

Commission to Inquire into Child Abuse

**Report by Dr Diarmaid Ferriter, St Patrick's College, DCU.
June 2006**

I

During the public hearings of the Commission, it was maintained by numerous leaders of religious congregations charged with the task of running institutions for Irish children over the last 150 years, that their members and their institutions, and how they responded to allegations of abuse, needs to be set in the context of the times, rather than assessed from a late twentieth or early twenty first century context. It was suggested that the revelations from the 1990s onwards, and the media exposure that accompanied them, distorted a sense of historical perspective; that the gap between current affairs and history seemed to narrow almost to nothing.

Another contention frequently offered by those presently in leadership roles for the religious congregations is that child abuse in the formative and middle decades of the twentieth century was not understood as it is now, and was seen primarily as a moral rather than a criminal issue, and that, given the circumstances of the time, their response was only what could have been expected. It has also been asserted that industrial schools were a positive force in Irish society during difficult times, and that the problems encountered by the religious orders, and the actions by them collectively and by individual members, have to be set in the broader context of lack of funding, education and training and the role of the state as overall manager of the childcare system.

On Day 99 of the Commission's public hearings, Brother David Gibson, Province leader of the St Mary's Province of Ireland of the Christian Brothers, gave evidence concerning the industrial school at Letterfrack, and maintained that abuse was

"isolated and done by individual brothers"; that "when it was known it was not concealed", and maintained "sexual abuse in a period 60 years ago was seen more as a moral failure than a crime and that it was more the failure morally of the person rather than the actual criminal dimension of the act"¹. The same logic has been offered with regard to the issue of physical punishment. On 23 July 2004, Fr Tom Murphy, Provincial of the Oblates of Mary Immaculate stated, when giving evidence in relation to St Conleth's Reformatory in Daingean, that "These institutions were conducive to a boiler situation, but I do think given the times and the context and customs of the day, it wasn't unduly punitive in terms of discipline"²

It has also been frequently contended that an awareness of child abuse only began to surface in Irish society relatively recently; that the state only became aware, at a policy level, of the non-accidental injury of children in the 1970s and of child sexual abuse in the 1980s. Giving evidence on 22 July 2004, Tom Hayes of the Alliance Victims Support Group said that clerical child sex abuse emerged as an issue in Irish society only very recently due to "the media and the constant publicity of those religious found guilty in the Courts"³

During his evidence to the Commission on Monday 21 June 2004, social policy lecturer, Dr Eoin O'Sullivan, having outlined the history of the industrial and reformatory schools in theory and practice, referred to "an accumulation of exposures to the system, historical exposures. There were a number of autobiographical or semi-autobiographical works emerging from the 1980s onwards about conditions in some of the schools"⁴

This report seeks to elaborate on the assertions outlined above, and will attempt to put more historical context on the events discussed in the public hearings by drawing attention to issues of class, gender and sexuality generally in Irish society, and more specifically, sexual abuse in relation to the state and the legal system, as well as looking at the manner in which information emerged, and was sometimes suppressed.

¹ Commission to Inquire into Child Abuse, Public Hearings, Evidence of Dr. David Gibson, Day 99 p.16

² Evidence of Fr Tom Murphy, 23 July 2004

³ Evidence of Tom Hayes, 22 July 2004

⁴ Evidence of Dr Eoin O'Sullivan, 21 June 2004, p.131

By extension, it will also touch on the institution of the family, emigration and how the State and the Catholic Church perceived its role in relation to the moral welfare of Irish Catholics.

It is based on over a decade of research experience and publication on the social and cultural history of twentieth century Ireland, covering themes of childhood, the gulf between public and private morality, the relationship between the state and the individual as well as incorporating aspects of the internal workings of the Irish state. It is also based on more specific research undertaken solely for the purposes of this report for the Commission. Archival material and documentation as well as published secondary sources were used to compile this report; it will also refer to some of the evidence offered during the public hearings of the Commission as well as some of the memoirs of those affected by many of the issues raised.

In relation to the Commission's deliberations, it is important that the broader context of child abuse and how it was perceived is understood, particularly in view of the fact that the Ferns Report into child abuse in Wexford, while widely praised, has also been subjected to some criticism "for the failure to situate the Ferns abuse in a wider context".³

In terms of methodology, I have included references to some autobiographical and semi-autobiographical work because of the light they shed on the themes that need to be examined in order to place the institutional abuse in a broader context. In a review article in the *Sunday Tribune* in June 2000, archivist and critic Catriona Crowe sought to make sense of the seemingly insatiable appetite in Ireland and beyond for memoirs of Irish childhood. She noted, "The whole business of untold stories is at the heart of our fascination with these revelations. The private domain of personal experience has always been at odds with the official stories which were sanctioned, permitted and encouraged by the state and the Catholic Church". Developing this theme, Crowe suggested "these memoirs run like a parallel stream of information alongside the official documentary record and compliment it with their personal immediacy and vibrancy...it is the fact that we are hearing a story from the inside of Irish life that

³ Catriona Crowe, 'On the Ferns Report', *Dublin Review*, no.22 Spring 2006 pp5-26

gives these books their value as human testimony. The official record can tell us what happened, but rarely what it felt like⁶

This is an important point that needs to be amplified. Many of the assertions made at the public hearings of the Commission are based on the documentation available to the religious orders, which at times, like many administrative records, is cursory and formulaic, as were many of the visitation reports, as mentioned by Sr Una O'Neill of the Religious Sisters of Charity, when giving evidence on 7 February 2005 in relation to St Patrick's industrial school in Kilkenny.⁷ Similarly, giving evidence in September 2005, Brother Michael Reynolds observed: "I have one group of people saying there was a lot of corporal punishment and I have documentation saying there wasn't".⁸ The obvious conclusion to be drawn from these comments is that the documentation available in the archives of the institutions cannot provide a complete picture. If memoirs are accepted as a source, they too, need to be treated with caution, but if enough of them are consulted, it is possible to identify certain common strands that again, can help to put the issues revealed in some kind of perspective.

II

The memoirs highlight the importance of a genre of writing that has done much to expose what might be referred to as the 'underbelly' of Irish state and society at a crucial time in the development of modern Ireland. Much of the testimony is bleak, and at times harrowing, and there is a strong temptation to conclude after immersion in these accounts that the greatest blot on twentieth century Irish society's copybook was its treatment of children. Their value lies not only in the articulation of personal experience, but also the light they shed on the institution of the family, parenting, religion, education, health and welfare, the legal system, institutionalisation, physical and sexual abuse, class prejudices, and the significance of the environment in which a child is reared.

⁶ *Sunday Tribune*, 18 June 2000

⁷ Evidence of Sr Una O'Neill, 7 February 2005

⁸ Evidence of Brother Michael Reynolds, 15 September 2005, p.31

Another role these books fulfil is to underline the huge gulf between the rhetoric of aspiration which coloured so many of the expressions of Ireland's supposed advantages as an unsullied rural idyll, with the bedrock of the institution of the family; and the reality of a society, and indeed many families, that hopelessly failed to deliver on such rhetoric.

It is ironic that most of these memoirs deal with growing up in what many believed was going to be a century where the concept of 'children's' rights' would be valued, and indeed, vigorously promoted. Commenting on the introduction of limited legal adoption in Ireland in 1952, Liam Maher, a contributor to the Catholic periodical, *Irish Monthly*, suggested "There has been a growing interest in the plight of homeless and unwanted children as the social conscience has become more sensitive towards the unprotected and the underprivileged. This has been called the century of the child"⁹. This may have been true in theory, but the practice was different. The individual emotional and physical welfare of children was rarely a priority. As a visitation report in relation to Artane Industrial School made clear in 1952, "the boys are never called on to make decisions for themselves". When giving evidence in relation to the minutes of the resident managers of institutions, Brother Reynolds commented, "Finance, unfortunately, was the main item on the agenda"¹⁰.

Given the emphasis on the family in Irish life it might have been thought that Irish society would be particularly conscious of its responsibilities towards the welfare of children. Disturbingly, many of the memoirs reveal that it was often the institution of the family which could mask a calculated savagery in its treatment of children and furthermore, that some of those children taken away from the family- supposedly because of its failings – were subjected to a childhood of brutality and harshness in institutions funded by the state and were in effect deprived of any childhood. In this sense, any analysis of child abuse in twentieth century Ireland must take cognisance of the interaction of family, church and state and the extent to which a crucial part of Catholic social teaching was continually being promoted- that the state had no right to interfere with the personal domain of the family when it came to perceived private

⁹ Róisín Wyley, "Changing attitudes to children: The state's role in the status and welfare of children, 1952-87" (UCD MA 1992)

¹⁰ Evidence of Brother Reynolds, 15 September 2005, p.20 and p.47

issues of health and morality, and that the church would seek to maintain absolute control over its perceived areas of interest.

Occasionally, this was to cause tension between church and state. In 1951, in relation to the proposed Mother and Child Scheme introduced by the Minister for Health Noel Browne, the Catholic Hierarchy wrote to the Taoiseach stating they “cannot approve of any scheme which, in its general tendency, must foster undue control by the state in a sphere so delicate and intimately concerned with morals.”¹¹ John Charles McQuaid, Archbishop of Dublin from 1940 to 1972, in a private meeting with Taoiseach John A Costello, in April 1951, “took occasion at once to explain to the Taoiseach that the phrase ‘Catholic social teaching’ used by the Bishops meant ‘Catholic moral teaching in regard to things social.’”¹²

Unlike in England, the Catholic Church demanded and retained exceptional control over the running of institutions for Irish children. Reform of the English industrial and reformatory school system had its origins in the 1913 departmental Committee on Reformatory and Industrial schools, which according to Mary Raftery, “had identified the problem that although the government funded the industrial schools, it had little impact on how they were run. That power lay with the voluntary groups that managed them- In Ireland, of course, this meant the Catholic Church. A key recommendation immediately acted on in Britain was that the control of the voluntary bodies should be curtailed, with the state becoming much more active in running the institutions, culminating of course with their closure in the 1930s. It is likely that these reforms would have been extended to Ireland, despite the strong resistance from the Catholic Church, which viewed any interference as a direct assault on its power. However, the advent of independence meant that such a challenge was never mounted”¹³ Unlike the new approach in England, Irish children in institutions, as mentioned in the evidence before the Commission of Br John O’Shea, the regional leader of the Brothers of

¹¹ Dublin Diocesan Archives (DDA), Papers of John Charles McQuaid, Government Box 5, ABB/B, 5 April 1951

¹² *Ibid.*, 6 April 1951, McQuaid to his Grace, Archbishop of Armagh.

¹³ Mary Raftery, ‘Independence for whom?’ in *Liberity 1916-2006* (Labour Party, Dublin, 2006) pp11-13

Charity in Ireland and Britain "they were seen as a group rather than as individuals in a group".¹⁴

The idea that institutions were a positive way of replacing the family was widely expounded. As late as 1962, a visitation report in relation to Artane referred to "the big happy family atmosphere"¹⁵, but clearly there was a degree of discouragement of family visits to the institutions. In her evidence to the Commission, Sr Una O'Neill of the Religious Sisters of Charity observed that there was "nothing in place to give the impression that the visits of the parents to the children was a high priority...I found no evidence of any expression of priority in terms of making sure that parents could visit their children".¹⁶ For many years, concern had been expressed about the all male staff of the institutions- in 1971, Archbishop McQuaid expressed his delight to the Minister for Justice, Des O'Malley, that it was "a great consolation, after so many years of striving, to see women included in the care of boys in an institution. Nothing can replace the woman's care".¹⁷

III

We should not be under the illusion that the exposure of bleak Irish childhoods only began in the 1980s and 1990s. Patrick McGill's *Children of the Dead End*, published in 1914 deals with a bleak childhood in Edwardian Donegal. Like so many others, McGill was brought to a hiring fair at the age of 12. His depiction of the fairs and his subsequent treatment at the hands of rapacious employers is encapsulated in the observation that in the view of the man about to hire him, "I was not a human being, a boy with an appetite and a soul. I was merely a ware purchased in the market place, something of less value than a plough and of no more account than a barrow"¹⁸ The money he earned as a result of his employment was, of course, sent home, McGill's reflections on this economy were equally revealing about parental attitudes to children in families struggling for basic subsistence

¹⁴ Evidence of Br John O'Shea, 14 July 2004.

¹⁵ Evidence of Brother Reynolds, 15 September 2005

¹⁶ Evidence of Sr Una O'Neill, 7 February 2005

¹⁷ DDA, McQuaid Papers, AB 8/B, Govt box.7 Department of Justice, McQuaid to O'Malley, 10 May 1971

¹⁸ Patrick McGill: *Children of the Dead End* (London, 1914; reprinted 1985)pp36-7

"I was born and bred merely to support my parents and great care had been taken to drive this fact into my mind from infancy. I was merely brought into the world to support those who were responsible for my existence"¹⁹

As has become apparent, the failure of parents to safeguard their children or the absence of both parents, were two important reasons why children ended up in institutions. In 1901, for every thousand children under the age of 14, six were in industrial schools in Ireland; the corresponding figures for Scotland and England were 3 and just over one.²⁰ In 1905, there were 2,129 unmarried mothers and 2,764 illegitimate (to use the historic term) and deserted children in Irish workhouses.²¹ Ten years later, while the father could be compelled to pay for maintenance in England and Scotland, this did not apply to Ireland, where for many, the only redress was in the workhouse. The unmarried mothers were repeatedly referred to as "fallen" or "offending" women, a practice that remained constant for many decades. The handbook for Catholic social workers in Dublin in the 1940s referred to homes for unmarried mothers who were "principally first offenders" and others who were "girls in danger."²² The National Society for the Prevention of Cruelty to Children also sought to take children out of what were described as "immoral surroundings". They recorded thirty such cases in Dublin in the year 1904-5²³

The late nineteenth and early twentieth century was an era when it seemed children were beginning to be noticed as individuals susceptible to neglect and ill treatment. In Edwardian England, social investigators like Charles Booth and Seebohm Rowntree were attempting to quantify poverty, analysing its causes and characteristics. The emergence of legislation and protective organisations would suggest a premium was placed on the life of children that had not existed previously, reflected in 1889 in Ireland with the emergence of the Dublin Society for the Prevention of Cruelty to Children (DSPCC).

¹⁹ *Ibid*

²⁰ Evidence of Dr O'Sullivan, p.80

²¹ *Journal of the Social and Statistical Inquiry Society of Ireland*, Dec 1914, Vol.xiii, p.188

²² *Social Workers Handbook: For Catholic Social Workers in Dublin* (Saint Vincent de Paul, Dublin 1942) p.72

²³ National Society for the Prevention of Cruelty to Children, Dublin All Committee Reports, National Library of Ireland

A thesis completed in University College Dublin by Eimear Burke noted that the 1880's onwards signalled the legitimisation of the 'normal' child within the family, in contrast to previous decades where attention was more focused on deserted, 'illegitimate' and orphaned children. Members of Dublin Corporation and societies such as the DSPCC and the Women's National Health Association, sought to implement public health and welfare schemes for mothers, infants and children, and did improve the lot of many, though they were also resented by some as upper and middle-class interfering philanthropists. Indeed, as Burke observed, one of the arguments used in attempting to prevent the establishment of the DSPCC was a repudiation of any claim that Dublin children were maltreated. It was even suggested that to admit the existence of cruelty would destroy the image of Ireland as the 'maternal isle'.²⁴ Just over 300 people were charged with neglect of children in 1900. By 1918 that figure had been reduced to 150.

While the Children's Act of 1908 was regarded as a fundamental step in extending child protection, incorporating in one statute a host of laws and piecemeal legislation that emphasised the social rights of children, it was in practice more parent-centred (in the sense of bringing them to account for neglect) than child centred. Crucially, it also dictated that 'the courts should be agencies for the rescue as well as the punishment of children'.²⁵ As pointed out by Dr O'Sullivan, it was this Act that Ireland was to rely on in dealing with the problems of child welfare for the entire twentieth century.²⁶

In the 20 years prior to the establishment of the Irish Free State, numerous sexual crimes were dealt with by the Crown quarter sessions and crown commission legal hearings, the forerunners of the circuit court hearings of the Irish Free State. In the Crown Books of these trials in Dublin, cases of indecent exposure, gross indecency, indecent assault, buggery and unlawful carnal knowledge were common place, so much so that in August 1920, the clerk of the Dublin commission courts wrote to the Chief Secretary's Office on behalf of the Lord Justices, drawing attention to a motion adopted at a committee meeting of the Dublin White Cross Association:

²⁴ Eimear Burke, 'The treatment of working class children in Dublin by statutory and voluntary organisations 1885-1922' (UCD MA, 1990)

²⁵ Wyley, 'Changing attitudes'

²⁶ Evidence of Dr. Eoin O'Sullivan

"That the Dublin White Cross Association desires to enter its most solemn protest against young people of both sexes being permitted to remain in the Dublin Commission Courts during the hearing of cases of sexual irregularities to the grave danger of their morals"²⁷

The sentences imposed seem relatively light. In August 1917, a man prosecuted for an indecent assault on a girl aged less than 13 received 3 months imprisonment. In May 1918 the sentence of one-month hard labour was imposed for gross indecency. Those on rape charges were dealt with more severely, a 5-year penal servitude being imposed for that crime in November 1920.²⁸ Many of the cases occurred within families, and when families were lodging or living in tenements, and the Dublin Metropolitan police were active in pursuing the assailants. The contention that "sexual crimes were virtually unknown"²⁹ in Dublin tenement life cannot withstand scrutiny. One book published in 1978 suggested that of the 1,984 deaths from Venereal Disease recorded in Ireland between 1899 and 1916, 69% of the victims were children under five years of age.³⁰

Prostitution was also regarded as a serious problem in Dublin. Frank Duff, founder of the Legion of Mary, recalled his discovery of this issue in Dublin in the area around Montgomery Street (Monto) and his first visit to a brothel:

"For a moment, I did not realise where I was. Then I saw, and I was so intimidated that I actually backed out without uttering a word. My retreat was typical of the attitude to the problem at the time. We were not without constant reminders of the existence of the problem and of the menace it afforded. Other than by the Magdalen asylums, the problem was untouched in Dublin"³¹ Duff remained concerned about the amount of prostitutes being sent to institutions. Nearly 30 years later, he suggested in a letter to the Department of Health, that one third of the prostitutes dealt with in the Legion of Mary's hostel at Harcourt Street were ex-industrial school girls³²

²⁷ National Archives of Ireland (NAI), Four Courts Files, IC 78/66, County of Dublin: Commission Crown Book August 1917-April 1924

²⁸ *Ibid*

²⁹ Kevin Keame, *Dublin Tenement Life: An Oral History* (Dublin, 1994) p.42

³⁰ J.V. O'Brien, *Dear Dirty Dublin* (Dublin, 1978), p.167-8

³¹ Frank Duff, *Miracles On Tap* (Dublin, 1978) pp1-3.

³² Evidence of Dr O'Sullivan, p.103

IV

The continued reliance on institutions in Ireland after the creation of the Free State was particularly ironic given the social aims of the Irish war of independence. Politically, rhetoric based on improving the manner in which children were treated was a part of the Irish revolution (1918-23), the rebels promising they would make amends for the harshness of their Victorian Imperial oppressors. But many of this revolutionary generation betrayed this piety even before independence had been achieved. W.T.Cosgrave, Minister for Local Government during the period of the revolution, and future President of the Executive Council of the Irish Free State, wrote the following, in private, about the children in Irish workhouses, the same institutions that Sinn Féin was dedicated to abolishing:

"People reared in workhouses, as you are aware, are no great acquisition to the community and they have no ideas whatever of civic responsibilities. As a rule their highest aim is to live at the expense of the ratepayers. Consequently, it would be a decided gain if they all took it into their heads to emigrate. When they go abroad they are thrown on their own responsibilities and have to work whether they like it or not"³³

Seeing the impoverished child as a burden is thus something that was apparent from the very early 1920s. Many of the children were living in acute poverty- one third of Dublin's population, in the region of 26,000 families, lived in tenements, and in 1914 the infant mortality rate meant that one baby in 11 died within a year of its birth. In the year 1929-30, 295 per 1000 births were illegitimate. The number of persons resident in single rooms in Dublin in 1926 was 78,934. In February 1928, Rev D.Hall, the Director of the Association of the Housing of the Very Poor, suggested that, as a result, "sin creeps in and young people with bad habits affect others. You will find from cases in the Law courts that it is out of such places come people who have really degenerated...flats only make it possible for a number of bad-minded people to associate with and corrupt others".³⁴

During the decade after the creation of the Irish Free State in 1922, it was frequently maintained that sexual morality was in decline and that these perceived moral failings

³³ NAI, Dáil Éireann Files, 2/84, 3 May 1921

³⁴ NAI, Department of the Taoiseach (DT) S 5553D, 2 February 1928.

needed to be tackled by a joint alliance of state, Catholic Church, and voluntary lay Catholic groups. The Irish Bishops' Lenten Pastoral of 1924 referred to the "existence of many abuses" in the context of morality and decency. Some of this concern was due to the amount of children being born outside of marriage. Between 1912 and 1927, figures based on total annual births showed a 29% increase in illegitimate births.

There was also a concern about the rise in sexually transmitted diseases. The government's interdepartmental committee of inquiry into Venereal Disease began its investigations in 1924 and reported in 1926. It heard evidence from doctors, physicians, those involved in the prison services and district justices, and the report concluded: "contrary to the currently accepted opinion, VD was widespread throughout the country and that it was disseminated largely by a class of girl who could not be regarded as a prostitute"³⁵. The committee was primarily concerned with the problem of VD in the army, but also commented on it as a wider issue in Irish society. The Department of Local Government and Public Health asked the advice of the Archbishop Byrne of Dublin, (who was "greatly surprised to learn that the chief disseminators of the infection were non-prostitutes"), as to whether the report should be published. He was reluctant to see it published, a decision the government agreed to.³⁶

How the issue of the spread of VD related to public morality, the committee decided, would "lead us outside the subject with which we were appointed to deal"; as it would raise the issue of sex education ("This would be a *Reductio Absurdum*"), and they also concluded that, while they were concerned with public health and "public decency", "the extent to which the state can interfere to promote morality is strictly limited; we feel that the only hope of any marked improvement in this respect lies in the activity of moral agents." Such moral agents were deemed to be the Catholic Church and the voluntary agencies working under its auspices.

In 1929, when discussing the Illegitimate Children (Affiliation Orders) Bill, civil servants also recognised that "many unfortunate unmarried mothers are denied the

³⁵ NAI, DT, S4183, VD in the IFS: Committee of Inquiry

³⁶ *Ibid.*, 7 May 1927

shelter of their own families and it is possible that some of them, who might otherwise reform, drift into the prostitute class in a spirit of despair induced by the hardships they suffer." They also referred to the "shame and dishonour that is cast upon the women"²⁷ That shame was also a factor in cases of infanticide. The court records are littered with cases of infanticide and the state was made aware of these cases when the death sentences were commuted to life imprisonment: "To judge from the pages of the *Cork Examiner*, (from 1925-6) infanticide was a weekly, if not a daily reality in Ireland." The reports were brief, factual and non-judgemental, though in one court case, the judge found it "rather unfortunate" that the jury opted for a verdict of manslaughter instead of "wilful murder".²⁸ The most usual outcome was a guilty verdict "with a strong recommendation to mercy", partly due to the stigma already attached to the perpetrator and their family; or as one defence counsel put it in 1938, "the shame which was brought upon householders by the birth of an illegitimate child".²⁹ The frequency with which the infanticide cases appear would suggest a particular vigilance on the part of the Gardai in this regard and a high incidence of sex outside marriage.

V

A milestone in the history of the Irish state legislating for sexual matters was the Carrigan Report on Sexual Offences of 1931, which ultimately led to The Criminal Law Amendment Act of 1935, which has been the focus of recent controversy due to the Supreme Court's decision on the constitutionality of the provisions concerning statutory rape. In June 1930, the Carrigan Committee (named after its chairman, William Carrigan, a King's Counsel) was appointed to consider if the Criminal Law Amendment Acts of 1880 and 1885 required modification and to consider whether new legislation was needed to deal with juvenile prostitution. Legislative change in England in 1928 and Northern Ireland in 1923 meant that the law with regard to sexual offences against young people was now more lenient in the Free State than in the United Kingdom. As early as 1924, the office of Attorney General had recognised that the age of consent "must be raised so as to protect the innocent and the ignorant.

²⁷ NAI, DT S5931, *Illegitimate Children (Affiliation Orders Bill) 1929*

²⁸ Louise Ryan, 'The massacre of innocence: Infanticide in the Irish Free State', *Irish Studies Review*, no. 14, Spring 1996, pp. 17-21

²⁹ NAI, DT S 5571, 15 December 1927 and DT S11040, 8 December 1938

England and Northern Ireland have raised it to 16. In the USA, eighteen states have set down 18 years as the age of consent and in Australasian states the age is 16 and 17- generally the former age. Social workers and medical men who have studied this question state definitely that 16 is the age of greatest danger for a girl." It was also noted that "strong representations have been made to this department regarding the weakness of the existing law for dealing with prostitutes", and that as a result of them being sent to prison, "no attempt at redemption is made". It was believed girls under 21 should be sent to "the existing female reformatories". It was also claimed "it is well known that many prostitutes are seriously mentally deficient."⁴⁰

At the time, a man who was charged with carnal knowledge of a girl under 16 could be acquitted if he satisfied the jury that he had reasonable cause to believe the girl was over 16, a defence abolished in Northern Ireland and restricted in the UK, where it was only permitted for young men up to the age of 23. Eventually the age of 17, rather than the Carrigan Committee's proposed 18, was adopted as the age of consent. As part of the same act, a ban on the importation and sale of contraceptives was introduced.

Unlawful carnal knowledge of a girl between 15 and 17 years would now be a misdemeanour, not a felony, as would attempted unlawful carnal knowledge with a girl under 15 years. The 1935 Act used the phrase "only attempted carnal knowledge", revealing the contemporary leniency that existed in this regard, the content implying that attempted carnal knowledge of a girl under 15 might constitute a "minor offence". The Act passed both houses of the Oireachtas in February 1935. The Act also included a public indecency provision to protect "the morals of the community".

Significantly, most of the parliamentary debate on the issue took place in committee. The records of the Department of Justice, however, reveal the internal debates that went on at government level and between church and the Gardaí. Evidence of a considerable rise in the number of illegitimate births in the 1920s was given and a heavy reliance was placed on the evidence of voluntary lay groups working with

⁴⁰ NAJ, Department of Justice (DJUS) H/171/39: Criminal Law Amendment Act: Indecent Assault, November 1924

unmarried mothers. The evidence offered should also be viewed in the context of the campaign the Irish Catholic Bishops had been waging against what was often termed "a loosening of morals", which identified the motor car and dance halls as chief facilitators of this. Legislation restricting the number of dance hall licences was also passed in 1935.

The Report of the Carrigan Committee was never made public on the advice of the Department of Justice. A memorandum compiled by the department stated that the obvious conclusion to be drawn from the report was that "decency and morality had faded"; that policing was the only remedy, and that "It is clearly undesirable that such a view of conditions in the Saor Stát [Free State] be given wide circulation".⁴¹ The report highlighted the way the prevailing judicial processes operated to the detriment of children by not being victim oriented, but often seeing children as accomplices to crime, concluding: "the frequency of assaults on children is to some degree attributable to the impunity on which culprits may reckon under this protection."⁴²

After a change of government in 1932, it had been left to the new Fianna Fáil Minister for Justice, James Geoghegan, to consider what the state should do in terms of legislating for the Carrigan proposals. Monsignor Browne of Maynooth College (the future Bishop of Galway) commented in a letter to Geoghegan "publication of the report would not create a good impression. It would lead many to say, as the report suggests, that the influence of religion has failed in this country. They would be partly right. Religion has failed to neutralise the aphrodisiac influence of cinema, drama and literature on a great number of young people...we need to preserve the young from the contagion around them...the report reads like a 'scare' and therefore one is at least unconsciously prejudiced by it". He maintained that publication would "rejoice our enemies, I admit; but the more I consider it the more I see the need of wakening people up and the dangers of suppression", an indication that not all felt that change had to be advanced only through private discussion.⁴³

⁴¹ NAI, DT S 5998

⁴² Report of the Committee on the Criminal Law Amendments Acts (1880-1885) and Juvenile Prostitution (Dublin, 1931) p.26

⁴³ NAI, DIR/S, H 247/41/B M.L.Browne to James Geoghegan 13 November 1932

Nonetheless, the prevailing view was that public debate on the morality of the country was out of bounds and inappropriate. Mark Finnane, a sociologist based in Brisbane has argued convincingly that "an obsession with the visibility of sex (in dance halls, on country lanes, or imagined in the motor vehicles parked along the roads) avoided a more considered attention to the contexts and harm of serious sexual offending."⁴⁴ Historian Finola Kennedy has commented that "To pose one specific question- if Carrigan had been debated in public, would public awareness of the prevalence of child sexual abuse have ensured that the relevant authorities took appropriate action? If, as Bentham said, "publicity is the soul of justice", perhaps the answer to the question is in the affirmative"⁴⁵ In January 1933, the Attorney General's notes had referred to the possibility of "whipping for all offenders and publication of names of offenders."⁴⁶

Fr J.Canavan, a Jesuit based in Tullamore, was more sceptical about the report and contended these issues should not be discussed in public, as he believed those involved in commissions exaggerated the moral state of the country "in order not to be outdone by the general public in the zeal for morality...It would be far better if a bill dealing with the matters reported on by the commission could be passed into law without public discussion in the Dáil. A judge or two, a lawyer or two, a well-balanced priest or two, an experienced police officer, meeting in private, and all sharing the Catholic view on the moral gravity of sexual offences could give government much helpful advice"⁴⁷ This seemed to be a view the politicians accepted. In October 1932 a memorandum presented to the Minister for Justice strongly recommended that the report should not be published due to its sweeping statements about the decline of morality in the Free State, which publication would give wide currency to⁴⁸

Another Memorandum in the files of the Department of Justice also stated that the testimony of children could not be trusted:

⁴⁴ Mark Finnane, 'The Carrigan Committee of 1930-31 and the 'moral condition of the Saorstát'. *Irish Historical Studies*, xxx11, no.128 (Nov. 2001) p519ff

⁴⁵ Finola Kennedy 'The Suppression of the Carrigan Report'. *Studies*, Volume 89, Number 356 p.362

⁴⁶ *Ibid* 20 January 1933

⁴⁷ NAI, DJUS, H 247/41/B Rev J.Canavan to Geoghegan 19 November 1932.

⁴⁸ NAI, DT 3998, 27 October 1932

"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 quite unshaken by severe cross-examination". The Bishop of Limerick, Daniel Keane, requested that Geoghegan send him copies of the report so the hierarchy could discuss it; the minister complied in October 1932, and the following month, Keane advised against publication, as he feared "a good deal of unsavoury correspondence in the Press"⁹⁹. The following month Geoghegan, in a letter to Keane, who wanted Geoghegan to keep the hierarchy notified of all proposed heads of a bill, referred to the problem of "conduct on or alongside highways which is unseemly but falls short of gross indecency"¹⁰⁰.

Garda Commissioner Eoin O'Duffy gave some of the most frank and revealing evidence to the Committee. In a detailed and strongly worded report he asserted the following:

" There was an alarming amount of sexual crime increasing yearly, a feature of which was the large number of cases of criminal interference with girls and children from 16 years downwards, including many cases of children under 10 years". The Gardai estimated that only about 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 public court to be examined and cross-examined.
3. The actual technical embarrassments in the way of a successful prosecution of such offenders owing to (a) the difficulty of proof, from the private nature of the offence, usually depending on the evidence of a 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"¹⁰¹

O'Duffy's memorandum gave an extensive overview of the issue of sexual morality in the Free State which was completely at odds with that society's image of itself.

⁹⁹ NAI, DJUS H247, 41/B, Keane to Geoghegan 25 November 1932

¹⁰⁰ *Ibid.*, 16 December 1932, Geoghegan to Keane

¹⁰¹ NAI, DJUS, H247/41 A

partly, he suggested, because they were relying on English laws- "outlook in such matters here being fundamentally different...morality crimes should now be dealt with from an Irish point of view. The present state of the law is disgraceful in a Christian country". Women, he maintained, were deliberately being made drunk "with a view to have carnal knowledge of them" and indecent exposure "is fairly common in the suburbs of Dublin and even in the most rural areas. It is more a form of insanity than a criminal offence".

As well as calling for female Gardai "for intimate investigations" and dealing with juvenile prostitution, he detailed the court cases to back up his contentions. Between 1924 and 1929 in Dublin city, there were 72 indecent assaults on females reported, and 13 prosecutions "for reported defilement of girls under 10". In the year 1928-9 there were 78 convictions for "gross indecency" between males nationwide (45 in Dublin city). In relation to these, he noted, "We believe however, this is only a small percentage of the actual cases". He also referred to unlawful carnal knowledge of young girls as a particular problem "in tenement buildings"²². An official in the Department of Justice later commented on this, to the effect that "the children of the poorer classes are 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 daytime while they themselves went out to earn their livelihood, was a constant source of danger. In rural districts girls of fourteen years are sent out to service, which deprives them of the protection they had with their parents".²³

Judging by the court records, this was strikingly true. O'Duffy also referred to prosecutions for sexual offences in the Free State for the first nine months of 1930. There had been 24 prosecutions, most of them successful; they included indecent assault, carnal knowledge and rape, homosexuality, bestiality ("sodomy of a mare donkey"), and incest, and seven involved indecent assault or rape of girls under the age of 10. He also listed cases from the late 1920s. In 1927 there had been 133 prosecutions of sexual assault of females (nationally-up from 88 the previous year) nearly a quarter of which involved offences against girls under the age of 10. Between

²² *Ibid*

²³ *Ibid*

1927-29 more than a third involved offences against girls under the age of 13. Clearly, this reflected a determination by the Gardai to focus on sexual offences generally.⁵⁴ Sentences imposed ranged between twelve months and five years hard labour, the more severe sentences being reserved for cases involving homosexuality or incest.

In March 1936, the government was perturbed when Judge Hanna, a district court judge, maintained that the number of sexual crimes in Ireland "far exceed normal standards". Subsequent government inquiries revealed that offences against young girls had increased, as had "unnatural offences" (including indecency between males), of which there were 154 prosecutions between 1930 and 1932. According to the figures supplied to the government, between 1933 and 1935 there were 132 convictions for offences against young girls, up from 92 in the years 1930-32. The Joint Committee of Women's Societies and Social Workers, which actively campaigned for the introduction of female Gardai, was also critical of the leniency of the sentences imposed. Their minute book includes the following entry in February 1936:

"In the Dublin Criminal court on February 6th, 2 men accused of serious offences against a girl under 16 years of age were sentenced, one to 3 months and the other to 4 months hard labour, whereas women brought before the district court on charges of solicitation were sentenced to 6 months imprisonment".⁵⁵

VI

The information to be gleaned from the Four Courts archive support many of O'Duffy's and Hanna's contentions, and the problems remained well into the future. During the public hearings of the Commission, Mr McGovern, when responding to David Gibson's observation that "I am not sure how widespread it was that the civil authorities were informed about any sexual abuse", noted "I think you may take it that there were plenty of criminal trials going on in the various decades of the twentieth century involving indecent assault and buggery and issues like that?"⁵⁶ This was

⁵⁴ Fitzmaurice, 'Carrigan' p.532.

⁵⁵ NAI, 98/14/51, Joint Committee of Women's Societies and Social Workers minute book, 27 February 1936.

⁵⁶ Evidence of David Gibson, Day 99.

certainly true, based on the evidence of the court books. In dealing with all these figures, allowance must be made for the fact that sexual offences are generally unreported, more so than in other areas of crime. But it is quite clear that after 1935, there was a significant policing of the problem of sexual crime by the Gardai, whilst at the same time, a refusal to debate these issues in public.

This is significant in view of the fact that the evidence of Br David Gibson given to the Commission in July 2004 revealed that from the 1930s onwards, there was evidence of abuse in institutions run by the Christian Brothers, and that 30 internal formal trials of abusers were kept secret at a time when it was a criminal offence to withhold information on a crime, and that they were withholding that information at a time when the Gardai were active in pursuing such criminals.⁵⁷ In 1938, the Minister for Justice was told of "moral decay" in Cork city in a document signed by clergy of different denominations, but not by the Catholic Bishop Daniel Cohalan, who "knew of it [the document] and didn't like it". A subsequent report, compiled at the request of the Department of Justice, noted that between 1935 and 1937, the amount of "immoral offences" prosecutions in Cork had risen because from 1935 a "special squad detained for duty in this connection" had been in operation, or as J.J.Hanigan, the chief superintendent of the Gardai in Cork labelled it, "a special vice squad".⁵⁸

Convictions for buggery and gross indecency had risen from 4 in 1934 to 12 in 1935 to 19 in 1936 in Cork city. There was also a reference to "ex industrial school boys" drifting into the city in this context, suggesting a connection was being made between the two. Reference was also made to "modern customs and conveniences, which provide greater facilities for both normal and abnormal intercourse between members of the opposite sex." Clearly, Bishop Cohalan did not want this issue to receive publicity; he insisted there was "nothing in the city to give cause for alarm". A.S Roche, Secretary of the Department of Justice, when reflecting on these Cork cases, seemed to believe it should be left to the clergy to police morals: "Personally, my habit of thought is to be rather sceptical as to the results of state interference in these matters"⁵⁹

⁵⁷ *ibid*

⁵⁸ NAI, DT S 5854, July 1938

⁵⁹ *ibid*, 2 August 1938

Examples from the Circuit Court Criminal Book for the city and county of Dublin in the 1940s and 1950s suggest the problem of sexual crime remained paramount. In 1945, the 11 January sittings contained 98 indictments, 7 of which were cases of sexual crime including attempted carnal knowledge, buggery, (the person convicted was sentenced to 3 years) indecent assault on a male (10 months imprisonment, with 4 suspended, on the condition "that the accused will go to Tavistock Clinic, London, for appropriate treatment for a period of six months at his own expense") and incest. During the 17 April sitting, there were 74 indictments, of which 5 were sexual crime cases. During the sitting on 4 June 1952, there were 92 indictments of which 4 were sexual crimes.⁶⁰ In the Dublin Circuit Court State Book for 1956, the indictments listed for 16 January included an indecent assault on a male, indecent assault of a female, buggery and unlawful carnal knowledge of a female under the age of 15.

An analysis of the circuit court files from the 1930s to the 1960s would suggest that this was a typical days sitting of the circuit court in Dublin, and that between five and eight percent of all cases heard were to do with sexual crime.⁶¹ In the Circuit Court Record Book for 1960, 13 out of the 157 indictments listed were for sexual crime, including attempted buggery, carnal knowledge of an 8 year-old girl, indecent assault on a male and rape.⁶²

These statistics, which are provisional, would suggest the Gardai were quite vigorous in pursuing paedophiles, and given that most sex crimes were not reported, would suggest this was a serious problem in Ireland throughout the twentieth century.

These casebooks and the depositions for the cases document a consistently high level of sexual crime directed against young boys and girls. While it is true that most of these cases were not being recorded in the media, nevertheless, there were many parents (usually the instigators of prosecutions), Gardai and members of the legal profession who had extensive knowledge of the existence of these crimes, as well as doctors who supplied graphic and detailed depositions regarding the physical damage resulting from the assaults. The overwhelming majority of the victims were working

⁶⁰ NAI, Four Courts Files, ID, 27, 2, County and City of Dublin: Circuit Court Criminal Court Book for 1945

⁶¹ *Ibid.*, V 14, 8, 21, Dublin Circuit Court, State Book 1956

⁶² *Ibid.*, IC, 17, 89, Dublin: Circuit Court Record Book 1959-60

class children from Dublin's inner city. One notable absence from the court files are members of the clergy, which would support the idea that their crimes were not reported to the civil authorities and that they were relieved that they were not, which would explain the comment of one Christian Brother, referred to during evidence given to the Commission, that "The Lord has been very good to us in allowing the discovery to have been made by the very prudent Dominican Fathers"⁶³ Also during evidence given to the Commission, reference was made to a 1941 visitation report concerning an alleged abuser and the response of his superior: "so bad are the charges that I could not conscientiously allow him to remain with the boys any longer"⁶⁴ This would suggest that senior Christian Brothers, like Gardai and members of the legal and medical profession, were aware of the gravity of sexual abuse. However, the alleged abuser referred to above was moved to another institution rather than brought before court.

The depositions and witness statements contained in the court archives highlight the role of mothers in particular in reporting these crimes, an awareness of what was being done to children; the fact that overcrowded living conditions were a major contributory factor to abuse, but also that many domestic servants were being sexually assaulted by their male employers. There is also a consistency in the accounts of the children regarding the manner in which they were lured and groomed by their assailants who very often were known to them and assaulted them either in their homes or in public places. Throughout the course of the century, the most common language that was used about sexual assaults was that an assailant "had connection" with a victim; and they frequently attest to the sense of fear and shame they felt, and the degree to which alcohol consumption was a factor in the case.

VII

These cases, of course, contrasted strongly with the picture Irish society wanted to paint of itself and present to others. Eamon de Valera's most quoted broadcast, the 1943 St Patrick's day 'Ireland that we dreamed of' speech, is often now seen as encapsulating a hopelessly unreal and romanticised articulation of an ideal rural

⁶³ Evidence of Brother David Gibson, Day 99
⁶⁴ *Ibid.*, p101

that lay behind clinical press reports about a court routine he was becoming increasingly familiar with. The guilt was not for his petty crimes, but his mother, realising it was her who would suffer the most, along with the countless other mothers who waited nervously for court decisions.

It seemed also that little changed in the reports of the probation officers as they detailed the all too familiar tales of drink, housing, marriage and schooling problems: "and on it went, the same old story, the classical cliché: I could never understand these reports. Was it a question of 'study the report and find the answer' or was it a question of 'get a report and find the problem?'"⁶⁸ – an insightful indictment of a system which sought to remove rather than repair. ^{sent to} Goldenbridge Orphanage, recalled the cruelty of the courtroom; for many children their first introduction to adult environments, and wondered if Judges knew the implication of their decisions.⁶⁹ Perhaps one of the cruellest aspects of some Judge's decisions was to send children as far away as possible to place even more distance between themselves and their parents. During the evidence of Br David Gibson, reference was made to a 1973 visitation report concerning Letterfrack, which included the observation: "Very few of the boys, less than five, in Letterfrack, are from counties west of the Shannon. They are mainly from Dublin, South Leinster or Munster".⁷⁰

It was an unfortunate reality for some that childhood was synonymous with violence and abuse, physical and sexual. Some memoirs emphatically underline the risks many children were placed under. Much publicity has been given in recent years to the extent of abuse and the measures taken to cover it up, but what is significant from a reading of these memoirs are the different ways in which it is depicted. Perhaps this is where the value of human testimony when placed alongside the official record stands out. The scale of violence and abuse was not acknowledged publicly, except on rare occasions; occasional leaks of information and the reaction to them reveal a state and society that was determined, either to deny it or to keep public discussion of it to a minimum. The extent to which heinous abuse could be systematically inflicted within

⁶⁸ *Nothing to Say* (Dublin, 1983) p.38

⁶⁹ *Freedom of Angels: Surviving Goldenbridge Orphanage* (Dublin, 1999) p.52

⁷⁰ Evidence of Br David Gibson, Day 99, p.87

the family over an extended period was brutally and bravely articulated in *Sophia's Story*, published in 1998.⁷¹ Had the book been published ten years previously it is unlikely it would have been afforded the same credibility. In that year, 1988, [McQuaid] received a more sceptical reaction to his story of, amongst other things, the violence of the nuns of St. Michael's Industrial School in Cappaquinn. He recalled that 'I used to hear people refer to me as one of the children from the orphanage, which was the phrase locals used to soften the brutal reality of the industrial school in their midst'.⁷² The collective silence was only occasionally broken.

The Reports of the National Society for the Prevention of Cruelty to Children from the 1940s and 1950s are also highly revealing. In the year 1944-5, the society dealt with 1,103 cases, the overwhelming amount classed under the heading 'Neglect'. No cases were listed under the headings 'criminal and indecent assault'. 18 people were prosecuted and the report indicated that 'of real and deliberate cruelty to children there has been practically none'.⁷³

This was representative of the general tone of the reports mid century, but what they did do was often graphically illustrate specific cases of neglect, squalor and parental irresponsibility, as well as calling for legal adoption, and strongly criticising the excessive use of industrial schools as an alternative to providing a new family life for the victims. "It must be recognised" they reported in 1948-9, "that the children are to a large extent deprived of home influences and it would be much better if we could avoid sending them to such institutions".⁷⁴ Their pleas went unheard and in 1956, when the Archbishop of Dublin, John Charles McQuaid, assumed control of the society, the challenging and graphic case studies were gone; the awkward questions posed about adoption and industrial schools were jettisoned, to be replaced with quaint and superficial stories with happy endings. There was no context and no challenge. The exposure of the underbelly had ground to a halt. Three other points are worth noting—the number of cruelty cases in the early 1960s had doubled since the 1940s; it was reiterated that the public 'have proven again that they are good guardians of the nation's conscience'; and the society's aim remained essentially

⁷¹ Susan McKay, *Sophia's Story* (Dublin, 1998)

⁷² ———, *God Squad*, p.38

⁷³ National Society for the Prevention of Cruelty to Children, *Annual Report 1944-5* (Dublin, NLI)

⁷⁴ *Ibid.*, *Annual Report 1948-9*

conservative, focused on damage limitation – ‘the primary function of our society is to ensure that the life of every child in the state shall at least be endurable’⁷⁷

Endure many certainly did, despite the efforts of individuals such as Fr Edward Flannagan, the Irish-American pioneer of a much more humane system of institutionalised welfare, to whom Dr O’Sullivan referred to in his evidence⁷⁸ In the same decades, no advances were made on the issue of adoption, because, according to Gerry Boland, Minister for Justice in 1945 (the same man who had rebuked Flannagan for describing industrial schools as ‘a disgrace to the nation’ and ‘a great army of child slavery’⁷⁷) it had not been found possible to safeguard children against the potential danger to their religious faith.⁷⁸ Reading Boland’s Dáil replies one is reminded of the testimony of _____ mentioned earlier: ‘They didn’t care about our bodies. Just as long as the little souls were safe’⁷⁹, but also of Noel Browne, who had castigated the actions of the clergy in blocking his proposed mother and child scheme in 1951: ‘I was left with a clear impression that the church thrived on mass illiteracy and that the welfare of care in the bodily sense of the bulk of our people was a secondary consideration to the need to maintain the religious ethos in the health service’⁸⁰ In his evidence to the Commission, Brother David Gibson admitted that it was the spiritual as opposed to the emotional welfare of children that was the Christian Brother’s priority.⁸¹

An interesting exchange in the Dáil in April 1954 revealed why it would be so difficult to tackle the abuse. This was the result of a query raised by Dublin TD Captain Peadar Cowan, following a call from a constituent, the mother of an inmate of Artane industrial school. She had been refused permission to see her son, in hospital after a 21-year-old Christian Brother had viciously beaten him with a sweeping brush. Cowan prefaced his query by praising Artane and the Christian Brothers. But he did want an assurance that a person of experience and responsibility would inflict punishment. Seán Moylan, Minister for Education, replied:

⁷⁷ *Ibid.*, *Annual Reports 1903-8*

⁷⁸ See also Eoin O’Sullivan and Mary Raftery, *Suffer the little children* (Dublin, 1999)

⁷⁹ *Ibid.*

⁸⁰ See Róisín Wyley, ‘Changing attitudes’

⁸¹ O’Sullivan and Raftery, *Suffer* p.30

⁸² Noel Browne, *Against the Tide* (Dublin, 1986) pp.198-201

⁸³ Evidence of Br. David Gibson, Day 99, p.22

"I cannot conceive any deliberate ill treatment of boys by a community motivated by the ideals of its founder. I cannot conceive any sadism emanating from men who were trained to have devotion to a very high purpose. The point is that accidents happen in the best-regulated families and in this family there are about 800 boys. These boys are difficult to control. At times maybe it is essential that children should be punished. This is an isolated incident; it can only happen again as an accident...I would point out to parents that any guarantee I give them of full protection of their children is no licence to any of the children to do what they like"⁴²

VIII

And what of the body of work to remind us of what it felt like to be an abuse victim? How do the memoirs depict it? The recurring word is fear. The amount of fear packed into the first six years of [redacted] life almost defies belief, which was why darkness 'came as a blessing, a place of refuge'; which was why urinating on himself created 'a warm pleasurable feeling' which he was not going to get from anywhere else.⁴³ It was for the same reasons that the only respite he got from abuse was when he became ill and hospitalised, another recurring theme in many of these stories. Abuse simply had to be got used to, according to [redacted] - 'Everything that I owed was being taken away from me piece by piece and was being replaced by something. That something I couldn't figure out, so I could not fight it or protect myself against it. I felt there was nothing I could do about it except get used to it'. The violence was in turn mirrored in the behaviour of some of the boys. The tenderness of [redacted]'s initial sexual encounter with another boy in the laundry room gave way to fear as he was sexually abused by an older boy.⁴⁴ [redacted] not only recalls the ritual public humiliation of punishment, but he shock at how she too became capable of cruelty.⁴⁵

⁴² *Civil Service Debates*, 23 April 1954
God Squad, p.23

⁴³ *Nothing to say*, p.63 and p.114

⁴⁴ *Freedom of angels*, p.122

Those incarcerated in institutions also remember longing to see the outside, the greenery, and the sounds. More distressing is that many sought refuge, or were forced to find comfort, in darkness, even though that darkness was usually the occasion for bedwetting, a vivid memory of nearly all those in industrial schools and which had dire consequences for most the following morning. Night too was often associated with sexual abuse and rape – vivid memories of the dormitories at night also include the image of two nuns forcing a prolapsed bowel back inside a terrified child.⁸⁶

In finding comfort in darkness, children were faced with excessive demands on their imaginations to block out the cruelty in their midst.

It may seem ironic that many children found great comfort in a religion practised by orders and individuals who could inflict great suffering, but this would be to read childhood backwards. As well as great fear, children experienced great comfort in religion and its institutional practices. Religion in the context of these childhoods was not about understanding, but about belonging, participation, inclusiveness, and, in some cases, escape, which was even more pronounced for children who had virtually nothing else to belong to.

as a child was acutely aware of, and took great comfort from religious images and symbols, and liked being an altar boy, while in Letterfrack, Mannix Flynn remembered that 'once you were inside the church, you get warmer with the four walls and all the bodies to keep the cold away'⁸⁷

But for many, and again, this is where it's not quite clear to what extent adult perspective invades these memoirs, this 'belonging' was accompanied by a resentment at what it was felt the church had taken away from them, or how the institutional church had profited from their deprivation, or the effect of the violence of, in Patrick Touher's phrase 'those bastards who wore a collar under the cloak of a Christian Brother'⁸⁸ But Touher, an inmate of Artane, also suggested that the Brothers were victims too -bad eggs aside, he contends

⁸⁶ *God Squad*, p.23

⁸⁷ *Nothing to say*, p.65-6

⁸⁸ Patrick Touher, *Fear of the Collar* (Dublin, 1991) p.66

"The brothers were doing their best, within limited circumstances, in hard times and with frightening numbers. They had no luxury, nothing to look forward to except more of the same"⁸⁹ In his evidence to the Commission, Brother Gibson also referred to "the burden of care" the brothers were undertaking.⁹⁰

But others writing memoirs still had to try and make sense of the ridiculous logic of, for example, groups of contemplative nuns, their lives shut off from the outside world, being allowed to have complete charge of children deprived of normal family life.

recounts the nuns in Goldenbridge orphanage predicting the children would turn out just like their 'fallen' mothers. 'It was' she wrote, 'as if the nuns had a personal investment in the cycle of failure'⁹¹

In these memoirs, what it felt like to be a victim of class discrimination is given numerous powerful airings, and in this context, it is worth noting the evidence of Br David Gibson to the Commission that the inmates of Letterfrack were "almost exclusively from socially disadvantaged communities"⁹² In his evidence to the Commission, Brother Michael Reynolds referred to the fact that "At one stage in the 1940s, a letter appeared in one of the daily newspapers berating a judge for mentioning the fact that the boy in the sentencing had been in Artane and telling him that if he had been in some high class boarding schools, that comment wouldn't be made".⁹³ During the questioning of Brother Reynolds, a document was referred to in which there is an urgency about a particular case of abuse: "For a whole year he has been interfering in a homosexual way with two of these *very respectful boys* [author's emphasis] at Tramore Christian Brother's School".

The class background of inmates also clearly affected the extent to which complaints were taken seriously. During the evidence given by Brother David Gibson, reference was made to the complaints of sadism and vicious beatings presented by Mr Tyrell, a former inmate of Letterfrack, who later committed suicide in London. A letter written to the solicitors about this by the Christian Brother makes a reference to a

⁸⁹ *Ibid.*, p.173

⁹⁰ Evidence of Br David Gibson, Day 99, p.45

⁹¹ *Freedom of angels*, p.146

⁹² Evidence of Br David Gibson, Day 99, p.23

⁹³ Evidence of Brother Reynolds, 15 September 2005, p.62

“gentlemen” named Tyrell... I know you will know how to deal with him if he approaches”. The fact that the word gentlemen was put in inverted commas makes it clear that the author of the letter did not consider that past inmates of an industrial school could be considered gentlemen.⁹⁴

noted the irony of the fact that, soon after she and her siblings were placed in an orphanage, supposedly because of their mother’s inability to look after them, her mother was offered and took a job rearing the children of a wealthy business family in Dublin.⁹⁵ Gene Kerrigan realised that, alongside his own happy childhood, ‘there were other childhoods...in truth desperate children being not raised, but dragged up in shitty circumstances. Their lives were bordered by drink, violence and neglect’. Kerrigan noted that ‘there were things that were not talked about back then, though they were no secret- for instance, there were was a right way to be born and a wrong way, and those who came here the wrong way and their mothers were risking stone-faced rejection and years of misery’⁹⁶, one of the many who came the ‘wrong way’, was also one of the victims who ultimately found her treatment so suffocating that she left the country. The most powerful passage in her book articulates the reasons why:

‘I had left Ireland for several reasons, chief amongst which was the feeling that I didn’t belong to anyone, anything or anywhere. I was also sick and tired of being asked where I came from and who I was. In common with hundreds of others who were raised in orphanages, I was ashamed of my past and did all in my power to hide it. England was a useful place to evade these issues. It was less parochial. People were happy enough to know which country you came from and leave it at that. For that reason alone it became the safe haven of thousands of orphans who couldn’t bare the daily pressures that Irish society put on them. We were constantly confronted with our lack of roots and identity. This was extremely painful in a society that laid so much emphasis on one’s family pedigree, place of birth and religious persuasion. These were the barometers by which individuals, families and groups were acceptable or not’⁹⁷ Bearing these observations in mind, it is no surprise that, according to evidence given to the Commission, “40% of former residents of the institutions were in Britain.

⁹⁴ *Ibid.*, p.99

⁹⁵ *Freedom of Angels*, p.146

⁹⁶ Gene Kerrigan, *Another Country: Growing up in '50s Ireland* (Dublin, 1998) p.203

⁹⁷ *Freedom of Angels*, p.194

Most had submerged themselves in a British identity and many had not told spouses or children of their background".⁹⁸ It is also significant that support groups Survivors of Child Abuse and One in Four were established in London in 1999.⁹⁹

This raises the issue of emigration and the frequently articulated belief that once outside of Ireland Irish immigrants would be sexually and socially compromised. This was a recurring theme with regard to how Irish sexuality was depicted. It is ironic that so many survivors of sexual abuse in Ireland chose to go to England to escape or try and forget their abuse ordeals, given the contention that it was outside Ireland that sexual activity was more likely to occur, or the threat to Irish sexual morality more pronounced. Throughout the century, it was maintained that the Irish were more sexually chaste than the English. When corresponding with Garda Commissioner Eoin O'Duffy in 1930, A.S.Roche, secretary of the Department of Justice, writing about sexual activity on the side of Irish roads at night, observed that "in places abroad, where the standards generally are probably much lower, there is much less offensive display of this sort". In his response, O'Duffy maintained, in relation to indecent exposure, "such conduct is more prevalent here than in Britain or on the continent where the moral standards are much lower, but this may be accounted for by the fact that in London, it is carried on indoors, and on the continent, licensed houses are provided by the state"¹⁰⁰

In 1942, Archbishop McQuaid established an emigrant section of his Catholic Social Welfare Bureau (CSBW) which was designed primarily to safeguard the practice of the Catholic religion among Irish emigrants. But it quickly also developed a preoccupation with sexual morality. The Honorary Secretary of the emigrant section, Henry Gray, compiled regular reports for McQuaid in the 1940s and insisted, in relation to England, "standards of public morality have disintegrated...this unfortunately applies especially to sex questions. The potential danger of such an atmosphere to the newcomer- no matter how high his or her own standards of morality may be- is obvious". He also drew attention to the lack of knowledge of the Irish emigrants: "Many of them are innocent victims in that they have practically no

⁹⁸ Evidence of Sally Mulready of the London Women's Group, 23 July 2004

⁹⁹ Evidence of Colm O'Gorman and Mick Waters, 21 July 2004

¹⁰⁰ NAI, DJJS, 10 October 1930

knowledge of sex matters when they arrive in Britain. England's non-Catholic youth is by contrast saturated with unwholesome knowledge...our Irish emigrant youth should be equipped to safeguard themselves by a Christian and normal understanding of sexual matters".¹⁰¹ Five years later, as observed by Eoin O'Sullivan in his evidence to the Commission, the Legion of Mary and members of the probation service highlighted "ignorance of the facts of life" among industrial school children as one of the reasons they were getting involved in prostitution,¹⁰² and a consistent connection was made between ignorance with immorality.

By 1954, the CSWB was dealing with in the region of one thousand of what it referred to as "problem cases". While the CSWB reiterated the constant danger to the sexual morality of the Irish, the truth is that many were fleeing either sexual abuse or the consequences of sexual activity in Ireland. The Catholic Rescue and Protection Society, for example, repatriated 702 pregnant Irish girls between 1959 and 1963 and referred in one of their reports to "anxiety and need for secrecy in a small country with a small population". In 1958, the society has repatriated 85 girls, but noted that there was "many times that number who refused to return to Ireland". It also apportioned certain blame to parents who were not taking even "elementary precautions" concerning their children travelling. These were reports that were being sent to the Irish government on a regular basis.¹⁰³ The Irish ambassador in London, F.H.Boland, in compiling a report for the government, noted that the clergy believed that "anything which tends to keep the Irish together reduces the risk of moral lapses"¹⁰⁴

The truth, however, was that many emigrants in England were wary of the clergy- the CSWB reports frequently cited the refusal of many emigrants to engage with the clergy, and the idea that, rather than revering their clergy, the Irish feared them; and that many have "scarcely ever talked to a priest"¹⁰⁵ This is also crucial in relation to what people would have been prepared to disclose to priests- Irish Catholicism, with

¹⁰¹ DDA, CSWB, Box 2, AB&B/hix. Gray to McQuaid, 14 June 1943

¹⁰² Evidence of Dr O'Sullivan p.105

¹⁰³ NAL, DT, S11582A, July 1953

¹⁰⁴ *Ibid.*, 15 July 1953

¹⁰⁵ DDA, Hubert Daly to McQuaid, 17 July 1954

its emphasis on outward devotion, was very much about conforming and appearances and obedience.

The perceived self-righteousness of the Irish myth that they were more sexually pure was challenged by an Irish contributor to *The Standard* Newspaper in 1953, when he suggested "The self-righteousness of the Irish is the cause of the trouble. Our people at home do not face the fact that there is original sin in Ireland as much as in any other part of the world... a girl who goes wrong in England was restrained at home only by outward convention, not by faith".¹⁰⁶ Ten years later, it was suggested that one sixth of the prostitutes coming before the courts in London were Irish.¹⁰⁷

IX

Some of the people who had settled in England did alert the Irish government to their negative experiences, but the idea of avoiding "public scandal" was still a priority and discouraged people from revealing their stories. In April 1970, according to documents referred to during the evidence given to the Commission by Fr Michael Hughes, the provincial archivist of the Oblates, a letter from the Department of Justice to the Department of Education suggested that to make any reference to naked beatings in St Conleth's Reformatory School in Daingean would cause "grave public scandal".¹⁰⁸ In his evidence before the Commission on 24 June 2004, Tim Dalton of the Department of Justice referred to a letter written in 1965 by a priest who made allegations of institutional abuse; he was dismissed as a "crank" and that was accepted by the department.¹⁰⁹ It is likely that another complaint, found in the archives of the Department of the Taoiseach, was treated similarly in 1972. This was a letter from a former resident of Artane:

"Being born illegitimate in the Republic of Ireland was no fun for me at all. Your governments have declared illegal the sale of contraceptives within the republic of Ireland. Your governments have also made miserable the lives of thousands of unwanted babies within the Republic. The problem of the upbringing of unwanted

¹⁰⁶ *The Standard*, 11 December 1953

¹⁰⁷ DDA, CSWB, BOX 2, ABB/B/six 18 November 1963

¹⁰⁸ Evidence of Fr Michael Hughes, Day 86, 9 May 2006.

¹⁰⁹ Evidence of Tim Dalton, 24 June 2004

children in the care of government sponsored authorities (sic) must be looked at once again. I do believe that I had a chance to tell my story to members of your government a great deal of good could be done...I myself are still suffering from the terrifying effects of my upbringing in Irish government care." He also referred to "great psychological damage to literally thousands of young people"¹¹⁰

The issue of corporal punishment was also discussed by the government in the mid 1960s. Corporal punishment by law was not permitted to go beyond light caning. A former legal colleague of his who was "appalled" by the corporal punishment being carried out in Christian Brother schools contacted Taoiseach Jack Lynch. Lynch did not believe that "a mild slap on the open hand or with a light rod or cane as a means of keeping discipline and not as punishment for failure at lessons does any harm". At that time the official publication of the Irish National Teachers Organisation referred to the fact all those involved in education "know perfectly well that the vast majority of teachers do and must inflict corporal punishment for mere failure at lessons".

In April 1969, The London *Daily Telegraph* magazine insisted that in Irish church schools, students "everyday may endure thrashings which, in England, would be enough to close the school and start an inquiry...few have the stamina, the ability or the courage to flout their priest by complaining." Reference in the Taoiseach's file was also made to a cork family who in 1960 were forced to emigrate to England with their 10 children in order to protect their daughter from further punishment by a male teacher who was threatening her removal to an industrial school. Another case noted by the government was that of a child beaten by a Christian Brother in St Michael's School, Inchicore. It was such an excessive beating that his family took the first ever legal case for excessive punishment against a religious teacher- it was reported that, although the teacher was convicted, the family were not awarded costs and had to emigrate to Canada.¹¹¹ In April 1969, Minister for Education Brian Lenihan suggested keeping or abolishing corporal punishment "creates too many difficulties"¹¹², the conclusion being that the status quo should remain.

¹¹⁰ NAL, DT 2003/16/453A, J. Wallace to Jack Lynch 13 November 1972.

¹¹¹ NAL, DT 96/6/707

¹¹² *Ibid.*, 17 April 1969

There were also allegations of ill treatment of inmates at St Patrick's Institute for young offenders. The archives of John Charles McQuaid, Archbishop of Dublin from 1940 to 1972, contain a confidential report of a special investigation into St Patrick's, following allegations from a former inmate of brutality. The report rubbished claims of physical abuse, and included the contention that "statements such as 'crashed down on his head again and again with his keys' or stood on the boys face' are unfounded and manifestly as hysterical as to be absurd". Such allegations had been contained in the written account by a former inmate of a case of abuse where one teacher allegedly "boxed him with his closed fists, lashed him with the leather strap and kicked him all over the body and almost beat the boy unconscious". Minister for Justice Charles Haughey accepted the refutation contained in the report "unreservedly"¹¹³ In 1971, the chaplain McQuaid had appointed to St Patricks, Fr Raymond Freid, referred critically to food deprivation and solitary confinement at the institution and had to apologise to McQuaid for a letter he sent to the *Irish Times* on the subject. McQuaid told him to "just keep quiet", and indicated that, whatever about his private concerns, he did not want publicity given to the allegations.¹¹⁴

In the latter decades of the twentieth century, some politicians and social workers sought to ensure a change in the legal status of children, especially in the context of adoption, guardianship and orphanages. The Tuairim Report of 1966 had drawn attention to inadequacies in the residential care of deprived children which ultimately led to The Kennedy Report on industrial schools which marked the beginning of the end of the industrial school regime, as outlined in evidence to the Commission.

During the 1970s and 1980s socially conscious middle-class campaigners and politicians like Alan Shatter and Mary Robinson championed the cause of children and achieved some success, though the status of illegitimacy was not abolished until 1987. Discussion of sexual abuse and rape was also stymied. The Rape Crisis Centre, established in 1979, broke the taboo to a certain degree, and the Women's Aid Refuge, set up in 1974, was already sheltering 117 women and children in a four bed roomed house. Rape was still surrounded by myths, as pointed out by Susan McKay,

¹¹³ DDA, AB88, Government Box 3, Department of Justice Report of special investigation into St Patrick's Institute, 3 December 1963

¹¹⁴ DDA, AB88 Government Box 3, Department of Justice 2 August 1971

and there was a willingness to blame the victim and exonerate the aggressor: "There was great ignorance on the issue. When Gemma Hussey demanded in the Seanad that the law on rape be radically changed, one senator said that many women 'upset the biological balance of a man and then claim they were raped'...The Rape Crisis Centre broke the taboo on talking about rape and incest. Set up by women, for women, when male victims came looking for support, they were welcomed. It warned us about clerical abuse before we heard of Fr Brendan Smyth."¹¹⁵

It was not until 1976 that the Department of Health instigated a report on the non-accidental injury to children, but child abuse guidelines drawn up in 1987 only addressed abuse by a family member or carer. In 1986, the Archbishop of Dublin, Kevin McNamara, was made aware of the issue of legal liability in relation to sex abuse claims, but while dioceses took out policies, there were no child abuse guidelines drawn up- no such guidelines were published until 1996. Also in 1986, *Magill* magazine published a report that suggested, "1 in 4 Irish girls may be sexually abused before the age of 18" and uncovered what it called "the secret horrors behind the façade of the Irish family". It referred to an unpublished report from the Department of Health suggesting that, as in Britain and the US, one in 4 girls and 1 in 10 boys "have been sexually assaulted by an adult before the age of 18". Most cases, it suggested, took place within the home, and the majority went unreported. In 1984, the annual crime report reported just 17 cases of 'defilement of girls' and health boards reported just 33 cases of sexual assault, which would suggest that 50 years prior to this the issue was being pursued more vigorously.

The Dublin Rape Crisis Centre received 268 inquiries about possible child sexual abuse in the first ten months of 1985. Doctors who responded to the Irish Council for Civil Liberties Working party on Child Sexual Abuse dealt with 86 cases of abuse between them "but only 11 of them had reported to their health boards"¹¹⁶ There was no legal requirement on anyone to take action if they suspected abuse. 86% of the victims interviewed had not reported their cases to the police, and many of the victims were encouraged not to report abuse in order not to break up the family. 75-80% of the abuse was by family, relatives or close friends.

¹¹⁵ *Irish Times*, 7 October 2005

¹¹⁶ *Magill Magazine*, July 1986

The Children's Act of 1908 remained on the statute books until 2001, but it is debatable whether the historical lesson was learnt, as the new act reiterates the principle that the state should intervene in the welfare of a child only when the child's family fails to ensure it, which still leaves doubts as to the degree to which the civil authorities will, in the future, take their place as guarantors of children's safety.

Diarmaid Ferriter,

June 2006

