a briefing document written by MacConchradha, which would appear to indicate that complaints made by other Departments about ill treatment of boys in Marlborough House were ignored by senior officers of the Department of Education and the Inspector of Reformatory and Industrial Schools, Mr McDevitt. The section states

It will be recalled that the probation officers had complained of boys being beaten in their presence in Marlborough House. While I was Probation Administration Officer in Ormonde Quay, I transmitted complaints of this nature to Education. Justice Kennedy had also complained about boys from Marlborough House.

coming before her with obvious signs of ill treatment. It took the best part of six months for Mr O'Flinn [Assistant Secretary, Department of Education] to reply to Justice Kennedy. Apparently Mr McDevitt [the Departmental Inspector of Industrial Schools] simply ignored complaints of this kind (DJ 93/122)

Thomas O'Flinn, the Assistant Secretary (mentioned above) visited Marlborough House with the Kennedy Committee and was so appalled by what he found that he proposed an immediate transferral of the boys to prefabricated buildings in the grounds of Shanganagh Castle, a recently opened and experimental open prison, on a temporary basis whilst Finglas was built. The correspondence on these issues gives a fascinating insight into the lack of trust between the departments of Education and Justice and the complexity of Church and Church/State politics.

The Department of Justice representative Mr MacConchradha, as sympathetic as he clearly was to the plight of the children in Marlborough House, was nonetheless a civil servant with the Department of Justice and he felt something was not quite right with Mr O'Flinn's proposal. Shanganagh Castle had been transferred the year before from the Department of Education. The Prisons Section of the Department of Justice had generally viewed as a sign of how out of touch the Department of Education had been over the critical state of Dangean (DJ 93/122)

MacConchradha became even more suspicious of the Department of Education's motivation when on a visit to St Patrick's Institution for Young Offender. O'Flinn had been suddenly and unusually forthcoming about offering long sought educational

resources to St Patrick's, Mountjoy Prison, and Shanganagh MacConchradha reported to his superior that

He, O'Flóinn telephoned me next day, for the first time mentioned Marlborough House and said that it was his concern about the boys there that took him to Shanganagh He said he would like me to know that a letter was coming Minister to Minister, about Marlborough House My own Committee had asked that something be done to improve matters and he hoped I could help (ibid)

MacConchradha felt that there was a subplot to the conversation, which would ultimately lead to Justice being left holding the baby He explained in his memo that the various religious brothers in Ireland had been left high and dry as regards a Ballina school by the church hierarchy in a effort not to upset the Irish National Teachers Organisation Subsequently the religious brothers had made it a point of policy that they would not take over the running or function of any centre previously run by lay management He also noted that the De La Salle Order, who were due to take over the new centre at Finglas, were being advised not to touch the remand side of the work and that the order was opposed to this and it was these objections that had delayed the introduction of the facility in Finglas Indeed MacConchradha was so suspicious of the Department of Education's motivation in its desire to relocate Marlborough House on a temporary basis that he " was left wondering about the bona-fides of all the educational resources, which were to hand for the asking on the previous day" (ibid) He speculated

I would be apprehensive that, if temporary accommodation was accorded now for a remand/detention centre at Shanganagh, we would find in eighteen months time that Education were in 'unanticipated' difficulties with the Brothers and that the remand element would have to remain with us Undoubtedly, our attention would be invited to the fine range of pre-fabricated buildings and the remedial school, which we would inherit with the remand boys (ibid)

The letter also gives some insight into the small world of politics and administration both secular and religious in Ireland during this period

Brother Oliver Rice, the Assistant Provincial, is a brother of Mr Nioclás C. Rís, of the Schools Inspectorate. Whenever the Department wishes to sound the Brothers on any matter where there is any doubt as to their attitude, the liaison between Brother Oliver and Nioclás C. is invoked. It will surprise me if it has failed on this occasion. (ibid)

Whilst there is no suggestion that this or any other relationship between senior members of the religious orders and Departmental officials was used inappropriately, it is clear that this must have formed a useful channel of communication

Whether the Department of Education were being as underhand as Mr MacConchradha believed is, in the present unavailability of Department of Education files, a matter for speculation. Clearly however, it was a way of moving the young people out of Marlborough House which, we have seen, was causing concern to the Department of Justice and the Kennedy Committee alike

The letter containing the offer to move the inhabitants of Marlborough House was sent to Justice on July 22nd 1969. However, it was not an offer that Justice were prepared to accept. No doubt this was in part the result of the advice received from Mr MacConchradha, a man who whilst, clearly passionate about the plight of children, would not let this stand in the way of departmental interests. Mr MacConchradha was correct in his belief that the De La Salle Order would be unhappy at providing a remand facility. This issue remained a point of dispute between the Order and the Department of

Education until the Order relinquished control of the centre to lay management in 1994
(un-numbered archive document Finglas Child and Adolescent Centre)

Marlborough House was to continue in operation until 1972, some thirty years after it had been appropriated from the army to save another Cavan scandal, thirty years after the government knew the building to be unsafe and twenty years after concerns over the standard of care and qualities of the staff had been raised officially

The cause of the closure of Marlborough House was not departmental concern for the young people who resided there, but adverse publicity. Conditions had grown so bad in Marlborough House that the young people there began to take matters into their own hands and rioted over conditions. The actions of the young people began raised headlines in the press and these were no doubt influenced by the findings of the Kennedy Committee which had been published the year before and had excited a wealth of public and press interest. Instead of condemning them for rioting the newspapers asked why they were rioting. On June 30th 1971 the *Evening Herald* declared

Something is radically wrong with Marlborough House, Dublin's remand home for juveniles. A new institution is required. A new deal is required. New attitudes are required and an effort on the part of the Departments of Justice and Education to discover what has caused the unhappiness in Marlborough House would not be out of place.

The Department of Education's response to these concerns was summed up in a press release which stated "A number of minor incidents were caused by some unruly

detainees on Saturday last Suitable steps were taken to have the matter dealt with" (*Irish Times* 29 6 1971)

The Hon Secretary of the Irish Association for Civil Liberties wrote to the Minister for Justice, Desmond O'Malley, raising concerns and stating

We are aware of situations where power has been seriously abused in similar institutions and where your Department has intervened We would ask you to make a full enquiry about these children (DJ 93/122)

In an interview conducted by the author on April 24th 2002 with Desmond O'Malley in Dail Eireann, Mr O'Malley gave a candid account of his concerns about children whilst he was Minister for Justice in the early 1970s and of the poor state of inter-departmental communication on the issue of looked after children

Mr O'Malley stated that he had general concerns about the Industrial and Reformatory School sector on taking up office but that his interest in the area grew as a result of his own observations and enquiries regarding the treatment of children at Letterfrack and of a public misunderstanding about which Ministry funded and regulated these schools The general public erroneously believed it to be Justice when it was in fact Education Mr O'Malley knew that things were not well in the Industrial and Reformatory School sector He knew capitation payments were so poor that children were underfed and poorly dressed He said that he also knew that many of the regimes in these schools were harsh and punitive

|In the summer of 1970 Mr O'Malley holidayed in North Connemara near the Letterfrack institution Mr O'Malley told me that he started to see groups of "cowed

looking, shaven headed young fellows looking woebegone, parading up and down the roads with a Christian Brother at the front and a Christian Brother at the rear” He went on “I started to make enquiries I started to get partial answers Things like ‘terrible things happen in there, kids are very badly treated I found out that boys who had absconded would be returned and be given appalling excessive beatings in front of the others as an example” Mr O’Malley told me that during his stay that summer he constantly had a Garda escort as a result of threats against him and got the impression that the Letterfrack institution was seen as a no go area by the Guards

On his return to Dublin in August 1970 he informed Mr Berry of his concerns The Secretary acknowledged that there might be some truth in the rumours but advised the Minister for Justice to “stop worrying about it and leave it to the Minister for Education” Mr O’Malley said that he had informed the Minister for Education and some of his officials but felt nothing was done about it although some sympathy had been expressed He said that he was struck by the secrecy of the Department of Education when communicating with other interested government departments on this issue In his view the Department of Education were guilty of “administrative malpractice” in relation to the reformatory and industrial Schools He said in his experience that this sort of secrecy only occurred when there was something to hide and someone or something to protect and that he had only come across this type of departmental culture of secrecy later in his career in the Department of Agriculture when officials were trying to hide irregularities in the beef trade

He went on to state his opinion that the Department of Education were so keen to ensure that the provision of industrial and reformatory schools was continued by the Religious, at a fraction of the cost experienced by other European countries, that there was an officially sanctioned culture of secrecy which had become institutionalised. In short Mr O'Malley believed that the Department of Education had far too cosy a relationship with the religious, a relationship which was mutually beneficial to Church and Department, a relationship they were not going to compromise for a group of voiceless children.

Eventually the staff of Marlborough House walked out as a result of what they viewed as unsafe working conditions only to be re-employed the following week. The riots started again. In the end they were replaced by prison staff on an interim basis while Education regrouped its resources. The civil servant from Justice who had responsibility for taking over the temporary running of Marlborough House by the Department of Justice was Risteard MacConchradha. In the interview he gave the author he described the squalid nature of the facilities. He only realised after he entered the facility to take over that conditions were worse than those seen by the Kennedy Committee and others on their official visits. It should be remembered that Marlborough House was under the direct management of the Department of Education and not run at arms length by a religious order.

Mr MacConchradha recalls

“When the staff walked out the Matron rang the Department of Justice in a panic. A few minutes later the phone rang and it was the Department of Education.

asking us to take over. We did for a period with thirty hand-picked prison officers. I greatly admired the work done by those men. The whole place was fouled with excrement, the bedding was urine soaked and infested with lice. It was dreadful. Every bit of furniture was broken. The prison officers from St Patrick's were shocked. We re-equipped the place with stores from Mountjoy, re-clothed the boys with stores from St Patrick's. We had trucks running up to the dump to have the old stuff burned and the health authority came in to fumigate the place. I saw prison officers getting sick because of the filth and excrement they had to clear. The place was in complete disorder. We kept it clean and fed the boys. The housekeeper told us "it is the first time I've seen a bit on the table"

Mr MacConchradha then gave us an illustration of the Department of Education's level of care in the situation. He said,

"I went to Desmond O'Malley and told him that I had exceeded my remit and been obliged to use prison stores to try and ameliorate the situation at Marlborough House. He responded that I had to do what was necessary but to 'get Education up there so they could see the state of the Place'." Education despatched a senior official. "At about 2pm he pulled up outside of Marlborough House, parking with his two wheels on the kerb. A prison officer told me he had arrived. We waited inside to greet him. Twenty minutes later he pulled away without ever having got out of his car. I suppose he went back to Marlborough Street [the headquarters of the Department of Education] entitled to claim that he had been at Marlborough House. He never set foot in Marlborough House. We never saw him again. We ran it for a few weeks until they got new staff"

Mr MacConchradha said that in the period that followed Justice's withdrawal from Marlborough House the Department of Education never mentioned Marlborough House, the conditions there, or the support and provisions provided by the Department of Justice. It was as if it had never happened.

At a strategy meeting in June 1971, which discussed the closure of Marlborough House, it was agreed that

Temporary staff will get the customary week's notice of termination. One of the

established staff , who has a record of ill-treating boys - does not wish to continue The other two, if not absorbed elsewhere in the Department of Education, will be taken on in Finglas as boiler men or night-watchmen or something (DJ 93/122)

Here then is a classic example of a government department redeploying its problem rather than dealing with it The services of Archbishop McQuaid were again utilised by the Department of Education to persuade the De La Salle Brothers to take over the Finglas Centre and provide a remand function despite their reluctance to do so (ibid)

The minutes of an inter-departmental meeting on the 8th of July read that

The Minister for Justice criticised the Department of Education strongly for what now appeared to be the unsuitability of the newly provided St Laurant's in the matter of custody his Department had never been consulted in advance on the custodial aspects of this, which it appeared had been totally neglected there had been a total neglect of the Marlborough House establishment staffing had been obtained from among Labour Exchange undesirables young children had been left in their care when it was known that they indulged in brutality he himself had inspected the place and had been appalled at conditions representatives of his own Department were obstructed in a blackguardly manner in their recent efforts to help running the place, and generally it was very late in the day for the Department of Education to look for any sharing of responsibility in the operations of the establishment" The minutes of this meeting continued "The Department of Education acknowledged the shortcomings of the past Said that they had no knowledge of the recommendations of the former Inter-Departmental Committee on Juvenile Delinquency that the one month detention sentence be replaced (by legislation) by a one year period, but they were prepared to consider doing this (DJ 93/122)

This would appear to be an extraordinary state of affairs, when the Department of Education which had a representative on the Inter-Departmental Committee, received the minutes of its meetings and, as has been shown above, had correspondence from two Ministers of Justice on the issue, could somehow have failed to receive information on this important issue

The animosity between the two Departments over the closure of Marlborough House and the provision of remand beds in Finglas continued. In July 1971 the Minister for Justice wrote to the Minister for Education protesting at an understanding between the Department of Education and the De La Salle Order that they would not have to take remand cases. Desmond O'Malley clearly believed that there has been a deal done between the Department of Education and the De La Salle Order which left Justice in a position where his department may be left to develop a service traditionally provided by the Department of Education.

Mr O'Malley was clearly angered by this turn of events and pointed out to the Minister for Education that Justice had assisted them in their recent difficulties at Marlborough House. O'Malley reminded the Minister for Education that the minutes of the Inter-Departmental Committee which had included a senior official from Education were clear that the new centre at Finglas was to replace the function of Marlborough House. O'Malley became so frustrated at Education's seeming lack of knowledge regarding the recommendations of the Inter-Departmental Committee he states "quite frankly, one of the unanswered questions about the events in question is whether the full facts ever reached the senior officials of your Department, let alone reached you?" (DJ 93/122)

In response the Minister for Education, Pádraig Faulkner, struck a more conciliatory tone that sought to introduce a historical focus to the problem. He stated

“ I do not see much point in seeking to place the blame for our present difficulties on decisions made in either or both our Departments, whether by present officers or their predecessors. It seems to me that these difficulties arise from the change in outlook in the last decade, and particularly in the past few years, in regard to the best ways and methods of dealing with the problem of the provision to be made for deprived or delinquent children. I should hate to think that officials of my Department should in 1971 have the same approach to these issues, or hold the same views as their predecessors of a decade ago might be excused for having held. I must confess to my own part in urging in the last two years some basic and revolutionary re-thinking in relation to the whole system of accommodation, treatment and training of young people under detention (DJ 93/122)

The Minister for Education in this paragraph links the issues of deprivation and criminality and seems to be acknowledging the conservatism of the officials in his own Department. There is indeed merit in his contention that it is important to measure historical events, no matter how recent, by the standards of their day but it is not possible to excuse the bureaucratic inaction, or rather action to preserve the status quo over the needs and rights of children in the industrial and reformatory School sector when contemporary concerns were being raised. Neither is it possible to assume that the Department of Justice had the moral high ground in this matter. Clearly both sides were attempting to maintain the status quo whatever the cost to children and young people.

The arguments between the Department of Education and the various Health Boards continue today and are frequently heard in the High Court at considerable legal expense. Indeed, it remains to be seen if the newly introduced Child Care Act (Criminal Justice) 2001 will rectify the contemporary posturing or whether it is already fatally compromised as a result of its balancing the separate interests of the Departments of Education, Justice and Health.

The Kennedy Committee reported in 1970. The Report made wide ranging recommendations which covered the nature and type of residential units that were to be provided, with a focus on de-institutionalisation, the geographical location, size and type of units, the recreation and creative facilities provided, over-compensation of care to make up for prior neglect, standards of care, inspection, training of staff and managers, research into children's issues, and parental involvement. The Report also recommended that the Department of Health should become the sole Department to cover children's issues and welfare and stressed the importance of community supports, through care, funding, prevention, legislative and court procedures. In short it asked for a root and branch re-evaluation of the whole child-care system, albeit one couched in the terms of reference of an examination of the Reformatory and Industrial School system.

Some commentators such as Raftery and O'Sullivan note that many of the Kennedy Reports recommendations were similar to the unpublished recommendations of the Inter-Departmental Committee's and the 1966 Tuairim Report. Indeed Raftery and O'Sullivan wonder why the deliberations of the Inter-Departmental Committee were never referred to by the Kennedy Report (Raftery & O'Sullivan 1999: 359). Whilst this is factually wrong and the Kennedy Report does make reference to the Inter-Departmental Committee in Section 6.32 page 44 of their report, it seems likely to the author that the Kennedy Committee did not explore the work or recommendations of the Inter-Departmental Committee in its report as the recommendations in comparison to those in the Kennedy Report were as different in tone as two reports investigating the same subject in close historical proximity could be. It is also the case that the Inter-

Departmental Committee never published a report and made no public impact. The same cannot be said of the Kennedy Committee Report

The Tuairim report was a non-governmental report published by the London branch of an organisation called Tuairim which produced discussion documents on various aspects of Irish life, including Ireland's future in Europe. The London branch began their investigation in 1964, midway between the Inter-Departmental Committee and the Kennedy Committee. The report entitled "Some of our Children" is far less hard hitting than the Kennedy Report and carries far fewer recommendations although they are very similar in tone, being remarkably conservative for a non-governmental publication from outside the state. Perhaps the working group members were happy to accept what they were offered by the religious at face value or perhaps they were unwilling to be overly critical of Irish provision in a document published in England. The only reformatory school they reported on negatively was Daingean. They stated that the buildings were inadequate, dangerous and dilapidated, that the education was substandard and that the children were "adequately if coarsely fed" (1966: 19). However, the reporting group were keen to remove any blame for this state of affairs from the religious.

They were full of praise for all the other industrial and reformatory schools they visited. That is not to say that many of them were not praiseworthy, but amongst others they reported Letterfrack as a place where the children

seem to be very well cared for and were neatly dressed in bright casual clothing, coloured and floral shirts, blazer and sports jackets. They were cheerful and talkative and except that some had very small physiques, had not the appearance of being deprived or depressed (ibid: 22).

Whilst Marlborough House was described as physically poor the visitors observed

“The monotony of the day is broken up by frequent refreshments and large meals and the boys receive visitors on Sunday. They appeared to be well cared for and both the superintendent and his wife take a personal friendly interest in them, helping them in their personal problems, finding employment for them on discharge and have them back as guests to stay in their residence. This personal touch and evident kindness mitigates the bleak impression of the establishment (ibid 23-24)

They had similar kind words for Artane. They concluded that the religious running the schools and the superintendent of Marlborough House did “more than can be reasonably expected of them for the boys with little or no public help or support” (ibid 29). They had no doubt that public funding was inadequate and that the state had much to answer for in terms of the conditions within the schools, but the picture of the general kindness of the system, in particular in regard to institutions like Artane, Letterfrack, Daingean, and Marlborough House, did not meet the reality that has emerged since or the knowledge held by government agencies and concerned others over the conditions and treatment of young people in the schools. The Tuairim report did however allude to physical abuse in the schools but dismissed it as a historical entity and did not explore contemporary concerns that were brought to its attention. It is worth quoting this section of the report at some length, as it is particularly illuminating on a number of levels

We received accounts from a large number of ex-pupils of boys' schools alleging excessive corporal punishment in the past. Many ex-pupils of ordinary schools also complain of having been severely beaten. The belief that beating was good for boys appears to have been widespread in Ireland in the past but is probably less prevalent today. In most of the schools visited by members of this group during the last year there appears to be an easy informal relationship between children and staff, in a few cases where children seemed more constrained this

may have been accounted for by the fact that the visitors were being shown around by someone in authority who was not in immediate contact with the children. In some cases the children themselves acted as guides

We have however, heard from a number of sources stories of recent punishments, which we consider to be unsuitable or excessive. In the absence of any verification that the alleged punishments actually took place or took place in the form described, they must be treated as hypothetical (ibid 39)

Sadly we now have proof that these punishments were neither historical nor hypothetical

It is also possible with the benefit of hindsight to place a different interpretation on the reason for some of the children seeming constrained. A member of the London Branch of the Tuairim group was an ex-resident of Letterfrack called Peter Tyrrell. Mr Tyrrell had claimed to have received severe beatings and had been raped by a Christian Brother whilst at Letterfrack in the 1930s. He joined the British Army and was taken prisoner during the Second World War. He claimed that conditions experienced by prisoners of the Germans were better than those suffered by children in Letterfrack. Mr Tyrrell is said to have been unhappy with the Tuairim Report as he was sure that conditions had not improved by the 1960s to the extent the report indicated. He committed suicide on Hampstead Heath in London in 1967 by setting himself alight (Raftery & O'Sullivan 1999)

The Tuairim report made six recommendations

- 1) that the 1908 Act had outlived its usefulness and that children's services should be united in one Department, namely Health. And funded by grants from that Department

- 2) The existing network should be broken up in favour of small group living and that the Industrial schools be converted into boarding schools for mainstream children
- 3) Child offenders should not be treated differently to other categories of children who required care
- 4) That assessments should be conducted
- 5) A national organisation for deprived children be established and
- 6) That training courses be established for social work in Ireland (ibid 48-49)

The members of Tuairim showed particular insight into the way capitation grants could work to the detriment of the child. They reported that the capitation grants were paid once a quarter on the last day of the quarter for the actual number of students resident on that day. Therefore the more children the religious cared for the greater the income. They consequently asserted “ it can happen that the interests of the child and the financial interests of the school operating on a tight budget clash. In such circumstances many managers may be tempted to use delaying tactics [in discharging the child]” (ibid 13)

The Tuairim report then, was certainly insightful in terms of its recommendations but was less probing than it could have been in terms of unearthing the hidden activities of cruelty in some parts of the industrial and reformatory schools sector. It did not, however, meet the public imagination in the way the Kennedy Report did. Neither does the record show any evidence of behind the scenes contacts to express concerns and push for action that went on via members of the Kennedy Committee. In many ways its work in raising official awareness and temperatures regarding the conditions in the Industrial and Reformatory School sector was just as important as the Kennedy Report itself.

The press, organisations and individual citizens seemed to embrace the recommendations of the Kennedy Committee. On November 12th 1970 the *Irish Times* published a powerful editorial entitled 'Behind The Walls'

No one can complain that the Committee on Reformatory and Industrial Schools has been timid or superficial in its report to the Government. 'We the community' it says 'can no longer hide our social problems behind institutional walls. And while regular readers of this newspaper have been told a good deal about the scandalous defects and inadequacies of our institutional child care, today's report is an indictment that no one can ignore

The religious orders who have been left to care for deprived or delinquent children cannot be acquitted entirely of inadequately understanding of what the job is about. ascetic, single-sex traditions do not yield easily to theories of children's emotional development. But it is the State - which is all of us - that is overwhelmingly to blame for starving the orders of money, allowing their standards to stagnate and failing to encourage proper training, methods and attitudes

The truth is that, for a society which professes such pride in family life, such affection for children, we have been almost wilfully obtuse and callous about the needs of the child in care. Monasticism, miserliness and an aimless bureaucracy have too often conspired in the death of love

It is suggested here that this particular editorial draws a picture of what went wrong in the reformatory and industrial school sector far more coherently and factually than later images of children's lives being ruined by sexually sadistic jailers in the guise of religious communities of varying types and genders. Not that these individuals did not exist. They clearly did as did those with frustrated careers who vented their frustration and sense of waste on their charges. But the system and the human beings who worked in it were by and large under funded, under trained and under skilled, overstretched and managed by bureaucratic ultra conservative elites who competed for scarce resources and lost sight of three basic principles. Firstly, forgot that they were caring for vulnerable human beings, secondly, that cheap did not mean value for money and thirdly that if you

do not care for or about the system you manage, then you cannot expect those who work for you to care

The views of Robert J McAllister, a Catholic psychiatrist who treated many members of religious communities, have a great deal of resonance to the views expressed in the *Irish Times* editorial. In his book *Conflict in Community*, published in 1969 McAllister asserts that children raised in institutions become “numbers that can somehow be converted into dollars” (15). This is not an unimportant observation in terms of the economic pressures felt by religious communities which may not only impact on the provisions and physical structures enjoyed by the children it may well effect the qualifications of the staff working with them. McAllister goes on to note later in his book that “how much money a PhD or MD will bring to the community is perhaps considered before the spiritual benefit that might come to others” (ibid 58). McAllister states powerfully “ words of love are sometimes only love of words, the broad commitment may cloak a tangle of betrayal” (ibid 93). It is important to note here that McAllister’s book is an exploration of the difficulties and tensions of religious life itself and not of child care provision by the religious, but none the less it provides powerful insights into the psychological and sociological underpinnings of the provision of childcare by the religious

Added to this was a deeply reactionary and secretive church hierarchy who valued the organisation they belonged to more than they valued the children that the various communities had agreed to care for, and who indeed got a great deal of social kudos for doing so (Raftery & O’Sullivan). In essence the symbolic and economic aspects of the

work became paramount for the hierarchy, a symbolic aspect that could not be seen as corrupted by individual wrongdoers, particularly those who were officials of the Church. These led to a mechanistic and self-serving provision of care by the church. As one commentator has put it "this is where Church leaders were blind. They didn't make the human connection. They just wanted to protect the Church's reputation at the expense of children (ISBG, 2002: 139). Indeed the discipline inherent in religious life ensured that it was not only the hierarchy that sought to protect the institution at all costs. Foucault, cited above, uses religious discipline as a form of prototype for military discipline, a form of discipline which emphasises obedience and loyalty to the organisation above all other loyalties. McAllister has noted that where this form of loyalty to organisation becomes paramount that the

rule becomes overemphasised. It is called the holy rule and then becomes almost part of the dogma. The individual begins to exist solely for the community. One wonders if that's the way it should be. There is such a thing as the common good, but this concept must be weighed carefully in its application. When a Sister begins to exist solely for the community she is consumed by the rigidity of the rule. The sister who is poured into a mould becomes rigid within herself, inflexible with others (McAllister, 1969: 103).

Risteard MacConchradha provided an insight into how the internal world view of the religious orders led to the clinical and unquestioning approach of the individual religious who provided care to these children, in a way that would allow abusive practices to flourish in some institutions. He stated that,

The spirituality was all wrong. If a nun were watering geraniums she would have to do this task as perfectly as she could in the service of God. This was done without question. The self and worldly concerns had to be put to one side and the task itself had to be focused on without reference to the work of others and these principles were applied to childcare. If a young nun approached a superior and said she had concerns about Sister Anne hitting children she would be told 'detachment, detachment – providence. Now, - leave all this to the providence of

God ' A nun wouldn't hug a child They had to be detached, the spirituality was all wrong" (Interview 1 5 2002)

This insight is a useful tool in understanding how the communication process within one organisation can skew responses to particular events and cause difficulties sending and receiving information to the outside world Clearly this approach runs counter to what we now understand as good child protection procedures (Corby 1993) and children's need for warmth and affection (Santrock 1996)

McAllister's work, cited above, which focused mainly on the female religious, asserted that the rigidity and rigours of religious life led many nuns to "set up walls around her heart that are bleaker than those around her convent (19)" He also claimed

the religious is trained, at least by implication, not to express emotion directly Laughing is frowned upon as worldly in some novitiates Weeping may be considered incongruous with a spirit of detachment Anger may be regarded as disrespectful and disobedient Physical affection may be judged universally sexual and so invariably sinful In this environment which denigrates emotional expression, the religious is forced to restrict her emotional life and to repress many of her emotional feelings (75)

Whilst McAllister was exploring these traits in relation to psychosomatic illness in religious communities it is not unrealistic to assert, as Risteard MacConchradha has above, that these factors had a profound impact on the care provided to children by the religious Notwithstanding the importance of these insights, sight should not be lost of the fact that "these institutions were part of Irish society" (Moane 2000 8) Moane a psychologist goes on to assert that

Irish society in the 50s and 60s was pretty grim, with very little understanding or tolerance of psychological needs. The concept of stress, for example, was not widely understood. Other emotional needs such as need for intimacy and communication were barely acknowledged. The nature of sexuality was rarely discussed. Children's psychology was not understood (ibid 8)

The *Irish Independent* termed the Kennedy Report "Comprehensive and courageous" (12 11 1970). The Irish Society for the Prevention of Cruelty to Children welcomed the Report as "long overdue" (*Irish Independent* 13 11 1970). Indeed all the papers carried favourable reports on the report. Cork County Borough Council sent a message of congratulations and support for the Report. Individual Citizens wrote to Ministers asking them to implement the Report immediately (DJ 93/195)

The report was to prove a double edge sword for Justice Eileen Kennedy, who chaired the Committee and was the Justice in the Dublin Metropolitan Children's Court. In a hard-hitting series of articles in the *Irish Times* entitled "Notes On Reality", Nel McCafferty compared the aspirations of the Kennedy Report with the practice of Justice Kennedy herself. The articles make for uncomfortable reading and certainly conveyed the message that even those who aspired to change the system were forced to operate in it and were compromised and frustrated in their collusion.

An article of the 11 12 1970 states

At the end of her series, our reporter wonders if she is ingenuous and over emotional in expecting the judge of the country's main children's court to refuse publicly to commit children to institutions she herself condemned as chairman of the Report Committee.

No doubt Justice Eileen Kennedy believes that she has gone to the limits of proper action in her endorsement, as chairman of the Committee's Report, and that it should not be her function to dramatise the length of Government delay by, for example, a public refusal to operate within the present system

It can sometimes be part of the burden of public office to keep ones own thoughts and feelings private and to suffer comment on what may be duty done against the grain, it could explain brusqueness and expressions of irritation (ibid)

Justice Eileen Kennedy was clearly an establishment figure as a Judge of the District Court. Notwithstanding her role in court she showed herself to be a passionate campaigner for children's rights, which must be viewed in tandem with her professional role, age and class

Whatever the reaction of the press, the Department of Education were less keen on Kennedy. Nothing was done with the report for 3 years. Risteard MacConchradha claimed that this was because the

senior civil servants in Education didn't want the exposure. If the truth emerged their credentials would have been destroyed. They made sure there was no debate. The various departments suggested an inter-departmental committee but frankly this was just a way of kicking to touch. It wasn't until about 1974 when a new generation of civil servants took over at the Department of Education, when the old guard retired that there was any action. It took that and a change of government that had a strong interest in the report from its Labour members to start the process of changing the system. The old guard didn't want it all to come out and they wanted the cheap option to prevail (Interview 30 4 2002)

MacConchradha also recalls that the religious were less than happy with Kennedy. He recalls

The religious had a conference in Killarney sponsored by Bishop Casey and chaired by Dr Vincent Grogan, Supreme Knight of St Columbanus. I was despatched by the Department and I didn't want to go. They were all there bemoaning the Kennedy Report. I met privately with Casey and told him that they needed to come to terms with reality and that we really could have caused

difficulties if we published everything I said to Casey If we wanted to pillory the religious conductors of the Industrial Schools we could, so tell them to stop bleating and move on With them it was all cover up, cover up (ibid)

It is worth noting that the religious were not long in asserting their right to refuse to accept committals to the industrial and reformatory school sector Nell McCafferty reported in the *Irish Times* on the 25 3 1971 that this was an attempt by the religious to get the government to act to correct the crisis in childcare in Ireland The following day an article was published in the *Irish Times* refuting Ms McCafferty's assertion that the orders had closed beds to force the government to act In this article the Association of Resident Managers claimed the difficulty with placing children was because the system was running at maximum numbers This assertion seems less than likely as the religious had spent the previous years bemoaning their drop in income due to a drop in numbers and the capitation system in place for payment It would seem more likely that this was the response of those religious running industrial and reformatory schools who were smarting from the Kennedy Report

The Orders must have felt under sustained attack during this period with commentators like Noel Browne questioning the suitability of the religious to take part in education, even laying the blame for the nations high level of alcoholism and mental health difficulties at their door (*Irish Times* 10 2 71) Whilst the theorising of commentators like Browne seem to have been given a level of credence in the Kennedy Report (albeit of a gentle kind) and a hard hitting report from Italy which accused the religious in that state of abuse of office and ill-treatment of children As Michael Viney, the author of the groundbreaking series of articles on young offenders in Ireland in 1966 concluded in his

1971 article on *Religious and Child Care* in the *Irish Times*, it was not that anyone accused the religious of Ireland of such actions but the Kennedy Report, in the light of the Italian report, left those concerned with the Irish childcare system with a “ fresh anxiety about the homes” (10 3 71)

The Kennedy Report spurred the religious into changing the name of the Association of Resident Managers of Reformatory and Industrial Schools into the Association of Workers in Child Care and called for lay involvement in the organisation. At the inaugural meeting in the November of 1971 the Chairperson of their Advisory Council on Child Care, Father McGonagle, [the manager of Dangan] called for the introduction of a “Children’s Charter” to protect children in residential units and the community(*Irish Times* 30 11 1971). However, not all religious seemed to hold the view that radical action needed to be taken to protect Irish children. In 1971 a bishop from the West of Ireland wrote to the ISPCC asking them to cancel a church gate collection. The bishop asserted

I consider cruelty to children such a rare social evil in this dioceses that it is out of all due proportion to have a church gate collection for it. I certainly think that the number of collections we have inside and outside the church is a far greater social evil than cruelty to children in this dioceses (*Irish Times* 31 8 1971)

1971 also saw the emergence of the first of the modern professional lobbying groups on child welfare issues, The Irish Association of Social Workers. This association was formed out of the amalgamation of two older professional bodies, The Irish Society of Medical and Psychiatric Social Workers and the former Irish Association of Social

Workers Unlike its predecessors the new organisation viewed itself as having a data collection role which would allow it to “prepare memoranda on social policy for submission to government” (*Irish Times* 5 3 1971) Importantly the new association chose as the theme for its inaugural meeting “Child Care and the Law” which had as its core the need to change the 1908 Children Act and raise the age of criminal responsibility The opening conference was charged with the language of revolt and pluralism (*Irish Times* 8 3 71) The aspiration of the more radical wing of the new association was articulated by Larry Maisteron in an article in which he concluded

I think we must if recent initiatives such as the formation of the Irish Association of Social Workers really mean that as a profession we are prepared to accept the challenge of radical change To continue to continue to operate at a purely pathological level is simply to avoid confronting social problems were they originate in the basic structures of society In a sense we must become a revolutionary group working to change the foundations of a society that creates so many social problems which cannot be solved by mere reform and liberal compromise We can begin this process by frank debate and discussion which hopefully this article will serve to initiate (20 4 1971)

Clearly the revolution did not find its wellspring in the debate highlighted as needed above but what was clear was that this newly formed organisation was to be an organ to publicise the plight of the marginalized and vulnerable sections of Irish society in a way the more genteel child care organisations in the past had not

The other major new organisation formed in the February of 1971 was the Campaign for the Care of Deprived Children (CARE) This organisation was made up of concerned individuals The group was highly articulate and effective in gaining media attention Whilst the group was criticised by Nell McCafferty for being “middle class

and middle of the road” (*Irish Times* 12 11 1971) it organised conferences and provided readily accessible information to the media. The organisation clearly viewed itself as a pressure group, its chairperson Seamus O’Cinneide stated unequivocally “we are not a service group we are interested in pressure” (ibid). The organisation was proactive in scrutinising proposed government developments and in criticising the government for its lack of action. The organisation did not pull its punches and therefore provided attractive sound bites on child care issues. For example at its second annual conference in the January of 1972 CARE’s Chairperson told the assembled audience that more research was conducted into Ireland’s pig population than its children. This readily translated into the headline “MEETING TOLD PIGS POLICY BETTER THAN THAT FOR DEPRIVED CHILDREN” (*Irish Times* 29 1 1973).

During the early 1970s both the NSPCC and the National Youth Council both became more vocal and campaigning on the issues of marginalized children. This development must be seen as important as the coverage of these issues in the national press became far more pronounced in the years following these developments. Despite a few examples like the work of Michael Viney in 1966 and Josephine Crowley’s series of articles in the *Irish Times* in the June of 1970, which focused on the area of child protection services and not the industrial and reformatory Schools, the coverage of the issues of children at risk had been insignificant. Indeed where such coverage did appear it tended to be in a paternalistic or sentimental light. Viney’s article followed the release of the Tuarem Report and Crowley’s article came in the middle of a year where Irish social services were being increasingly compared to that of our European counterparts, with conferences of a

comparative nature taking place in Dublin. It was not however until the advent of articulate pressure groups that coverage became sustained and critical even in the pages of the *Irish Times*.

This assertion regarding the *Irish Times* campaigning record and its lack of focus on childcare issues is based on a comprehensive examination of the *Irish Times* from the January of 1966 to the December of 1974. There is no doubt that the paper was truly campaigning for the whole of this period. It highlighted issues like gender equality, contraception, divorce, racism, lone parents, poor housing, poverty and its pages clearly map the remorseless painful separation between Church and state and the growing call for empowerment and involvement of the citizen and the need for greater popular accountability of the state and its institutions. These concerns broaden as the 60s proceeded to carry coverage on the gay rights and environmental issues and the coverage provided of these issues became more and more strident. Coverage of these issues tended to emanate from movements which had strong links within journalistic circles, for example The Women's Movement that had many journalists in its ranks, notably Mary Maher and Nell McCafferty, or from other pressure groups that have developed an ability to deliver their message in a news friendly form and have the structures in place to deliver it accordingly. In a sense the pages of the *Irish Times* during this period show in graphic relief that news does not make itself (Molotch and Lester, 1974). These social issues were often highlighted as a result of a march, conference or some other accessible event. Accessibility and legitimacy are two important components in ensuring a media

take up of an issue as newsworthy As Tuchman has asserted that news gathering is determined by the culture and organisation of the journalistic profession

Firstly , through their arrangements of reportorial staff in time and space-the physical location of beats and bureaus –the media favour coverage of legitimised institutions Reporters are assigned to centralised agencies where “facts” may more easily be collected and those locations tend to be legitimated institutions Accordingly, reporters are much less prone to learn of news occurrences generated by social movements and political dissidents In part, less complete coverage occurs because the rhythm of the news media is not attuned to the rhythm of social movements that schedule their events after normal working hours (Tuchman 1978 109-110)

Despite the *Irish Times* assertion that the findings of the Kennedy Committee would be no surprise to its readers in the Behind The Walls Editorial (*Irish Times* 12 11 1970) this knowledge base certainly did not emanate from the papers coverage of the industrial schools bar Michael Viney’s article in 1966 The rest of the sparse coverage of this aspect of Irish life was treated either with the nostalgic gloss of Patrick J McNulty’s articles published on the 20/21 of June 1969 entitled *Memories of Artane* or as simple reportage devoid of analysis, despite opportunity for greater analysis as a result of articles covering conferences which included presentations on the inadequacy and dangers in the system For example Dr R. A. MacCarthy, Medical Superintendent of Our Ladies Hospital, Cork condemned what he viewed as the “cloak of ignorance and apathy which shrouds the problem of the deprived child” McCarthy’s exploration of his concerns which took as its starting point the need for appropriate psychological services to deprived children in institutional care, but ventured into territory well beyond this illustrates an underlying knowledge about the vested interest that the state and Church

shared in relation to the country's child care institutions. He asserted that any enquiry must be done

“by persons who have no vested interests in institutions, orphanages, etc. It must be done by a team of qualified experts” He said that the abolition of orphanages and institutions as at present constituted must be pursued. He claimed that the “ignorance and vested interests of those in charge of industrial schools, orphanages and other places for the care of children has gravely inhibited a modernised approach to the problem” He accused those responsible “for failure to investigate the problem in all its aspects and to provide up to date machinery and facilities” (*Irish Times* 28 4 1969)

MacCarthy's presentation to the Mental Health Association of Ireland's conference was clear on the concerns and the complexities on the issue. He did not however stop there. He went on to express his concern over professional complacency in allowing substandard treatment and conditions to prevail and to anticipate the defence of those who those he viewed as having a vested interest in maintaining the status quo. The *Irish Times* article went on

The medical and nursing professions did not escape his criticisms either. “They have shown little interest in the problem despite the considerable information made available on the problem by the World Health Organisation” he added. Speaking on the teaching profession he said “Being so closely concerned with the education of children it has as a body, shown no initiative in dealing with the problem” Speaking of the legal profession, he said “Almost invariably involved in such cases, they have done nothing concrete to see that adequate legislation is available for child care. I can hear voices rising in indignation ‘this is grossly exaggerated. This is a slander on the good nuns and brothers. Look at all the good work that has been done. Far too much catch cries have stifled action. Those who wish to reform child-care in Ireland cannot allow themselves to be intimidated by them.” Said Dr MacCarthy. He listed the continued existence of obsolete institutions run by brothers as one of factors responsible for the situation in Ireland (ibid)

Whilst the *Irish Times* carried the report of MacCarthy's speech it received no editorial comment or follow up despite the opportunity that views as contentious as these were at the time. Perhaps that the lack of follow up by the paper is not so surprising as the paper never even announced the establishment or progress of the Kennedy Committee. It did however, mention a briefing paper prepared by the Law Society which raised concerns over the schools and the legislation that governed them. However, the report mistakenly asserted that the Law Society document had been submitted to the Department of Education. Indeed an examination of the pages of the *Irish Times* from 1967 until the middle of 1970 could lead an observer to conclude that the paper was unaware of the work of the Kennedy Committee. Although it should be stated at this point that it was not the practice of the Irish print media during this period to keep the same level of scrutiny on the work of committees as it does today. Notwithstanding this the lack of coverage seems to be in spite of the fact that the conditions in the industrial and reformatory School sector was an open national secret. As Mary Maher observed in the *Irish Times* on the 18 11 1970 shortly after the publication of Kennedy

And then one morning the early news was not about Fianna Fail's future and the latest coalition gestures, but about Ireland's industrial schools—one of those national sores with us so long its bandage seemed, indeed, part of the body politic. Someone had removed the coverings and everyone was forced to look, however quickly, at all that horror.

The issue of the implementation of the Kennedy Report recommendations kept re-emerging in the press over the next four years as professional/ pressure groups and newspapers continued to demand action. The Bar Council set up a committee under the

Chairmanship of Declan Costello S C which reported in the June of 1972 which called for action in addressing the inadequacies of the system of justice for juveniles and supporting the findings and recommendations of the Kennedy committee (*Irish Times* 26 6 1972) Whilst CARE issued a report in the June of 1972 which the *Irish Times* described as “further highlighting the gross evils” of the Industrial School system (17 7 1972) The National Youth Council (NYC) held an action day, involving street theatre, mock trials and the collection of signatures on a petition calling for action on the 30 6 1972 to highlight the lack of governmental action on the issue The NYC used the day to publish the results of a questionnaire they sent to 144 Dail Deputies to test their commitment to reforming the industrial and reformatory School system Only 19 Deputies replied to the survey and of these 13 supported change The *Irish Times* article which reported these events is particularly interesting for two other reasons Firstly, it calls for direct action by voters to find out if their TD was one of those who had responded to the questionnaire and to apply pressure on them to take an active interest in reform Secondly, it illustrates a basic level of ignorance, even amongst those with a stated interest in the area, about where political responsibility for the Industrial and Reformatory School system lay, when it expressed frustration over the Minister for Justice’s lack of action in reforming this sector, when in fact the prime responsibility lay with the Minister for Education

As a result of these pressure/ professional groups keeping the issue live and accessible to the press, national and provincial papers carried stories intermittently with titles like, “Remember the Kennedy Report?” (*Irish Times* 12 11 1971) “Government blamed for

failing to change Juvenile Law” (*Irish Times* 12 8 1974) and “Four Years on and still no action” (*Sunday World* 24 2 74), “They’re at it again - just passing the buck!” (*Sunday World* 9 6 74), “Troubled Youth” (*Irish Times* 10 9 1974) and “New laws for children are urgent says CARE report” (*Irish Independent* 28 12 1974) Political parties in opposition began to call for action The Labour Party called for the appointment of a Child Welfare Minister The coverage whilst critical of the system was still in the main deferential and respectful of the religious For example Mary Cummins wrote an article entitled *Boys and Brothers in Letterfrack* on the 22 6 72 in which she reported on the poor physical conditions but portrayed the Brothers in a sympathetic light The article rightly focused on the lack of resources and the need to modify the States policies towards the schools, but did not address the harshness of the regimes within the school The brutal nature of Letterfrack can rightly be described as an open secret, which was certainly common knowledge in the locality and further afield (Private source)

Admittedly the Brother in charge of Letterfrack at the time of the Kennedy Report had been replaced in September 1971 and the regime may have changed as a result of the report, but the article in no way probed the veneer of kindly brothers doing their best in less than perfect circumstances Indeed the only cause for concern explored in the article was the way in which unscrupulous farmers would use boys being discharged from the centre as virtual slave labour, an abuse which the article stated had been stopped by the brothers

In 1972 one official stated that it was necessary to make progress on the issues raised by the Kennedy Report in order to counteract the negative publicity being spread by the

media and pressure groups (J 93/195) This gives a clear indication of the importance of the role of pressure groups in keeping the issue alive at this juncture

The official response to the publication of the Kennedy report was to establish an inter-departmental committee to evaluate sections of the report The establishment of yet another committee to investigate the findings of the Kennedy Committee can be seen to be something of a stalling exercise which has been used by Irish Governments in the past One commentator writing on the issue of Vocationalism noted that the establishment of the Commission on that matter in 1939 was the response of a government buying time on an issue it hoped would go away

Swift noted that when a government is troubled by the strident demands of an influential and persistent lobby a favoured tactic is to appoint a commission to research and report the government is likely to calculate that the commissions enquiry will take years and, by the time its report is submitted, events will have either discredited its recommendations or the process of change will have made the report irrelevant This in turn will enable the government to quite effectively and confidently resist proposals pressed on it by influential pressure groups (O'Leary, 2000 73)

The resulting recommendations suggested treading water in relation to substantial changes This response is entirely in accord with the political manoeuvring traditionally associated with relationships between the *Departments of Health, Education and Justice* The Inter-Departmental Committee on the Kennedy Report favoured the establishment of an inter-departmental steering group to co-ordinate services but stopped short of recommending the establishment of a single Government Department to manage childcare

The Kennedy Committee had recommended the establishment of an independent advisory body to support the work of the designated Ministry. Section 4.5 of the report stated

We recommend that an independent advisory body with statutory powers should be set up at the earliest possible opportunity. The fundamental purpose of this body would be to ensure that the highest standards of child care should be attained and constantly maintained (Kennedy Report 14)

The Committee felt that this independent board should be made up of a number of representatives from different disciplines and should act as a watchdog on service provision and development, staff training, research, public awareness and inter-agency co-operation, both statutory and voluntary. The various Departments with a vested interest in the work of Kennedy and the subsequent Inter-Departmental Committee were unwilling to accept the independent nature of such a board.

The Inter-Departmental Committee proposed a two tier operating structure with power and responsibility spread across the three Ministries of Health, Justice and Education. The first tier was an "Operations Committee", a group made up of Civil Servants from the various interested Ministries who would in turn establish the second tier of local operating committees. The first stage of this development was clearly to be under civil service control whilst the second would no doubt involve a level of political patronage ensuring that they would be run by a safe pair of hands. This proposal did not find any official objection, even though there was some concern that the strategy could be risky,

although this could be overcome by carefully defining their “structure and functions”

(DJ 116/562/62)

However, there was no doubt on the position regarding the establishment of an expert based national co-ordinating committee. Department of Justice officials concluded

The Minister fears that there is a real danger that the setting up of more advisory bodies at this stage would mean the generation of a constant stream of proposals beyond the capacity of the Government to pay for (and beyond the capacity of available resources to “process” into workable schemes or acceptable legislation even if they were basically acceptable in principle) and that the practical result would be the existence of Government-sponsored bodies which was serving only to generate public criticism (ibid)

At this stage the Government seemed to favour keeping any debates on policy issue in-house and not allowing discussion in the public arena for fear of attracting negative criticism. One assumes that they felt that pressure or negative reactions from groups outside the establishment would be easier to shrug off than those with official recognition.

The Kennedy Report recommended that the natural home for child-care in a Ministry was the Department of Health. Health clearly did not want this role if it involved them having to manage the Industrial and Reformatory School sector. Justice, for its part, was supportive of the idea of not allowing a single Department to take over the roles on the grounds of the complexity of this task (DJ 93/151). In reality it is likely that Justice feared that if Health were to take over childcare, pressure would be applied for it to take over the beds it licensed as Places of Detention, whilst Education favoured more research prior to such a decision being made. Kennedy had recommended that Education should

still be responsible for providing the educational elements in units managed by the Department of Health. Whilst Education would doubtless love to free itself from its unwanted legacy of provision of industrial and reformatory Schools it did not wish to be seen to be acting with indecent haste.

In responding to a Department of Education confidential minute the Department of Justice supported Education's position against a single Department for children's issues with an administrative justification that seems clumsy by today's standards and that ignored the fact that other states had similar systems which did not involve the immense levels of complexity and complication predicted by Justice.

arrangements about vesting responsibility (or "primary responsibility") in a single Department appear to ignore the fundamental point that the problems of young people who come into conflict with the law or who are otherwise at risk cannot reasonably be divorced from problems of family stress, and that amongst factors that are relevant to family stress, such matters as housing and social welfare benefits are likely to be of major importance, so the argument for a single Department should also deal with housing, social welfare benefits, not to mention family law, schools and many other matters (DJ 562/62)

It would seem that the issue of childcare was seen as such a complex task by the Department of Justice that, unlike so many other issues in the daily to and fro in the business of Government which necessitate inter-Departmental co-operation across demarcation lines, an impracticable super-department would have to be formed. Either that or they were simply engaging in a bureaucratic stalling exercise, a reflex reaction against change and the uncertainty or uncontrollability that this may give rise to.

The Department of Public Services, however, did see merit in the Kennedy proposal to unify childcare under one Department. This was a general administrative department with no financial or political axe to grind on this issue. Its response to Government on the Inter-Departmental Committee's recommendations asserted

“Whereas the present proposals envisage that no Department should have primary responsibility for children the Minister feels that unless, as the Kennedy Report suggested, one Department is given this role, responsibility will continue to fall between Departments. He considers that a decision in principle should now be taken to allocate main responsibility in relation to child care to a single Department, the balance of logic and opinion suggests that the Department chosen should be the Department of Health (ibid)

The Department of Public Services felt that the proposed Inter-Departmental Committee would simply blur responsibilities and lead to a division of loyalties across Departments, which would result in a poorer provision of services. These words were to prove prophetic. The views of the Inter-Departmental Committee won the day. It was reinforced by another Inter-Departmental Committee, the Committee on Mentally Ill and Maladjusted Persons, which in 1974 recommended that

There should be established on a permanent basis, an inter-departmental committee to co-ordinate the activities of the Government Departments concerned in relation to children and young persons. Its aims should be to keep the changing needs of the situation under constant review, to advise on any further provision - remedial, administrative, legislative or otherwise - which it considers, from time to time, to be necessary or desirable in relation to young persons who have come or are likely to come in conflict with the law or who may be in need of psychiatric treatment. It should also have the opportunity of expressing its opinion on the provisions of any projected legislation likely to have an impact on the personal or social well-being of young people (First Interim Report 1974 4)

The Committee consisted of representatives of the usual suspects who made the usual recommendations. It would seem that civil servants will by reflex recommend models that fit within the current structures of Government and that can be relied on not to publicly rock the boat or rock the current governmental established order. Even with the recommendation of two separate inter-departmental committees in the early 1970s no co-ordination committee was established. The Inter-Departmental model was not in fact implemented in this regard until 1996 with the appointment of the Minister for State for Children post and the establishment in November 2001 of the Special Residential Services Board.

The role of this Minister for State is to arbitrate between and co-ordinate the Departments of Health, Education and Justice. The role of the Special Residential Services Board is to improve the usage of resources for children in the high support residential sector. It is not suggested that we should attempt here to evaluate the success or otherwise of these roles during their brief history, although this area may be one for further useful and illuminating research. However, the evidence to date is that this office is in effect a creature of the Department of Health. All three of the appointees have failed to provide effective co-ordination between agencies. There are still powerful vested interests in place. The Department of Justice includes some of the beds in their tally of registered Places of Detention at no cost to themselves and are no longer in direct competition and conflict with the Department of Education. However Education still has prime responsibility for these places and resents the inappropriate use of these beds by the Department of Health, and its satellite health boards (see Keating 1997), who have

been spent considerable time and money in the High Court in an attempt to move the responsibility for the provision of these services to others. Indeed private sources have informed me that Department of Health civil servants will abstain from attending co-ordinating meetings and being represented on working groups in which they do not wish to be involved despite the invitation or instruction of the Junior Minister. The outstanding question would appear to be whether a Junior Minister has the inclination or strength to take on the political fiefdoms that are the health boards. (For a discussion of the issue of health board organisation see the Deloitte and Touche document on the Department of Health website, posted November 2001)

Notwithstanding the pressure to act placed on Government in the early 1970s the political establishment seemed robust in their ability for inaction. An editorial in the *Irish Independent* on October 19th 1974 seemed to sum up the establishment's attitude to the need to improve children's rights. They noted that the Parliamentary Secretary to the Minister for Education had made a speech accepting that now was a time for action on children's rights. However, the Editorial wryly observes that "Mr Bruton's recent speech brilliantly conceals any feeling of alertness to this problem which the Government may at present be entertaining"

This alertness remained brilliantly concealed for the remaining three decades. Indeed one could argue that it was only with the introduction of the Child Care Act (Criminal Justice) 2001 that most of the Kennedy Committee's Report, with the exception of the recommendation that the sole responsibility for all childcare be passed to the Department

of Health, had been accepted into legislation. That is not to say that since the 1990s steady progress has not been made in a number of areas. It remains to be seen however, whether the new Act will afford children adequate protection in terms of separating populations of offending children from those with emotional and behavioural difficulties. The new Act is a product of tri-departmental negotiation. Finance apart, the turf wars between Departments would seem to be the greatest block to progress on childcare issues. The centres themselves were in the main staffed by untrained staff who were viewed by their orders as not suitable for more prestigious posts (although there were some notable exceptions to this rule amongst some of the female religious orders) and were overseen by the section of the Department of Education which had the least prestige and some of the most inefficient and dysfunctional personnel.

Despite the limited proposals put forward by the Inter-Departmental Committee on the Kennedy Report departments were cautious lest any other agency gained any power as a result of developments. It is clearly also the case that the Irish economy was not strong at this point and there were real doubts whether the country could afford radical developments in the childcare system. The situation in Irish childcare at the time of Kennedy was critical. Reflecting on the work of the Committee, Risteard MacConchradha stated

We knew something was deeply wrong, but, Daingean excepted, we unearthed no real scandal apart from the dreadful living conditions in many of the centres. We hardly ever spoke to the children alone. The religious were always around. Things were very stage-managed. I remember waiting outside one industrial school prior to a visit. Everything was spotless. Not a thing out of place. What the nuns hadn't realised was that we had heard the nuns screaming to get the girls to do the cleaning. Then at another in the North West area a girl ran across the yard

to us as we were leaving shouting 'Burn it down ' She was right (Interview 29 4 2002)

The publication of the Kennedy Report was to illustrate the changing political and social landscape as well as the plight of the children and young people cared for in the country's industrial and reformatory schools. It had been brought into being as a result of interest group lobbying and political frustration at aspects of clerical interference in the affairs of state. The committee membership was drawn from a wide variety of backgrounds including non-establishment figures that could not be relied on to be discreet if required to. It published at a point when the Irish print media was beginning to assert its new found independence. As Inglis asserts

The media in Ireland emerged after the 1960s to provide a Niagara of messages to the Irish people. The media channelled ideas, values and information from outside Ireland, pierced the veil of synthetic uniformity in behaviour and belief, exposed the gap between the words of politicians and their actions, the moral precepts of the Church and the behaviour of priests, and the social norms of people and social behaviour. In doing so they increasingly shifted the legitimacy of messages from reliance on a single source to a multiplicity of voices (Inglis 1998 124)

Kennedy like the adoption issue seem to fall within "peoples latitude of acceptance"

Like the adoption issue it was kept on the agenda by an articulate, educated pressure group. Again as with the adoption issue there was a burst of media interest which placed pressure on politicians and achieved some changes like the closure of some of the more notorious industrial schools. However, unlike the adoption issue it would appear that a number of senior officials within the establishment had a greater investment in maintaining the status quo than they had on the adoption issue. There was a second burst

of energy during 1974, which coincided with a conference organised by CARE on the issue and the retirement of senior figures in relevant departments. This led to a further period of development. However the interest groups seemed unable to maintain the issue on the press agenda and the issue of care and protection of vulnerable children was to fade from the agenda of the press and government until the mid 1980s when the issue of child sexual abuse came to the fore and has remained to the fore of the press agenda which it is argued has sustained its profile as a priority argument for government leading to a substantial increase in resources and legislation. As for the children and young people cared for in the remaining reformatory and industrial schools they were probably the least attractive of cared for children (Keating 1997), which may well have mitigated against necessary momentum at a wider constituent level to produce the dynamic for real change at a political and administrative level. It was not until the advent of high profile, well reported high court cases and the growing awareness of sexual as well as physical abuse in the industrial and reformatory school sector during the 1990s which led to a more sustained burst of publicity that spurred the government into action in both the areas of policy and resources. The outcome was a process that eventually led to the introduction of the Child-Care Act 2000, which if implemented fully will come close to implementing all the reforms recommended by the Kennedy Report in 1970. Even this must be approached with a note of caution, as these developments are still in embryo and will remain an aspiration until the supportive administrative, funding and inspectorial infrastructure is developed to a level to make them actual.

10) SUMMARY OF PREVIOUS CHAPTERS AND CONCLUSIONS

“YE ARE THE PEACE OF THE WORLD A CITY THAT IS SET ON A HILL
CANNOT BE HID” MATHEW 14

During the years of the British Colonisation and administration of Ireland the procedures that protected Irelands most marginalized and vulnerable children, were governed by the same laws as England and Wales. However, with the removal of direct British rule in Ireland in 1921, native Irish Governments were charged with the codifying and developing of the law and social policy around the protection and provision of children in the Free State.

The government of the Free State found itself without a clear mandate, as the main voice of opposition steadfastly refused to enter Dail Eireann and therefore a significant proportion of the electorate was substantially disenfranchised. In addition the opposition still expressed itself through armed resistance to the Treaty and the government who administered it. The Catholic church was to provide a type of national glue, but the cost of this was the severe limitation of many aspects of national life. Those groups who found themselves outside the Catholic fold, or in principled opposition to it, were increasingly compelled to keep silence or find themselves labelled non-Irish or traitors. Partition constructed a deeply homogenous society (see Brown, 1985) based on the tenets of rural conservative Catholicism which was xenophobic, introspective, insecure and secretive.

The early Free State government also found itself with meagre economic resources to run a societal infrastructure that had been developed by an imperial power

These former revolutionaries were faced with the practicalities of government in both the day-to-day government of the State and the heavy burden of nation building. The Irish Free State was born from a protracted struggle, through the joint efforts of disparate groupings with competing ideologies. What melded these groups was a sense of mission based on mythology and, to a large degree, (although by no means exclusively), a sense of crusade in the building of a holy Catholic Celtic nation, which would be a beacon to the rest of the world. This would be a modern crusade bringing hope and purity to a decadent world in much the same way that Irish-clerics had taken the light of Rome back to Europe during the Dark Ages.

The Catholic church had long realised that if you educated the population then you had an effective tool for indoctrination and a chance to mould the minds of the elite in embryo. Since the emancipation of Catholicism in Ireland the church had developed a key role through the colonisation of both social services and educative provision in Ireland. Therefore the Free State inherited an extensive network of Catholic controlled and owned provisions. The new government was not only spiritually committed to the Catholic church, it was also dependent on its nationwide networks, which commanded great loyalty from the population whatever their political outlook, to help instil a sense of stability in what was a deeply fluid and volatile situation. The State then had both

spiritual and political ties to the Irish Catholic church. This made the church a very real part of the governance of the country.

For its part the church saw the opportunity to mould the Free State into the only Catholic nation in the English-speaking world without the annoying inconvenience of having to stand for election. The influence of the church can be seen in almost every aspect of government during the period covered by this thesis. The hierarchy and the government shared the same sense of historic mission. This fusion led to the successful ideological amalgam of the concepts of Catholic and Irish. As Mary Kenny has noted

In my generation we were taught the Republic of Ireland was an independent nation because she was Catholic. For Ireland Catholicity had been the main distinguishing characteristic which set her apart in the British Isles to which she clearly belonged geographically. Ireland was not British because she was Catholic and she would not have asserted her difference from Britain if she had not been Catholic (Kenny, 2000: 9).

There existed then a symbiotic relationship between State and Church. This relationship was to govern every aspect of life in the Free State and Republic until the late 1950s when the consensus began to unravel, largely because of economic necessity. One key plank in maintaining the consensus was the muzzling of ideas that ran contrary to the orthodoxies of the establishment or to their presentation of Irish life and its values.

In order to support this consensus the government set about (at the church's behest) the introduction of a series of draconian pieces of legislation designed to muzzle criticism of the church and its teachings and to protect the populace from immoral influences. As has been shown above this legislation was used for political reasons by both church and State.

and helped instil a climate of fear and compliance in the organs of communication. This climate was fuelled by organisations like the Catholic Truth Society who remained eternally vigilant for any person or thing that strayed from what they viewed as the true path. The organisation was perfectly capable of adopting a threatening stance towards government in order to get its own way whilst successive governments recognised the utility of having a press that toed the party line. It should be remembered that governments from the 20s through to the 60s did go against the views of the church, but this was mainly in the sphere of foreign policy and economics. In terms of social and educational policy the Church and its hierarchy was to hold sway for much of the history of the state.

Consequently the embryonic Irish nation in the shape of its government and its church were not prepared to admit that the problems that afflicted other nations, in terms of child sexual abuse, existed in Ireland, for fear that this would undermine Ireland's historic role as a Catholic vanguard state in western Europe. It was this type of insecure thinking that caused the suppression of the Carrigan Committee Report of 1931 and set the tone for self- and imposed censorship on almost any issue that the hierarchy believed could corrupt the people or call their mission into question.

What was clearly taboo was any suggestion that members of the church themselves would indulge in cruel or sexualised behaviour towards children. The most marginalized and vulnerable of children were cared for in institutions run by the religious and funded by government. It was known for many years that the men and women who ran some of

these institutions were entirely unsuited to the work and even posed a sexual or physical threat towards children. However, the church hierarchy and the religious orders themselves seemed unable or unwilling to challenge this situation (for one example of a contemporary analysis of the hierarchy's response to a maverick and dangerous priest see O'Connor, 2000)

The various governments of the Free State and Republic seemed particularly uninterested in the daily running of the reformatory and industrial school sector, as indeed did the Irish public. These schools were loosely inspected by the Department of Education but remained the secret fiefdoms of the orders that managed them. Their existence spared the state difficulties and provided a cost effective hidden solution to the more unpalatable social realities, with a few notable exceptions they were almost exclusively ignored by government ministers.

The inspection mentioned above was at best pedestrian and subservient and at worst could be construed as colluding and abusive. There seems to have been an unwritten understanding between government and the hierarchy that if the State did not trouble the church then the church would not trouble the State. This understanding was underpinned by a series of formal and informal relationships, both professional and personal, all underscored by the mutual Catholicity of the parties. A problem caused by an individual school's objections to some aspect of governmental policy in relation to the use of their resources could be smoothed over by a communication with the Archbishop or some other member of the hierarchy, whilst if the church raised any concerns it could usually

be placated by a quiet word in a Minister's ear. The cost of this arrangement was that neither rocked the boat or trod too indelicately on the turf of the other. Unfortunately children were the victims of this courtly dance of diplomatic niceties.

When the state/church special relationship started to unravel in the late 1950s/early 1960s a new breed of politician began to take more of an interest in the areas formally seen as the province of the church. However, these early attempts were conducted by civil servants cut from the same cloth as the hierarchy, and were steeped in the prevailing civil service orthodoxies of the day, which found its wellspring in a culture of conservatism and the collective responsibility of government that they had inherited from Britain. An article in *The Bell* in 1946 sought to illustrate this conservatism by declaring

In general then the Civil Service is a sheltered and sedate career, giving adequate conditions, with work which is reasonably interesting without being exacting. But it is no place for a young man of initiative and energy, and one might say that these qualities are not encouraged, and despite what the copy books used to tell us they are not qualities which will bring promotion. The 'dutiful apprentice' had better seek his fortune elsewhere (Osborne, 1946 25-26)

These civil servants were also firmly department men who treated any interest by other departments in what they saw as their province as a hostile act calculated to undermine their work and resources to the benefit of the other department. This ushered in a second era of courtly dancing and departmental trade-offs at the expense of action that would better protect vulnerable children.

However, as the 1960s progressed the ability of the church and state to control information decreased as did their ability to manipulate and control information flow into Irish public opinion. The concept of rights was being firmly placed on the agenda and a new style of more aggressive political and news lobbying was now in the air. A juncture had also been reached at which those politicians of a revolutionary vintage, and senior civil servants of the same generation, were beginning to retire or were withdrawing from active politics. Prior to these developments concern voiced about children and their safety had largely been conducted behind closed doors or through the use of diplomatic language. The new zeitgeist was far more visible and uncontrollable. Indeed, as it has been shown, the birth of the Kennedy Committee came about as a result of the attempted suppression of a report into the realities of life in the industrial and reformatory school sector, a suppression which was attempted in the best tradition of church/state diplomacy.

The media were to play a key role both in establishing a climate in which the Kennedy Committee could report without too much suppression of its findings and in constantly returning to the issue in the years following its release. This led to some immediate changes, although these were limited, but most importantly it came to represent a reference point for those who would subsequently demand change. In many ways the secret was out and prevailing social circumstances would not allow it to be hidden again. It was however necessary for a series of other revelations over the care and protection of vulnerable children to create the bursts of publicity that it is argued here are necessary to sustain momentum on these issues at a policy level, a momentum which can only be

created through the active involvement of the media to transmit a message which fell within peoples "latitude of acceptance" and therefore gained the momentum of popular support. However, the active involvement of the media was in no small way recruited and maintained by the development of new radically focused pressure groups. These groups were to redefine the traditional landscape in which pressure was applied on the political classes. These groups held pluralistic rather than elitist philosophies and embraced and managed the complexity and diversity of the modern communications environment in a way in which the Catholic church, the organisation which had for so long claimed to represent Irish public opinion simply could not.

The process of opening up in Irish society began to accelerate when economic imperatives dictated that the Irish Government needed to become increasingly secular on social issues to reap the benefits of the European Economic Community. Clearly there are a number of other variables here such as the increase in the availability of mass media, the general secularisation and the economic improvement of Irish society, as well as developments in other states, but the need to fully join the world economic community must have played a significant part in the breakdown of the wall of silence on any issue that the Church felt to be inappropriate for public consumption, especially if the issue threatened to bring the Church itself into disrepute. This agenda was fully understood by the media. As Inglis has argued "until the 1960s there was a homology between the way bishops and priests viewed and understood the world and the way the world was portrayed by the media" (Inglis, 1997: 223).

The cultural and economic realities of life in the Free State and Republic had a profound impact on the development of social policy in relation to vulnerable children. The communication that sexual harm could come to children in the newly established Free State, be they in a state funded institution run by a religious order or in their own community, was repugnant to those who saw themselves charged with the historic mission of Catholic statehood, whether they were politicians or clerics. This, with the economic realities of statehood, led Church and State into a self-serving relationship. The prevailing rural cultural ethos of xenophobia and secrecy suited the arrangement perfectly. It was not until the Irish State began to evolve towards a more confident modern nationhood that these conditions began to erode to the point where the truth could out. This evolution that would take fifty years to begin and more than thirty more to develop to anything like maturity.

The issues explored in this thesis are not just points of historical interest but find many parallels in contemporary Irish society. The conflict between Departments is now that between Education and Health rather than between Education and Justice, but the same themes still pervade their interactions, namely, turf wars and the selective communication of information. The lack of public debate and communication on these serious issues has simply been switched to journalistic and political commentary which is selective, self-serving and narrowly focused. In that the media require a specific sequence of headline events, preferably with an "evil" figure to personalise the events around in order to ensure that "we" are not seen as being in part responsible at a societal level or personally identifiable with "them" or their actions consequently any more

detailed examination of the system that cares for our most vulnerable citizens is one which the public, politicians and the media may find just as unacceptable as did those who grappled with these complex and emotional issues at earlier stages of Ireland's development. Even the most incisive and probing of media analysis comes in short bursts before moving on to the next important issues. These bursts are important as it has been noted "the media may not tell us what to think but they tell us what to think about" (Sav1 2002 284-285). It is also the case that the media in some ways have taken the mantle once carried by the Catholic church in Ireland to improve and change society (Finnegan & McCarron 1999) and whilst they have and continue to be important to this process two things should be borne in mind by the media and society in general. Firstly, "it is by no means clear yet whether the changes that have occurred are a result of that campaigning or are merely a reflection of the changing objective realities confronting ordinary people in our society" (Kiberd 1997 33). And secondly, that the media hold the moral high ground and sense of mission with a different set of vested interests and world views than those who held it before, with by and large the same good intentions and sense of mission.

If we fail to learn the lessons of the past in relation to the treatment of marginalized and abused children we are destined to repeat its errors. Once again the tragedy will impact most on those who have always been the victims, marginalized children.

(11) BIBLIOGRAPHY

- Adams M (1968) Censorship the Irish experience Dublm Scepter Books
- Aldridge M (1994) Making Social Work News London Routledge
- Arensberg C M Kimbal S T 2001 Ennis Clasp Press
- Augustieijn J (1999) Ireland in the 1930s Dublin Four Courts Press
- Aries, P (1963) Centuries of Childhood London Jonathan Cape
- Barnes J (1989) Irish Industrial Schools 1868-1908 Dublin Irish Academic Press
- Berry J (2000) Lead Us Not Into Temptation Urbana University of Illinois Press
- Bestic A. (1969) The Importance of being Irish Dublin Cassell
- Blanchard J (1963) The Church in Contemporary Ireland Dublin Clonmore and Reynolds
- Blanchard P (1953) The Irish and Catholic Power Boston Beacon Press
- Bielor L (1963) The Irish Penitentials Dublin Institute for Advanced Studies
- Boarding Out Of Children Regulations (1954) Dublin Stationary Office
- Bogle J (1997) In Kiberd D Media in Ireland Dublin Open Air
- Bowen K (1983) Protestants in a Catholic State Dublin Gill & Macmillan
- Breen, R. Hanna, D Rottman, D and Whelan, C (1990) Understanding Contemporary Ireland Dublm Gill and Macmillan
- Broderick J (1992) Fall From Grace Dublin Brandon Books
- Brown T (1985) Ireland A Social and Cultural History, 1922 to the present Cornell University Press

- Buckley, H, Skehill, C & O'Sullivan E (1997) Child Protection Practices In Ireland
Dublin Oak Tree Press
- Campbell B (1998) Unofficial Secrets London Virago
- Carlson J (1990) Banned in Ireland London Routledge
- Ceci S J Bruck M. (1999)5 Jeopardy in the Courtroom A Scientific Analysis of Children's Testimony Washington D C American Psychological Association
- Cherici P (1995) Celtic Sexuality Power Paradigms and Passion London
Duckworth
- Children Act (Ireland) (1908) Dublin
- Children Act (1941) Dublin Stationery Office
- Children (Amendment) Act (1949) Dublin Stationary Office
- Children (Amendment) Act (1957) Dublin Stationery Office
- "Crime Reporter" (1942) Crime in Dublin Dublin The Bell, Volume 5 Nos 3&4
- Doyle T Peterson M Moulton F R. (1985) *The Manual*
www.thelinkup.com/manual.html
- Galligan, Y, Ward E & Wilford R Eds (1999) Contesting Politics Women in Ireland, North and South Oxford Westview Press
- Clancy, P Et Al (Eds) (1995) Irish Society Sociological Perspectives Dublin I P A.
- Cleary A. Et al Eds (2001) Understanding Children Volume 1 Dublin Oak Tree Press
- Cleary A. Et al Eds (2001) Understanding Children Volume 2 Dublin Oak Tree Press
- Coakley J & Gallagher M (1999) Politics in the Republic of Ireland London
Routledge

- Colgan McCarthy I (Ed) (1995) Irish Family Studies Selected Papers Family Studies Centre, University College Dublin
- Coogan T P (1993) DeValera, Long Fellow, Long Shadow London Hutchinson
- Coogan, T P (1987) Disillusioned Decades Dublin Gill and Macmillan
- Collins P (1981) It started on the Late Late Show Dublin Ward River Press
- Cooney J (1999) John Charles McQuaid Ruler of Catholic Ireland Dublin O'Brien Press
- Cooney J (1986) The Crozier and the Dail Dublin Mercer Press
- Condrón M. (1989) The Serpent and the Goddess San Francisco Harper
- Conway E & Kilcoyne C (1997) Twin Pulpits Church and Media in modern Ireland Dublin Veritas
- Corby B (1993) Child Abuse Towards A Knowledge Base Milton Keynes Open University Press
- Corish P J (1985) The Irish Catholic Experience Dublin Gill & Macmillan
- Costin L B Karger H J Stoesz D (1996) The politics of child abuse in America New York Oxford University Press
- Crowley J (10/11 6 1970) Children At Risk 1&2 Dublin Irish Times
- Curtis, L (1984) Nothing But The Same Old Story The Roots of Anti-Irish Racism London Information On Ireland
- Cronin M & Regan J M (2000) Ireland The politics of independence, 1922-49 Dublin Macmillan Press
- Cruise-O'Brien C (1976) Writers and Politics London Penguin
- Daley, M E (1992) Industrial Development and Irish National Identity 1922-39 In

- Demaue L Ed (1974) The History of Childhood Souvenir Press
- Dent H & Flin R. (1996) Children As Witnesses Chichester Wiley
- Deloitte and Touche (2001) Report on health board structure and organisation
- Department of Health website
- Dickens C (1985) Oliver Twist London Penguin
- Drudy P J (Ed) (1982) Irish Studies Cambridge University Press
- Edelstein A S, Ito Y, Keeplinger M 1989 Communication and Culture A Comparative Approach New York Longman
- Fallon B (1998) An Age of Innocence Irish Culture 1930-1960 Dublin Gill & Macmillan
- Fanning R. (1983) Independent Ireland Dublin Helicon Ltd
- Fanon, F (1967) The Wretched of the Earth London Penguin
- Farrell, B (ED) (1988) De Valera's Constitution and Ours Dublin RTE, Gill and Macmillan
- Farrell M. (1951) Broadcasting in Ireland Dublin The Bell Vol 16 No4
- Ferguson H (2000) Learning From The Past Child Abuse And Institutional Care In Historical Perspective In NCPI Conference papers Kilkenny April 2000
- Finnane M (2001) The Carrigan Committee 1930-31 and the Moral Condition of the Saorstát Belfast Irish Historical Studies XXXII No 128 November 2001
- Finnegan R B & McCarron E T (1999) Ireland Historical Echoes, Contemporary Politics Oxford Westview

- First Interim Report of the Interdepartmental Committee on Mentally Ill And Maladjusted Persons, Assessment Services For The Courts In Respect of Juveniles
(1974) Dublin Stationary Office
- Ford, P&G (1974) Select List of Reports of Inquiries of the Irish Dáil and Senate 1922-1972 Dublin Irish University Press
- Foster R F (1988) Modern Ireland 1600-1972 London The Penguin Press
- Foster R F (1993) Paddy and Mr Punch London The Penguin Press
- Foster R.F (2001) The Irish Story Telling Tales and Making it up in Ireland London Allen Lane The Penguin Press
- Foucault M (1977) Discipline And Punish The Birth Of The Prison London Penguin
- Fuller L (2002) Irish Catholicism Since 1950 Dublin Gill & Macmillan
- Garvin T (1977) Nationalist Elites, Irish Voters and Irish Political Development A Comparative Perspective Economic and Social Review 8 161-184
- Garvin, T (1996) 1922 The Birth OF Irish Democracy Dublin Gill and Macmillan
- Gerald Of Wales (1982) The History And Topography Of Ireland London Penguin
- Gibbons L (1996) Transformations in Irish Culture Cork University Press
- Goddard C (1996) Read all about it! The News about child abuse Child Abuse Review Vol 5 301-309 Chichester Wiley& Sons
- Gorham D (1978) The "Maiden Tribute of Modern Babylon" Re-Examined Child Prostitution and the Idea of Childhood in Late-Victorian England Victorian Studies, 353-379
- Grote G (1994) Torn Between Politics and Culture Waxmann

Health Act (1970) Dublin Stationary Office

Heath A. Breen R. Whelan T (Eds) (1999) Ireland North and South Perspectives from Social Science Oxford University Press

Hempton D (1996) Religion and political culture in Britain and Ireland Cambridge University Press

Hoyles, M & Evans, P (1989) The Politics Of Childhood London Journeyman

Horgan J (1984) The Provincial Papers Of Ireland Ownership Control And The Representation Of Community In Bell D Ed Is the Irish Press Independent Dublin Media Association Of Ireland

Horgan J (1995) Saving us from ourselves contraception, censorship and the 'evil literature' controversy of 1926 Dublin Irish Communications Review Vol 5

Horgan J (1999) Sean Lemass Dublin Gill & Macmillan

Horgan J (1984) Policy and the Press State Dublin The Crane Bag Vol 8, No 2

Horgan J (2001) Irish Media, A critical History Since 1922 London Routledge

Horgan J (2000) Noel Brown, Passionate Outsider Dublin Gill and Macmillan

Hug C (1999) The Politics of Sexual Morality In Ireland Dublin Macmillan Press Ltd

Inglis T (1998) Moral Monopoly The Catholic church in Modern Irish Society University College Dublin Press

Inglis T (1997) Foucault, Bourdieu and the Field of Irish Sexuality Irish Journal Of Sociology Vol 7 5-28

Jenkins P, (1996) Paedophiles and Priests New York OUP

Jensen S (1988) Censorship The Knot that Binds Oxford University Press

- Keating A, (1991) Mental Health and The Irish Community in Britain Unpublished MSc thesis University of Oxford
- Keating A. (1997) What's Justice got to do with it? In, Curam, Journal of the Irish Social Care Workers Organisation, issue 22
- Kiely G O'Donnell A Kennedy P Quin S Eds (1999) Irish Social Policy In Context University College Dublin Press
- Kelleher P Kelleher C Corbett M (2000) Left Out On Their Own Young People Leaving Care In Ireland (2000) Dublin Oak Tree Press
- Kelly, F (1988) A Guide to Early Irish Law Dublin DIAS
- Kelly M O'Dowd L & Wickham J (Eds) (1982) Power, Conflict, and Inequality Turoe Press
- Kennedy F (2000) The Suppression of the Carrigan Report Dublin Studies Volume 89 Number 356 354-363
- Kennedy F (2001) Cottage to creche Family change in Ireland Dublin IPA
- Kenny M (2000) Goodbye to Catholic Ireland Dublin New Island Books
- Keogh M (1986) The Vatican, the Bishops and Irish Politics 1919-39 Cambridge University Press
- Keogh D (1995) Ireland and the Vatican 1922-1960 Cork University Press
- Kerrigan G & Brennan P (1999) This Great Little Nation The A-Z of Irish Scandals and Controversies Dublin Gill and Macmillan
- Kiberd D (1997) Media in Ireland Dublin Open Air
- Kitzinger J (1996) Media Representations of Sexual Abuse Risks Child Abuse Review Vol 5 319-333 Chichester Wiley & Sons

- Lalor K Ed (2001) *The end of innocence Child sexual abuse in Ireland* Dublin Oak Tree Press
- Lee J J (1989) *Ireland 1912-1985 Politics and Society* Cambridge University Press
- Low (1982) D A *Thieves Kitchen* London Dent.
- Luddy M (1995) *Women and Philanthropy in Nineteenth-Century Ireland* Cambridge University Press
- Lyons F S L (1971) *Ireland Since the Famine* London Weidenfeld & Nicholson
- Lyons F S L (1979) *Culture and Anarchy in Ireland 1890-1939* Oxford University Press
- MacReamoinn S (Ed) (1986) *The Church in a New Ireland* Dublin Colomba Press
- McAllister J R. (1969) *Conflict in Community* Minnesota St John's University Press
- McNulty P J (20/21 6 1969) *Memories of Artane 1-2* Dublin Irish Times
- Mercier V (1945) *Fourth Estate The Irish Times* Dublin The Bell Vol 9 No 4
- Moane G (2000) *Living With States Of Fear A Liberation Psychology Perspective* In NCPI conference papers Kilkenny April 2000
- Molotch H & Lester M (1974) *News As Purposive Behaviour. On The Strategic Use Of Routine Events, Accidents, And Scandals* American Sociological Review Vol 39 (February) 101-12
- Murphy C (1999) *The Coverage of Child Sexual Abuse in Irish Daily Newspapers* Unpublished Thesis M A Dublin City University
- Murray P (2000) *Oracles of God The Roman Catholic church and Irish Pohtics* UCD Press

- Nava M (1988) Cleavland And The Press, Outrage and Anxiety in the Reporting of Child Sexual Abuse Feminist Review 28 103-121
- Noel G & Stanford P (1994) The Anatomy of the Catholic church London Michael Russell
- O'Brien, M (2001) De Valera, Fianna Fail and the Irish Press Dublin I A.P
- O'Callaghan M (1981) Language and Religion The quest for identity in the Irish Free State Unpublished M A Thesis, University College Dublm
- O'Conner A. (2000) A Message From Heaven Dingle Brandon
- O'Donnell (1945) Church and State in Ireland Dublin The Bell, Vol 10, No 1
- (O'Donnell D (1945) (2) Fourth Estate The Independent Dublin The Bell Vol 9
- O'Drisceol D (1996) Censorship in Ireland 1939-1945 Neutrality, Politics and Society Cork University Press
- (O'Faolain S (1947) The Priest In Politics Dublin The Bell Vol 113 No4 6-24)
- O'Faolain S (1951) The Dail And The Bishops Dublin The Bell, Vol 17 4-13)
- O'Leary D (2000) Vocationalism & Social Catholicism in Twentieth Century Ireland Dublin Irish Academic Press
- O'Malley T (1992) The Irish Juvenile Justice System Paper presented to the I A C W Conference Galway
- O'Riordan J D (1980) Irish Catholics Traditions and Transitions Dublm Veritas
- Ormerod N & Ormerod T (1995) When Ministers Sin Alexandria NSW Millennium Press
- Osborne , (1946) The Machinery of Government Dublin The Bell, Vol 13, No 1 25-26)

- O'Sullivan D (1974) Friendship Amongst Industrial School Boys Maynooth Social Studies Vol 3 No1 13-23
- O'Toole, J (1992) Newsplan London The British Library/National Library of Ireland
- Payer P (1984) Sex and the penitentials The development of a sexual code 550-1150 University of Toronto Press
- Peters,B (2000) Female Journalists Pioneers in a Male Profession? Paper presented to the IFJ Asian Woman Journalists Conference Tokyo
- Pickenng M (1997) History, Experience and Cultural Studies Macmillan
- Pollock L A (1983) Forgotten Children Parent-child relations from 1500-1900 Cambridge University Press
- Prager J (1986) Building Democracy in Ireland Political order and cultural integration in a newly independent nation Cambridge University Press
- Redmond, A (Ed), (2000) Central Statistics Office That was then, this is now Change in Ireland 1949-1999 Dublin Stationary Office
- Regan J M. (1999) The Irish Counter Revolution 1921-1936 Dublin Gill & Macmillan
- Report of the Committee on the Criminal Law Amendment Act 1888 (1931) Dublin Stationery Office (Suppressed)
- Report on Reformatory and Industrial Schools. 1970 (1971) Dublin Stationery Office
- Report of the Committee to Review Punishment in Prisons Borstal Institutions, Approved Schools and Remand Homes (1964) London H.M.S O
- Report of Working Party On Drug Abuse (1971) Dublin Stationery Office
- Robins J (1980) The Lost Children A Study of Charity Children in Ireland 1700-1900 Dublin Institute of Public Administration

- Rossetti S J (1996) *A Tragic Grace* Minnesota The Liturgical Press
- Rules and Regulations For The Certified Industrial Schools In The Irish Free State*
Undated Dublin Stationery Office
- Santrock W J (1996) *Child Development* New York Brown and Benchmark
- The Savı Report (2002) *Sexual Abuse and Violence in Ireland* Dublin The Liffey Press
- Sipe A.W R. (1995) *Sex Priests And Power* New York Brunner/Mazel
- Stainton Rogers W Hevey D & Ash E (1992) *Child Abuse and Neglect* Milton Keynes Open University Press
- Scheper-Hughes N (1979) *Saints, scholars, and schizophrenics Mental illness in Rural Ireland* University of California Press
- Shaw, G B (1966) *The Adventures of a Black Girl In Her Search For God and some Lesser Tales* London Penguin
- Smyth G (1998) *Decolonisation and Irish Criticism The Construction of Irish Literature* London Pluto
- Tanner, M (2001) *Ireland's Holy Wars The Struggle or A Nation's Soul 1500-2000*
Yale University Press
- Task Force on Child Care Services Interim Report (1975)* Dublin Stationery Office
- Taylor L (1995) *Occasions of Faith An Anthropology of Irish Catholics* University of Pennsylvania Press
- The Investigative Staff of the Boston Globe (2002) *Betrayal The Crisis In The Catholic church* Boston Little Brown And Company
- Tougher P (2001) *Fear of the collar* Dublin O'Brien

Tribunal of Inquiry into the Fire at St Joseph's Orphanage, Main Street Cavan (1943)

Dublin Stationery Office

Tuairim (1966) Some Of Our Children London Tuairim

Tuarascail Report. Commision of Enquiry on Mental Illness (1966) Dublin Stationary Office

Tuchman G (1978) Professionalism as an Agent of Legitimation Journal of Communication

Viney M (1966)(1) The Trouble With Larry Irish Times 27 4 1966

Viney M (1966)(2) Patterns of Crime Irish Times 28 4 1966

Viney M (1966)(3) The Caution Man Irish Times 29 4 1966

Viney M (1966)(4) What Price Probation? Irish Times 2 5 1966

Viney M (1966)(5) The Hidden Motives Irish Times 3 5 1966

Viney M (1966)(6) The Dismal World Of Daingean Irish Times 4 5 1966

Viney M 1966(7) Children at Risk Irish Times 5 5 1966

Viney M (1966)(8) The Young Offenders Irish Times 6 5 1966

Waugh E (1996) Vile Bodies London Penguin

Whyte J H (1980) Church and State in Modern Ireland 1923-1979 Dublin Gill & Macmillan

Woodham-Smith, C (1991) The Great Hunger Ireland 1845-1849 London Penguin

Woodman K (1985) Media Control in Ireland 1923-1983 Southern Illinois University Press

Wrong D H Power Its Forms, Bases, and Uses New Brunswick Transaction Publishers

NEWSPAPERS AND PERIODICALS

Irish Times Various 1924-2001

Irish Independent Various 1924-2001

The Standard 1927-1930

An Phoblacht 1927-1929

The Freeman 1927-1928

Irish Statesman 1926-1930

Waterford Standard 1928-30

Waterford Star 1928-1930

Waterford News 1928-1930

Empire News 1930

World Pictorial News 1930

Clare Champion 1930-31

Cork Examiner 1930-31

Cork Weekly Examiner 1930-31

Kerry Champion 1930-31

Kerryman 1930-31

Kerry News 1930-31

Wicklow People 1930-31

Wexford Free Press 1930-31

Offaly Express 1930-31

Offaly Independent 1930-31

Wexford Guardian 1930-31

Dungarvan Observer 1930-31
Limerick Chronicle 1930-31
Limerick Leader 1930-31
Dublin Evening Mail 1930-31/1950-52
Nationalist 1930-31
Leinster Times 1930-31
Roscommon Herald 1930-31
Dundalk Democrat 1930-31
Dundalk Examiner 1930

The Examiner Dundalk 1930-31
Enniscorthy Guardian 1930-31
Evening Herald 1970-74
Midland Tribune 1930-31
Round Table 1928-1930
The News of the World 1962-64/1970-72
The Sunday World 1974
Irish Monthly 1925
Irish Ecclesiastical Record 1922-1930
The Bell 1940-1950
The Catholic Bulletin 1928
Assisi 1932
Irish Ecclesiastical Record 1926-1932
Furrow 1955-1972

Maria Legionis 1939-1940

Wexford Echo 1930

SELECTED PRIMARY SOURCES

Working papers of the Committee on the Criminal Law Amendment Act 1881 1928-9
(The Carigan Committee) National Archives Dublin

Working Papers of the Dail Committee on the Criminal Law Amendment Act 1931
National Archives Dublin

Working Papers of the Committee of Enquiry on Evil Literature 192 National Archives
Dublin

Working Papers of the Committee on Venereal Disease in the Irish Free State 1926
National Archivess Dublin

Department of Justice Papers on Censorship (Various years) National Archives Dublin

Department of Justice papers on Censorship (Various Years) Department of Justice
Dublin

Working Papers of the Censorship Board Censorship Board Dublin

Working Papers of the Inter-Departmental Committee on Criminal Justice 1962
Department of Justice, Dublin

Working Papers of the Committee on Reformatory and Industrial Schools 1936 National
Archive Dublin

Working Papers of the Committee on Reformatory and Industrial Schools 1967 –1970
(The Kennedy Committee)

Working Papers of the Inter-Departmental Committee on the Kennedy Report

Department of Justice Dublin

Papers held by the Department of Justice on Industrial School 1922-1984 Department of
Justice Dublin

Penal Files, Department of Justice Dublin

Penal Files, National Archives Dublin

Prison Registers National Archives Dublin

Department of the Taoiseach Files (Various) National Archives Dublin

Department of Education Files (Various) National Archives Dublin

Working Papers of the Committee of Enquiry into the fire at the Industrial School Cavan
1937 National Archives Dublin

Dail Debates, Various

SELECTED INTERVIEWS

Desmond O'Malley, former Minister for Justice 24 4 2002

Risteard MacConchradha, former Civil Servant and member of the Kennedy Committee
30 4 2002