



## Sexual violence in the Irish Civil War: a forgotten war crime?

Linda Connolly

To cite this article: Linda Connolly (2021) Sexual violence in the Irish Civil War: a forgotten war crime?, *Women's History Review*, 30:1, 126-143, DOI: [10.1080/09612025.2020.1735613](https://doi.org/10.1080/09612025.2020.1735613)

To link to this article: <https://doi.org/10.1080/09612025.2020.1735613>



Published online: 06 Mar 2020.



Submit your article to this journal [↗](#)



Article views: 1443



View related articles [↗](#)



View Crossmark data [↗](#)



Citing articles: 5 View citing articles [↗](#)



## Sexual violence in the Irish Civil War: a forgotten war crime?

Linda Connolly

Maynooth University Social Sciences Institute, Maynooth University, Maynooth, Ireland

### ABSTRACT

This article provides a detailed analysis of conflict-related rapes and sexual assaults perpetrated in the period covering the Irish Civil War and its immediate aftermath. The impact transgressive sexual violence had on individual women attacked, their families and communities, and the direct involvement of the army and government in investigating these cases, is examined. Both the cover up and non-prosecution of heinous attacks on women between 1922 and 1923 raises provocative questions about ethical remembrance and 'forgotten' war crimes, in a moment of national commemoration.

The Irish Civil War was an internecine conflict that followed the War of Independence (1919–1921) and the signing of the Anglo-Irish Treaty in December 1921. The Civil War commenced on 28th June 1922 and was declared to be over by the Republican side on 24th May 1923, though violence did not immediately dissipate.<sup>1</sup> The conflict was waged between two opposing groups, the pro-treaty Provisional Government and the anti-treaty Irish Republican Army (IRA).<sup>2</sup> Many of those who fought on opposing sides in the Civil War conflict had been on the 'same side' during the preceding War of Independence. The Civil War is to be commemorated and remembered in 2022–2023 as part of the Irish State's official 'Decade of Centenaries' Programme.<sup>3</sup>

According to Kissane, fatalities in the Irish Civil War were less than 1500 people—much smaller than the later Spanish Civil War (1936–1939) or the Finnish Civil War of 1918, for instance, where: 'Almost 2000 people died in the battle for the industrial town of Tampere (fought between 22 March and 6 April 1918), more than the entire Irish Civil War. The population of both states was comparable.'<sup>4</sup> Nonetheless, the question of scale has not diminished the production of detailed scholarship on the wider social, political and cultural impact of the Civil War, including in the domains of violence, memory, trauma, commemoration and as an influence on the prevailing political cleavages in the Irish political party system to this day.<sup>5</sup> In particular, the transgressive *violence* that Irish men perpetrated against each other as combatants was considered to have had a longstanding impact on Irish communities and families for decades.<sup>6</sup> The conflict became particularly ruthless after the pro-Treaty leader Michael Collins was shot dead. Dreadful atrocities were committed on both sides.<sup>7</sup> Irish society was '... stained with violence and remained bitterly divided long after hostilities ended in 1923.'<sup>8</sup>

The Irish Civil War is universally described as a conflict of 'brother against brother' that cast a long shadow over the foundation of the Irish State.<sup>9</sup> However, such a gender-exclusive metaphor cannot account for violence and trauma that women experienced and which is a feature of all warfare. Rarely is the Irish Civil War described as a case of 'brother against sister,' for instance, or *vice versa*. Earlier, established texts on the Irish Civil War elided gender as a dynamic of conflict and terror. Kissane, for instance, provided no general index reference to 'women' or 'gender' in his detailed treatise (women are briefly mentioned on pages 229 and 130-131).<sup>10</sup> In recent years, however, the issue of how to interpret and contextualize conflict-related violence and trauma inflicted on women has generated some strong conclusions.<sup>11</sup> Gemma Clark, for instance, in a study of 'everyday violence' in the Civil War, based on a study of three counties (Limerick, Waterford and Tipperary) and an analysis of the compensation claims to British and Free State governments (which were mostly for damage done to property) concluded: 'Rape never became a systematic tactic in Ireland.'<sup>12</sup> Charles Townshend reiterated: 'Ireland, unlike so many places then and since, did not suffer the use of rape as a weapon of war.'<sup>13</sup> T.K. Wilson likewise concluded that acts of violation, such as rape or mutilation, were comparatively much more common in Upper Silesia than in the singular province of Ulster between 1918 and 1922.<sup>14</sup> Brian Hughes deduced '... notwithstanding reticence in reporting such crime, [rape] seems to have remained relatively rare during the Irish revolution.'<sup>15</sup>

Other scholars adopt a more open view and instead stress that wartime rape is more typically covered up (procedurally and culturally) and can occur clandestinely. Brian Hanley remarked:

It has been generally believed that instances of sexual violence were rare in this period but they may in fact have been understated. I know of at least two more, one involving the Free State army in Kerry and the Special Constabulary in Armagh ... In June 1922, B-Specials raided a pub in south Armagh, seeking its owner, republican activist James McGuill. During the raid, women were beaten, McGuill's wife raped and a servant sexually assaulted.<sup>16</sup>

Mary McGuill was heavily pregnant when she was assaulted. The attack in Kerry is referred to as 'the Kenmare incident,' which involved the violent assault of two young women who were sisters. Both of these atrocities were targeted at women but they were inextricably intertwined with the wider dynamics of conflict more locally and proximate 'massacres' (at Altnaveigh, Co. Armagh and Ballyseedy, Co. Kerry).<sup>17</sup> Majewski states that sexual violence becomes a weapon of war when individual attacks are also part of a strategy employed to obtain specific political or military objectives.<sup>18</sup> Such targeted attacks on women cannot be easily dismissed as just rare, isolated anomalies, therefore, completely divorced from the overall context of warfare, killing and destruction then occurring. Transgressive cases of rape/gang rape perpetrated by soldiers in the Civil War between 1922 and 1923 are in fact documented in North Mayo (Foxford), North Tipperary (Dromineer), Westmeath (Moate) and South Armagh (Dromintee)—a not insignificant number of known cases given the scale and short duration of the conflict and the stigma associated with such violence.<sup>19</sup> Gavin Foster further cautions against overly ambitious claims about the presumed scarcity of sexual crime in studies that only partially capture sexual violence:

[Clark] ultimately concludes that rape was not a common form of violence in the Civil War, but given social taboos and the notorious problem of under-reporting of sexual assault, one

wonders if the compensation files are an adequate basis for drawing conclusions about the prevalence of rape in the Civil War or in other phases of the revolution.<sup>20</sup>

John Dorney likewise states:

These sources only tell us about the 'everyday violence' inflicted on supporters of the British or Free State governments and nothing about that suffered by Republican supporters, either before the Truce of July 1921, or, particularly, those who supported the anti-Treaty side in the Civil War.<sup>21</sup>

Sexual violence experienced by anti-Treaty women in the Irish Civil War is undoubtedly an important issue, as this article will demonstrate.

These debates underline the difficulty with using very specific or partial sources to generalize about wartime sexual crime as a type of 'macro phenomenon.' In agreement with Locan, in reality patterns of rape vary widely in scope, scale, purpose and form between and within conflicts.<sup>22</sup> The incidence and manifestation of sexual violence in the Irish Civil War needs to be considered in terms of the specific national context and in relation to appropriate points of comparison internationally. Mass rape, genocide and ethnic cleansing aimed at entire populations are not the required indicators of all wartime sexual violence. Plus, the *weaponisation* of rape in a war is not just manifested as systematic mass rape in the form of very 'large' wars and this especially applies to the Civil War in Ireland. As I have demonstrated elsewhere, for instance, the gendered and sexualized practice of forcibly and often violently cutting women's hair during both the War of Independence and the Civil War was conducted extensively and distinctly in the context of Ireland.<sup>23</sup> The guerilla aspect of the war was reflected in the widely reported, coercive practice of gangs of masked men typically assailing and cutting women's hair in isolated, unseen or domestic settings rather than as a public spectacle in front of large crowds, more common in France after World War II for instance. Widespread hair cutting was of course also visible and thus is extensively recorded in Ireland's revolution in a way that rape was not. A woman could ostensibly conceal a wartime rape but not visible cropped hair.

Since the Hague Conventions of 1899 and 1907, acts by armed forces which violated the laws and customs of war were considered war crimes. The concept of war crimes developed at the end of the nineteenth century and beginning of the twentieth century, when international humanitarian law, also known as the law of armed conflict, was codified.<sup>24</sup> Rape can be considered an aspect of genocide or ethnic cleansing when committed with the intent to destroy, in whole or in part, a targeted group. Crucially, however, wartime sexual violence can be associated both with specific battles or massacres *and* with individual or isolated acts of sexual violence.<sup>25</sup> Crude comparison of rape and sexual violence in the Irish Civil War with systematic 'mass rape' conducted by large, structured 'rape units' in more violent, genocidal wars is not straightforward. Wartime sexual violence can occur individually, asymmetrically or systematically. Close attention to the particularity of the Irish case (guerilla warfare predominated), the varying scale of wars (Ireland experienced a violent but relatively 'small' civil war in terms of numbers involved, geographic scope and duration) and the long-established findings of rape scholars (the vast majority of sexual crimes throughout time are always hidden, concealed, underreported and thus underestimated)<sup>26</sup> is necessary to advance new scholarship in this field. More in depth research, including in each county in Ireland drawing on a wide range

of sources and information that encapsulates sexual violence perpetrated by the Republican and the Free State sides, is required before a definitive conclusion regarding the true comparative or macro scale of sexual violence in the Civil War can be arrived at. In reality though many cases of historical sexual assault were and will remain 'hidden' and the cases that have or will come to light ultimately will represent just a sub sample of *known* attacks. Fundamentally, however, in-depth analysis of those cases that are in fact apparent or documented also provides important insights into the implementation of sexual assault and rape as a weapon of war in the Irish Civil War. The cases examined in this article represent a microcosm of a wider spectrum of violence perpetrated against women in the Civil War.

Using available statistics to explore the 'scale' of sexual violence in a given conflict is of course important for research but it cannot prove such crimes and assaults were exceptionally rare anomalies, for instance.<sup>27</sup> Intensive research that instead draws on and combines a variety of sources available can advance further knowledge in this field (such as, newspapers, pension claims, court documents, police data, military records, witness statements, compensation claims, letters, institutional records, court-martial reports etc). The wider, interconnected spectrum of violence inflicted on women included forced hair cutting, frightening night raids in homes, beatings, verbal abuse, threats, sexual harassment, searching, psychological trauma caused by women experiencing and witnessing violence inflicted on others, and rape.<sup>28</sup> A majority of women throughout time would have been reluctant to report a rape, however, or put themselves unsuccessfully through a re-traumatising cross-examination in a court or military trial. Nonetheless, previously unknown or 'forgotten' cases of conflict-related rape, including gang rape, are currently being 'discovered' and 'recovered' in military and State archives that were closed, dormant and hidden in Ireland for decades. Rape was not 'systematically' implemented in the Irish Civil War as an act of mass genocide or ethnic cleansing but such atrocities were perpetrated to an extent that requires more explanation and they are an example of how sexual assault and rape was most certainly *weaponised* on both sides.

### Researching rape in Irish revolutionary studies: ethical and methodological challenges

Methodologically, conducting in depth sexual violence research presents numerous ethical and practical challenges. New, public documentary evidence is gradually becoming available in Civil War papers/collections, Military Archives (Bureau of Military History witness statements, court-martial files, courts of enquiry files and pension applications), State/Government papers (compensation claims), institutional records (including psychiatric hospitals/homes), medical records, personal letters and newspaper reports. Intergenerational and community memory also arises. Careful calibration of disparate sources, pieced together in painstaking research, has the potential to reconstruct such a 'hidden' and stigmatized history. Combining and triangulating sources is particularly instructive in providing a detailed account of individual crimes from the perspective of both 'victims' and perpetrators. Use of second hand, observer oral histories and intergenerational 'stories' of past sexual crimes is of course relevant but can risk producing incomplete evidence based on hearsay, selective memory or partial recollection over generations. Ethical problems can also arise, especially where victims did not waive their anonymity or consent to their stories *ever* being told, including by later generations, and where

alleged perpetrators were not investigated. For these reasons, sexual violence studies usually require quite strict and formal ethical clearance.

Documents must also of course be approached with a degree of caution. Terminology is not always straightforward and the use of euphemisms to describe sexual assaults on women is common.<sup>29</sup> In some sources, it is very clear from the evidence presented that the widely used term 'outrage' for example refers explicitly to an assault that included rape (perpetrated by a human, group of humans or instrument). But in many other cases, the sexual crime of rape (criminalized in Ireland in the 1861 Offences Against the Person Act) is not named but it is possible it took place based on the description of the assault and injuries inflicted. A medical examination recording significant vaginal injury is one situation where it is unambiguous rape was involved in the assault of a woman's body. Gang rapes inflict particularly severe injuries—physical and psychological.

Taking all of this into account, *investigated* and *publicly documented* cases of sexual violence/sexual crimes that occurred during the Irish Civil War are the focus of this article. In ethical terms, it explores how individual women, whose anonymity has been waived and not been breached and thus exploited for this research, were directly impacted by notably transgressive and terrifying forms of violence during the Civil War. The political and military context in which these attacks occurred is also explored. Pro and anti-Treaty men carried out such attacks on women who were both on the same and the opposite 'side' to them. The attacks investigated undoubtedly left a profound mark on the women themselves, their families and communities for decades as well as on the history of the period. Yet there was little or no acknowledgement of this gendered narrative or aspect of trauma history in the new Irish State. The reasons for this may include the unbearable pain and silent hurt these actions caused and continue to cause trans generationally.<sup>30</sup> The fact that sexual violence was generally considered taboo and a source of great stigma and shame for victims and their families as well as perpetrators also arises. Despite the fact that rape was criminalized from 1861, sexual crime was not openly addressed politically or culturally in Independent Ireland until the first feminist-led Rape Crisis Centres were established in the 1970s.<sup>31</sup>

There has been little space for asking unanswered questions about perpetrators and any State or communal cover up of sexual crimes in the Irish Civil War in the midst of an official commemoration concerned with achieving 'balance and pluralism' over apportioning blame for past atrocities. The impulse to *forget* can displace the importance of remembering, especially in the domains of traumatic memory and women's history.<sup>32</sup> David Fitzpatrick, however, has stated: 'Historians... primary function is to explain what occurred by assessing events from the perspectives of victim, perpetrator and onlooker alike.'<sup>33</sup> Focusing just on victims in historical recovery work likewise presents an incomplete interpretation of the history of sexual assault, it places the burden of the violence of the past solely on the shoulders of those abused and it fails to document the full archive available. Fundamentally, therefore, this article seeks to make a contribution to the recovery work that has begun on the hidden history of sexual violence in the Irish Civil War. Methodologically, it situates women's experience of violence at the centre of the analysis in relation to three different cases of assault involving four women and their families but it also pays attention to the question of perpetrators, warfare and the role of the State. The issue of whether such violence was unequivocally or exceptionally 'rare' in Ireland's Civil

War is considered as an issue that requires much more in depth research, understanding and contextualization in Irish historical studies.

### Eileen Mary Warburton Biggs

On 22nd June 1922, a horrific gang rape of a Protestant woman near Dromineer, Co. Tipperary was perpetrated by five local, anti-Treaty IRA men. The attack on Eileen Mary Warburton Biggs, first raised by the historian Pádraig Yeates in 2012,<sup>34</sup> was publicly documented in the newspapers of the day<sup>35</sup> and referred to by Churchill in a House of Commons speech. Eileen was referred to as 'Harriet' Biggs in the press and this has been repeated by historians.<sup>36</sup> However, her birth, marriage and death records explicitly use the name Eileen Mary Warburton Robinson or Biggs. Eileen Mary Warburton Robinson is recorded on her birth certificate as being born in Dublin in 1879. Her father, Robert Henry Robinson was an army surgeon and her mother was Elizabeth Coote Leonard. Eileen is listed at her sister Grace's house in the 1911 census—Bellevue, Borrisokane, Co. Tipperary. Grace Mary Robinson ('born in S Africa') was married to George Washington Biggs. Eileen subsequently married George's brother, Samuel Dickson Biggs, in 1918 at Kilbarron Church, Borrisokane.<sup>37</sup>

The rape of Eileen Biggs has received some attention in recent years.<sup>38</sup> The atrocity was documented in great detail in a 1926 Irish Grants Commission application that was opened in 1980.<sup>39</sup> The application states that on the night in question, Eileen was locked in a room in her marital home in the Dromineer area where she was 'outraged' on eight or nine different occasions and severely injured. Eileen's husband Samuel and a house guest were locked in adjoining rooms while the men drank and looted the house. Eileen was found semi-conscious and her mental and physical health never recovered.<sup>40</sup> After a period in hospital in Dublin, she subsequently went to England with her husband where she was awarded a notably large sum of compensation (6000 pounds). Eileen and Samuel subsequently moved to Longford Place, Monkstown in Dublin. An *Irish Times* obituary reported that Eileen died on 8th June 1950 in St. Patrick's Hospital, Dublin, a psychiatric hospital. Samuel had predeceased Eileen in 1937, he died in Monkstown Hospital.

The Biggs and Robinsons were military families with officer members of both involved in the Anglo-Boer and first world wars. Eileen's brother Robert Harvey St. Clair Robinson was stationed in Dublin in the British Army during the 1916 Rising and is listed as present at the trial of Eoin MacNeill.<sup>41</sup> Whether this was known locally in Dromineer or a possible motive in the attack on Eileen is not fully clear. Other attacks on women who were protestants in this area have been identified. Byrne, for instance, documented another Anti-Treaty raid in Kilboy House, in the Nenagh area:

About midnight on the 29 July a party of men came to Kilboy and demanded beds for the night. The strangers were armed with rifles and revolvers. There were two men and three women in residence in the house. The raiders locked up the men and women and then proceeded to ransack the house turning out dressers and presses and stole linen, boots and clothing and goods valued at £150. When finished raiding a Protestant lady was assaulted and this stopped only when money was offered. The men were apparently known in the parish and the whole thing had apparently been well planned beforehand. The incident left the whole household distressed and terrified.<sup>42</sup>



Clark drew attention to another sexual assault in this area, in which a group of armed men speculated to be Free State army, raided Sopwell Hall, Cloughjordan, Co. Tipperary in July 1922 and “did their best to outrage” two Protestant servant girls after separating them in a sectarian manner from a young Catholic maid who ‘was not molested.’<sup>43</sup>

Reference to the Biggs case and named perpetrators appear in a number of sources.<sup>44</sup> The leader of the group reported to have committed this atrocity, Captain Martin Hogan, Dromineer, Nenagh, was a member of the 1st Tipperary Brigade IRA. Hogan fled Tipperary after knowledge of the Biggs incident caused civilian outrage locally. Other members of the group who attacked Eileen Biggs, including two of Hogan’s brothers and two cousins, appeared in Nenagh court house but ultimately were exonerated as the Civil War intensified and order increasingly broke down. Hogan was subsequently engaged in IRA military operations in Dublin city while he worked in Amiens Street railway station. On the evening of 21st April 1923, he was reportedly picked up by a group operating out of Oriel House, the Irish Free State Army Intelligence Department. Hogan’s bullet-riddled body was discovered in a ditch at Gracepark Road, Drumcondra the following morning and to this day he is commemorated heroically on two dedicated monuments in his honour—one on the street where he was killed and the other just off Banba Square in Nenagh.<sup>45</sup> Eileen Mary Warburton Biggs, in contrast, is buried in an unmarked grave with her sister Hilda V. Robinson in Mount Jerome cemetery, Dublin.

## Maggie Doherty

Another horrific case of gang rape is documented in a military services pension application, published online in May 2018, is that of Margaret Doherty of Currinara, Foxford, Co. Mayo.<sup>46</sup> Two other sources—the Richard Mulcahy papers held in the UCD archives and the report of a court-martial trial held into this attack on 27th July 1923—also inform an in depth understanding of this previously concealed and ignored case in Irish Civil War studies. Margaret (known to her family as Maggie) was born on the 2nd of January 1896 and is listed in the 1911 Census as residing in Toomore district, Foxford. Margaret is the only living daughter listed amongst seven sons. Three of the Doherty sons later joined the British and American Armies (not unusual in Irish families in this period), one of whom died in Flanders. Two of Margaret’s brothers, Hugh and Willie, actively fought on the anti-Treaty side in the Civil War in North Mayo.

In 1933, Margaret’s mother Mrs Catherine Doherty made a written application for a military services pension based on the loss of her daughter Maggie. The application contains details of Maggie’s republican activism in the women’s organization ‘Cumann na mBan’ from 1920 to 1923 but for the most part it refers to serious ill-health from 1923 on due to an incident at the family homestead in 1923. Because Catherine was paralyzed on one side of her body, she was wholly dependent on Maggie to run the house and care for her. She is described in the file as an invalid, unable to do anything. On the night of 27th May 1923, Maggie Doherty’s life irrevocably changed. Maggie was taken from her bed at about 2 am according to a letter submitted by her mother in the detailed pension application she submitted in 1933: ‘She was dragged from her bed and stripped naked and raped.’ Prior to that night ‘... she was in perfect health and had never been ill. After that date she gradually failed, physically and mentally ... She was totally incapacitated from 31/5/23 until death.’ The file documents her mother Catherine’s eventual



receipt of a partial dependents' gratuity of 112 pounds and 10 shillings sterling in 1937 under the Army Pensions Acts in respect of her daughter, referred to as Cumann na mBan Intelligence Officer, Margaret Doherty. According to a letter signed by Maggie's brother (Patrick) dated 16 September 1935, a sworn inquiry by 'Officers of the Free State Army' was held into the attack but no further details on this are provided. The family clearly indicated in this file that steps were taken to pursue justice and accountability for the atrocity in 1923.

The written medical evidence of three doctors who treated Maggie directly show that she '... suffered from insomnia and depression' between 1925 and 1928. 'From her history, it is my opinion, her trouble was due to hellishly barbaric treatment at the hands of the Free State soldiers in 1923.' Dr J.V. Coghlan of Foxford wrote in a letter submitted:

I certify that the late Margaret Doherty Currinara, Foxford, came under my care in 1923. Her whole nervous system seemed to be very upset. She was depressed, and suffered from loss of appetite, and insomnia. I kept her under observation and treatment for a considerable time but she seemed to make no progress and her wasting became very marked ... I came to the conclusion that her condition was mental due in my opinion to the terrible ordeal which she had undergone.

Maggie was removed to the County Home in Castlebar due to her 'acute mental trouble' where she died on 28th December 1928 aged thirty-two, five years after being gang-raped. Crucially, these sources reveal that by 1933 the gang rape of Margaret Doherty had not been concealed or covered up by the medical practitioners and others in her community. Letters of support for the pension application were also provided by the local Head Master, Church of Ireland Rector, the Parish Priest and political representatives. The case was in fact known about both contemporaneously when Margaret was viciously abused, later in the wider community when the pension application was made and, as we will see in the next section, the top hierarchy of the army and the Minister for Defence deliberated on the case.

It took four years for the pension application of Catherine Doherty to be fully processed. Catherine died on 30th April 1938, the Board decision to grant the pension was dated 25th November 1936 just a year and five months before she died. The action of Catherine Doherty and her family in applying for a pension, however, inscribed in the State's archive a very explicit account of what happened to her only daughter. This has both served to preserve Maggie's story as an example of trauma history as well as a very uncomfortable aspect of National Army wartime sexual violence that has taken many years to resurface.

An Army Inquiry Committee (1924) file included in the 'Richard Mulcahy papers' in the UCD Archives also refers to the above assault on Margaret Doherty. General Mulcahy was the Commander in Chief of the National Army and the Minister for Defence.<sup>47</sup> The inquiry was announced in the Dáil on 12th March 1924 in response to a potential army mutiny in the aftermath of Civil War.<sup>48</sup> A letter in the Niall C. Harrington papers from the President of the Executive W.T. Cosgrave in fact reveals that the Doherty case was central to the entire inquiry:<sup>49</sup>

The President has received a request from the Chairman of the Army Inquiry Committee for the following files ... (2) File re charge against Lieutenants BENSON and WATTERS (Co. Mayo re alleged criminal assault on Margaret Doherty) (3) File re charge against Military

officers in Kerry re burning of Hartnett's house and furniture (this case was mentioned in connection with the case of McCarthy Kenmare).

In the documents relating to this inquiry in the Mulcahy papers, the woman's (Maggie's) name is never used or stated in the context of discussing in detail the assault perpetrated but the time and details of the atrocity and the named perpetrators directly corresponds to the Foxford incident. The file also makes reference to the assault of two women known as the 'Kenmare incident,' which is discussed below. These papers reveal that rape and the assault of women was undoubtedly a subject of intense discussion at the top level of the army and the government. Critical records on a court-martial held after the attack on Maggie are held in the Richard Mulcahy papers.<sup>50</sup> The details regarding Maggie's case are included in the statement of Major General Cahir Davitt, Judge-Advocate General and son of the renowned nineteenth-century land war agitator from Co. Mayo, Michael Davitt.<sup>51</sup> Three alleged perpetrators of the assault Margaret Doherty endured are explicitly named in the file and it is clear it was the Minister for Defence and Head of the Army (Mulcahy) who directed a court-martial should be held. The question over whether enough evidence existed to ever justify a conviction despite the widely known attack on Maggie Doherty was, however, doubted from the outset:

In the statement submitted to the Commission by the Minister for Home Affairs, mention is made of the case of LIEUTENANTS WATTERS, BENSON, and MULHOLLAND who were tried by General Court Martial at CLAREMORRIS on the 22/7/23 for rape. I have available my files dealing with this matter ... An abstract of the evidence available at the time, in this case was submitted me by the A.A.G. ... with a request to be informed whether the evidence then available was sufficient to justify a conviction ... On the 10/7/23 the Minister replied directing a Court Martial.

The file states that it was considered advisable to invite the local Civic Guard and Parish Priest from Foxford, referred to as Canon Forde or Ford in the document and as Canon Martin Henry in other sources, to the proceedings even though it is clear an acquittal was the presumed outcome of the trial before it even began. The Canon had submitted a complaint about the attack. The government and army were explicitly concerned, however, to stymie any public talk or comment that might suggest the court-martial was not a genuine attempt to secure justice. Protecting the reputation and public image of the army by holding a 'trial' was a priority:

On the 12/7/23 COLONEL HODNETT of my staff wrote on my behalf to the Minister, suggesting the advisability of having present at the trial the local Parish Priest, and the local Civic Guard Inspector, having regard to the likelihood of an acquittal, and to forestall comment to the effect that a genuine attempt was not being made to do justice ... On the 23/7/23 the officers were tried and acquitted.

The Chief Superintendent in Castlebar, O'Hara, and the local Inspector in Claremorris, did not even attend the trial and speculation as to whether this was their choice or due to a lack of adequate communication on the date of the inquiry is included in the file. However, it was also stated that because the trial was 'general knowledge' in the town the guards could not have avoiding knowing about it.

An entire section of the Army Inquiry (1924) file discusses the trial of Lieutenants Waters, Benson and Mulholland for the documented gang rape of Maggie Doherty cross-referenced in Catherine Doherty's 1933–1937 pension application and referred to

in an additional pension application, that of her son William Doherty.<sup>52</sup> This critical story remained hidden in Irish military archives for almost a century, never referred to by any historian of the period. The question of why the Civic Guard failed to show up despite common knowledge of the trial was explored in some detail. The absence of the Civic Guard from the military trial could suggest any of the following: they were not properly informed or given adequate notice as speculated, a lack of willingness to engage in such cases involving attacks on women, fear of a reprisal for participating in it, or a belief an acquittal was simply inevitable. A lack of evidence for the attack is hard to justify given the degree of medical evidence that was clearly available on Maggie's health, the resolve of the Parish Priest of Foxford to make a complaint, report and pursue the incident, and the known state of Maggie's health following the attack amongst her family and wider community. The Army Inquiry committee recounts a letter from Cahir Davitt to Richard Mulcahy and provides some insight into the investigation:

“There are three Officers here under a particular cloud. They appear to have made no statement of their whereabouts themselves during the time under question—there is a considerable amount of contradictory evidence. One of the military witnesses on whom most reliance seems to be placed gave evidence contradictory to the evidence of an outside person, no doubt brought in by Officers in question. I feel that the Officers should be charged with a view to seeing them on their defence; and also with a view to our clearing out of the Army anybody whose evidence was not satisfactory at the Court Martial. It seems a very extraordinary thing that there has been no confidential report by any responsible officer in the Command on this particular case. I think the only way to make everybody face the situation in a manly and responsible way is to have a Court Martial.” ... It will be obvious from that that we were trying at the time to forestall and do away with any reason for unfavourable comment afterwards.

The proceedings of a court-martial—‘Discipline—Charge against Lieuts Waters, Benson and Mulholland, Ballina’<sup>53</sup>—complement further the important evidence in the 1924 Army Committee Inquiry report and Catherine Doherty's pension application. Notably, this file documents the interrogation of Maggie Doherty in her own words, in a lengthy cross-examination in the trial that began on 23rd July 1923. Other members of the Doherty family were also interrogated. In response to questions, Maggie provided a detailed account of what happened to her on the night of 27th May in Foxford. The account fully corroborates what Catherine Doherty later communicated in detail in her pension application. In addition, a medical report included in the court proceedings and read out at the start of the trial corroborated the gang rape. Dr Francis Keane, Ballina, the first witness in the trial, stated:

Miss Margaret Doherty came to see me on the 30th May last. She made a statement to me. I examined her and found that her private parts were showing shape of recent violence in the shape of lacerations, that is tears to the mucous membrane ... In my opinion she met with considerable violence to her private parts ... I carried out the examination in the presence of the maternity nurse for the district.

Maggie, the second witness in the trial, stated that she went to mass the morning after the attack and spoke to the local curate. The curate then went to Canon Martin Henry, the Parish Priest, who urged her to go to the doctor for an examination. Canon Henry expressly reported the incident to the barracks in Foxford where an initial court of enquiry was held. The nature and detailed description of events at the Doherty house

on the night of the attack suggests that this outrage was planned and contrived rather than simply ‘opportunistic’ rape—that is, it was a gang rape *weaponized* by three members of the army. The armed men were dressed up in trench coats and hats and wore handkerchiefs as masks when they visited the house on three occasions, entering the bedrooms in darkness with the expressed and clear demand of taking Maggie out of the house and up the road. The three men eventually took and consecutively raped Maggie Doherty, one of them twice. Bizarrely, Maggie stated in the trial that at least two of the alleged perpetrators (Benson and Watters) were sent back to the Doherty house to investigate the attack following the Canon’s complaint. Maggie recognized their voice and facial profile. Copies of the detailed statement of Canon Martin Henry (the chief complainant) are referred to twice in the court-martial file but they are missing. One of the most vital pieces of evidence in this case was either lost or removed from the file, at some point.

On 25th July 1923, the three Lieutenants were found ‘not guilty’ and ‘honourably’ acquitted. The extraordinary and moving story of Margaret Doherty serves as a very powerful reminder of some of the hidden realities of the Irish Civil War. Maggie’s story lived on quietly in the intergenerational memory of her family and community while it remained submerged and hidden in State archives and official histories of the Civil War in Mayo for almost a century. Her death in 1928 was not recorded as one of the killings of the Civil War period but it was caused by its violence. The documented injuries (physical and psychological) inflicted on Eileen Mary Warburton Biggs and Margaret Doherty reveal they were brutally sexually assaulted by groups of men fighting on the two different sides in the Civil War divide. Both women ultimately died in psychiatric units/mental homes as part of the hidden legacy of rape in the Irish Civil War.<sup>55</sup> It remains to be seen whether the public release of additional court-martial and court of enquiry files, including those currently closed in the Irish Military Archives and concerned with discipline in the Free State army in this same period, will reveal other such cases.

### **Flossie and Jessie McCarthy**

A further violent incident involving Free State soldiers involved an attack in June 1923 on two young women in their own home in Kenmare, Co. Kerry.<sup>56</sup> Maggie Doherty was a Catholic Republican and Eileen Mary Warburton Biggs was a Protestant Loyalist who had married into a landed, military family in Co. Tipperary. In contrast, Flossie and Jessie McCarthy were the daughters of the local doctor in Kenmare who was pro-Treaty. The two women were sexually policed and attacked by the pro-Treaty army ostensibly for enjoying relationships with men and exercising choice in that regard and were reportedly critical of aspects of State violence in Kerry. On Saturday 2nd June 1923, three masked and armed men raided Dr Randall McCarthy’s home at Inchlough, Kenmare. His daughters Jessie and Flossie were assaulted and covered about the head and face with heavy motor oil. The women were pulled from their beds into the garden, and Sam Browne belts were used to harshly beat/flog them. Dowsing of hair with dirty motor oil or cart grease was a known toxic formula which results in hair falling out and is akin to ‘tarring.’<sup>57</sup> Two investigations were subsequently undertaken, one by the civic guard (Garda Síochána) and one by a Dublin Military court of enquiry. Both recommended court proceedings. After the intervention of Minister for Defence,

Richard Mulcahy, and the President of the Executive Council, W.T. Cosgrave, neither investigation was acted upon, however.

The Bureau of Military History witness statement of Judge-Advocate General Cahir Davitt provides further details. In terms of assessing whether sexual crime was considered a problem in the National Army during the Civil War, it is very clear that Davitt, Mulcahy, Cosgrave and other members of the Executive were addressing the Margaret Doherty and Flossie and Jessie McCarthy cases of National Army violence against women, *at the same time*. The Doherty court-martial file contains correspondence implicating Mulcahy, Davitt and Eoin O'Duffy in discussions about the case. In his witness statement, Davitt states that in June 1923 he met the Adjutant General, Gearóid O'Sullivan.<sup>58</sup> He was handed a file, with O'Sullivan stating: 'This is the worst yet.' The file contained details of the attack by Dublin Guard officers on the two young women on the night of 2nd June 1923, including a statement by both women.<sup>59</sup> The name of the alleged perpetrator/s is redacted on the online version of Cahir Davitt's witness statement.<sup>60</sup> According to Ó Caoimh, however, the assailants were identified as Major-General Paddy O'Daly, Captain Ed Flood and Captain Jim Clark of the National Army.<sup>61</sup> Paddy O'Daly was a former member of Michael Collins Squad and, according to Price, a revolver found in the garden was declared as his.<sup>62</sup> Bill Bailey, a member of the National Army army in the Tralee area, in an interview with Ernie O'Malley said that the women were raped:

Dr McCarthy's daughters at Kenmare 2 young fellows (Doctor, Cumann na nGaedheal) round Kenmare doing a line; nice girls, 2 young officers, Harrington and Higgins, Superintendent in Guards, son of Tim Harrington. That appeared to enrage Daly, Hancock and Flood. At 2 [a.m.], 3 men left barracks in Kenmare, went to McCarthy's house, attacked girls, said they raped them. Stories of throwing tar on them. Next morning Hancock and Higgins were arrested for the rape, under close arrest. There was a court of Inquiry. Sentry on duty said 2 men left; Gen. O'Daly, Capt. Eddy Flood, Comdt Hancock and one of the ... girls said she could identify 1 man for she cut his lip and identify his goggles with fur torn on one. They contained Flood's initials and his lip was torn.<sup>63</sup>

Captain Niall C. Harrington one of the officers was said to be involved in a relationship with one of the McCarthy sisters.<sup>64</sup> Those who gave evidence pointing to Major General O'Daly in the enquiry were controversially placed under arrest on a six month's old charge. Kevin O'Higgins, Minister for Home Affairs, who was exercised by the case, stated in a letter to the President, W.T. Cosgrave:

I cannot accept the position that any political exigencies could excuse us in condoning an outrage of that kind ... I regret that steps were not taken to verify one very important statement i.e. that Lieut. Flood (who left for Dublin on leave the morning after the outrage) had scrape marks about his face.<sup>65</sup>

Both the Doherty and McCarthy cases involved well planned and targeted violent attacks on women by masked National Army perpetrators in the middle of the night, in the period May to June 1923. And both incidents resulted in flawed justice and incomplete investigations directed from the top echelons of government, more concerned with protecting the reputation of the army. According to Ryle Dwyer, there was no doubt that O'Daly covered up the Kenmare incident '... with a staged military inquiry that was a figurative whitewash.'<sup>66</sup> The reputational fallout for the pro-Treaty side of a close associate of Collins being charged with an assault on two young women was potentially very damaging.

O'Daly and others (including Ernest Blythe who referred to the women as a 'troupe of tarts' in his Bureau of Military History witness statement)<sup>67</sup> denied the charge and blamed the two female victims for their attack in appallingly sexist and victim-blaming terms, suggesting they had consorted with British Army officers before the Truce two years previously and that one had 'jilted' an Irish Army officer. The implication being they were 'asking for it' because they turned down an Irish officer or that this kind of sexual policing attack on such women was *justifiable* or to be expected? The sexual policing and social control of women by inflicting gendered and sexualized practices such as forced hair cutting/hair taking with additional violence inflicted was widespread in Ireland in this period and numerous cases are documented both in the War of Independence and the Civil War.<sup>68</sup> Women were physically, psychologically and/or sexually punished or disciplined if considered to be cavorting with 'the wrong men.' The act of forcibly removing hair in warfare, in itself, was a historically established attack on women's sexuality, marking women out as whores or prostitutes for instance. Coercive hair removal was humiliating and, as was the case in the Kenmare incident, it often involved a horrific beating, flogging or other harsh attack that caused longstanding psychological trauma.<sup>69</sup>

The incident caused discord in the Irish Free State and Cahir Davitt, as the senior legal officer of the National Army, recommended that Major-General O'Daly be court-martialed.<sup>70</sup> Mulcahy, however, could not support this action against a senior National Army commander considered by him to have an accomplished record despite accusations he was responsible for one of the worst Civil War massacres in Ballyseedy, Co. Kerry in which eight anti-Treaty soldiers were killed having been tied to an exploding device.<sup>71</sup> The conclusion of Attorney General Hugh Kennedy, that the evidence was not strong enough, perturbed Davitt and O'Higgins. Further sexism, 'slut-shaming' and victim-blaming is evident in this case. According to Knirck, dismissing the women's testimony, Kennedy informed the Executive Council that the women were 'not city people and their mentality as witnesses and generally must be considered in the light of their own history and environment.'<sup>72</sup> He went on to belittle a 'Catholic bourgeoisie' of rural social climbers with 'British leanings' and found it 'humiliating to have to confess' that British officers associated easily with such 'girls of this social stratum ... It seems clear that the McCarthys were of this type. Officers of the National Army have been in many cases the butt for people of this kind.'<sup>73</sup> The only individuals at the 'butt' of anything unto-ward in this case were the two women viciously attacked. Kennedy's gendered and classed interpretation represented a wider and deeply disturbing set of patriarchal assumptions that were operating in the judicial hierarchy and cabinet of the new State.

Such contested assaults and attacks on women in the Irish Civil War were widely known about and were implicated in high politics. Regardless of the presumed scale of war-time rape in the Irish case compared to civil or mass-scale wars in other countries, the cover up and non-prosecution of notably horrific cases of gender-based violence is clearly one important aspect of how the nascent Irish State saw itself consolidating. Women were afforded a very marginal role. Price and Knirck both concluded that the Kenmare case involved a 'procedural' cover up by the Irish government.<sup>74</sup> W.T. Cosgrave later wrote to Dr Randall McCarthy, the father of the two young women, suggesting that he had the option of trying to prosecute the three officers through the civilian courts. For women deeply traumatized, embarrassed, very badly injured or aware of the clear steps to cover up such attacks and thwart an investigation or trial, this would not have been an



option, however. It is also clear from her detailed response in the court-martial trial that Maggie Doherty did not want to pursue a prosecution—it was Canon Martin Henry who instigated this. Maggie stated in the court-martial trial that her reputation had been damaged and instead she had wanted to rebuild it rather than prosecute. Eileen Biggs was too badly injured to testify in Nenagh courthouse and her compensation claim states that one of her sisters died as a consequence of the shame brought upon the family. The McCarthy sisters were never called to a trial and a civil case was further said to be hampered by the lack of an independent medical opinion.<sup>75</sup> A culture of impunity for perpetrators in the new State ensured nobody was ever prosecuted by law for any of these horrific crimes of war. Women may have died in smaller numbers than men in the Irish Civil War but such transgressive violence and the associated lack of justice evidently caused immeasurable injury and trauma to individual victims and their families for generations.

## Conclusion

As Nicola Henry has written: ‘Rape remains “unspeakable” ... Rape has not featured prominently in post-conflict collective memory, and even when rape is “remembered”, it is often the subject of political controversy and heated debate.’<sup>76</sup> The Foxford, Kenmare and Dromineer incidents were known about publicly and were all intensively discussed at the level of government (British and Irish in the Biggs case and the Irish government/Executive in the case of the Kenmare and Foxford cases). The interconnection between the machinations of government, the army and individual cases of horrific gang rape and assault perpetrated by named offenders on the pro and anti-Treaty sides, has been a largely unexplored aspect of the history and high politics of the Irish Civil War and its aftermath. The lack of a prosecution in all the cases documented above suggests that a culture of impunity underscored the way rape was dealt with despite the fact it was and is a very serious and destructive crime.

At the same time, this article has aimed to demonstrate how the historical silencing of rape and rape victims can be partially counteracted by recovering and reinserting these difficult, silenced histories into the narrative surrounding the violent foundations of the Irish State. Forensically piecing together the counter memory of female victims of sexual crimes and transgressive assaults is an important aspect of the Civil War’s history. The *documented* and *investigated* stories of the women abused in this article cannot be avoided or negated, both in the domain of ethical remembrance and in studies that seek to understand *all* of the dynamics of violence that shaped the Civil War. However, it remains to be seen if these deeply problematic aspects of the past and the victims of such violence will be remembered during the ‘official commemoration’ of the Civil War in 2022–2023.

## Notes

1. Séan Enright, *The Irish Civil War: Law, Execution and Authority* (Dublin: Merrion Press, 2019), v–xiv.
2. An interim cabinet called the Provisional Government briefly existed until 6th December 1922. After that the cabinet functioned under the name of the Executive Council of the 1922–1937 Irish Free State.



3. The Irish government's 'Decade of Centenaries' programme commenced in 2012. See <https://www.decadeofcentenaries.com/publication-of-decade-of-centenaries-second-phase-guidance-2018-2023-by-expert-advisory-group/> (accessed February 1, 2020).
4. Bill Kissane, 'On the Shock of Civil War: Cultural Trauma and National Identity in Finland and Ireland', *Nations and Nationalism* 25, no. 3 (2019): 35.
5. Anne Dolan, *Commemorating the Irish Civil War: History and Memory, 1923–2000* (Cambridge: Cambridge University Press, 2003).
6. See: David Fitzpatrick, ed., *Terror in Ireland 1916–1923* (Dublin: The Lilliput Press, 2012).
7. Enright, *The Irish Civil War*; John Dorney, *The Civil War in Dublin: The Fight for the Irish Capital, 1922–1924* (Dublin: Four Courts, 2017).
8. Brendan Ó. Caothar, 'Mother and Baby Homes were Symptoms of a Traumatized Society after Civil War', *Irish Times*, August 27, 2014, <https://www.irishtimes.com/culture/heritage/century/the-civil-war/mother-and-baby-homes-were-symptoms-of-a-traumatized-society-after-civil-war-1.1908597> (accessed September 6, 2019).
9. Linda Connolly, 'Sexual Violence in the Irish Revolution: An Inconvenient Truth', *History Ireland* 6, no. 27 (November–December 2019).
10. Bill Kissane, *The Politics of the Irish Civil War* (Oxford: Oxford University Press, 2005).
11. See: Gemma Clark, *Everyday Violence in the Irish Civil War* (Cambridge: Cambridge University Press, 2014), 186, 195; T.K. Wilson, *Frontiers of Violence: Conflict and Identity in Ulster and Upper Silesia 1918–1922* (Oxford: Oxford University Press, 2010); Charles Townshend, *The Republic: The Fight for Irish Independence* (London: Allen Lane, 2013), 170.
12. Clark, *Everyday Violence*, 201, 195.
13. Charles Townshend, 'Book Review: The Campaign of fire: Everyday Violence in the Irish Civil War, by Gemma Clark', *Irish Times*, September 6, 2014.
14. Wilson, *Frontiers of Violence*.
15. Brian Hughes, *Defying the IRA? Intimidation, Coercion, and Communities During the Irish Revolution* (Liverpool: Liverpool University Press, 2016), 138. For different perspectives on the level of sexual violence during the War of Independence, see: Marie Coleman, 'Violence Against Women During the Irish War of Independence, 1919–1921', in *Years of Turbulence: The Irish Revolution and its Aftermath*, ed. Diarmaid Ferriter and Susannah Riordan (Dublin: UCD Press, 2015), 137–56; Louise Ryan, 'Drunken Tans: Representations of Sex and Violence in the Anglo-Irish War, 1919–1921', *Feminist Review* 66 (2000): 73–92; Justin Dolan Stover, 'Families, Vulnerability and Sexual Violence During the Irish Revolution', in *Perceptions of Pregnancy from the Seventeenth to the Twentieth Century*, ed. Jennifer Evans and Ciara Meehan (London: Palgrave, 2017), 57–75.
16. Brian Hanley, 'Moderates and Peacemakers: Irish Historians and the Revolutionary Centenary', *Irish Economic and Social History* 43, no. 1 (2016): 122–3.
17. For an account of the assaults in Armagh, see: Robert Lynch, 'Explaining the Altnaveigh Massacre, June 1922', *Eire-Ireland* 45, no. 3–4 (2010): 184–210. Subsequent violence in the aftermath of this attack is reported in 'The North', *Southern Star*, 24 June, 1922: 7. For an overview of the case in Kerry, see: Pádraig Ó Caoimh, *Richard Mulcahy: From the Politics of War to the Politics of Peace* (Dublin: Irish Academic Press, 2020).
18. Kate Majewski, 'The History of Sexual Violence in War', in *Understanding and Treating Military Sexual Trauma*, ed. Kristen Zaleski (Switzerland: Springer, 2015), 1.
19. Lindsey Earner-Byrne, 'The Rape of Mary M.: A Microhistory of Sexual Violence and Moral Redemption in 1920s Ireland', *Journal of the History of Sexuality* 21, no. 1 (2015): 75–98 drew on a letter that elucidated the rape of a woman in Moate, Co. Westmeath in January 1923 by a member of a Republican gang who had looted her home and which resulted in her pregnancy. See also Robert Lynch in 'Explaining the Altnaveigh Massacre'; Pádraig Yeates in *A City in Civil War – Dublin 1921–1924: The Irish Civil War* (Dublin: Gill and Macmillan, 2015), 311, outlined how five of the officers 'raped' Harriet Biggs (referred to as Eileen Mary Warburton Biggs in this article); and the 'Kenmare incident' has been addressed by a number of historians/authors, such as: Joe Joyce, 'July 24th, 1924: From the Archives: Three masked Free State army officers beat two young women with their Sam Browne

- belts and rubbed grease ...', *Irish Times*, July 24, 2012; Tom Doyle, *The Civil War in Kerry* (Cork: Mercier Press, 2008), 309; John M. Regan, *The Irish Counter-Revolution 1921–1936: Treatyite Politics and Settlement in Ireland* (Dublin: Gill and Macmillan, 1999); Dominic Price, *We Bled Together: Michael Collins, the Squad and the Dublin Brigade* (Cork: The Collins Press, 2017); Jason Knirck, *Afterimage of the Revolution: Cumann Na nGaedheal and Irish Politics, 1922–1932* (Wisconsin: University of Wisconsin Press, 2014); Ó Caoimh, *Richard Mulcahy*.
20. Gavin Foster, 'Ordinary Brutalities', *Dublin Review of Books*, October 2017, 119, <https://www.drbr.ie/essays/ordinary-brutalities> (accessed February 20, 2020).
  21. John Dorney, 'Book Review: Everyday Violence in the Irish Civil War', *The Irish Story*, 2018, <https://www.theirishstory.com/2018/09/09/book-review-everyday-violence-in-the-irish-civil-war/#.Xk3LdC2cZo4> (accessed February 20, 2020). See also John Borghonovo, 'Book Review: Everyday Violence in the Irish Civil War', *the Journal of Modern History* 88, no. 3 (2016): 675–76.
  22. Meredith Loken, 'Rethinking Rape: The Role of Women in Wartime Violence', *Security Studies* 26, no. 1 (2016): 60–92. See also Jennifer Green, 'Uncovering Collective Rape: A Comparative Study of Political Sexual Violence', *International Journal of Sociology* 34, no. 1 (Spring 2004): 97–116; Elizabeth J. Wood, 'Variation in Sexual Violence During War', *Politics and Society* 34, no. 3 (September 2006): 307–41; Elizabeth J. Wood, 'Armed Groups and Sexual Violence: When is Wartime Rape Rare?' *Politics and Society* 37, no. 1 (March 2009): 307–41; Elizabeth J. Wood, 'Sexual Violence during War: Toward an Understanding of Variation', in *Order, Conflict, and Violence*, ed. Stathis K. Kalyvas, Ian Shapiro, and Tarek E. Massoud (Cambridge: Cambridge University Press, 2008), 321–51.
  23. Connolly, 'Towards an Understanding'; Linda Connolly, 'Hair Taking: A Weapon of War in Ireland's War of Independence?' *RTE Brainstorm*, February 2020, <https://www.rte.ie/brainstorm/2020/02/12/1115001-how-forced-hair-cutting-was-used-as-a-weapon-of-war-in-ireland/> (accessed February 22, 2020); see also Ryan, 'Drunken Tans'.
  24. 'War Crimes', *United Nations*, <https://www.un.org/en/genocideprevention/war-crimes.shtml> (accessed February 20, 2020).
  25. Theodor Meron, 'Rape as a Crime under International Humanitarian Law', *The American Journal of International Law* 87, no. 3 (1993): 424–8.
  26. Notably: Joanna Bourke, *Rape: A History from 1860 to the Present* (London: Virago, 2012).
  27. Janie L. Leatherman, *Sexual Violence and Armed Conflict* (Malden, MA: Polity Press, 2011).
  28. Connolly, 'Towards an Understanding'.
  29. For a discussion see: Bourke, *Rape*; Janie L. Leatherman, *Sexual Violence and Armed Conflict* (Malden, MA: Polity Press, 2011); Kate Majewski, 'The History of Sexual Violence in War', in *Understanding and Treating Military Sexual Trauma*, ed. Kristen Zaleski (Switzerland: Springer, 2015); Shani D'Cruze, 'Approaching the History of Rape and Sexual Violence: Notes Towards Research', *Women's History Review* 1, no. 3 (1992): 377–97.
  30. Fitzpatrick, *Terror in Ireland*, 18. A chapter on the issue of violence and women was not included in this collection.
  31. Linda Connolly, *From Revolution to Devolution: the Irish Women's Movement* (London: Palgrave/Macmillan, 2013).
  32. Guy Beiner, *Forgetful Remembrance: Social Forgetting and Vernacular Historiography of a Rebellion in Ulster* (Oxford: Oxford University Press, 2019).
  33. Fitzpatrick, *Terror in Ireland*, 7.
  34. Pádraig Yeates, *A City in Turmoil – Dublin 1919–1921: The War of Independence* (Dublin: Gill and Macmillan, 2012), 179.
  35. 'Most Serious Case. Four Men Charged with Assaulting a Woman', *Freemans Journal*, August 9, 1922. Reference to the Biggs and Dromintee atrocities is also made in British official correspondence, National Archives, Kew, HO 45/11992 C 397863, 'Letter from Downing St to Col. W.B. Spender, 28th June 1922'.

36. A basic search of the census shows there was another unrelated Harriet Biggs residing in Co. Tipperary at this time.
37. Linda Connolly, 'Sexual Violence in the Irish Revolution'.
38. See Yeates, *A City in Civil War*, 311; Yeates, *A City in Turmoil*, 179; Séan Hogan, *The Black and Tans in North Tipperary: Policing, Revolution and War 1913–1922* (Dublin: Untold Stories, 2013), 420–1; Clark, *Everyday Violence*, 186–7; Connolly, 'Sexual Violence in the Irish Revolution'; Connolly, 'Towards an Understanding'.
39. Mrs E.M.W. Biggs, Irish Grants Commission, National Archives [London], CO 762/4/8. I would like to thank John Dorney, Pádraig Yeates and Pádraig Óg Ó Ruairc for suggesting sources on this case.
40. Yeates, *A City in Turmoil*.
41. <https://www.dublin-fusiliers.com/battaliions/5-battalion.html>.
42. Teresa Byrne, 'The Burning of Kilbooy House, Nenagh, County Tipperary, 2 August 1922' (MA Thesis, National University of Ireland Maynooth, 2006), 30–1, [https://mural.maynoothuniversity.ie/5234/1/Teesa\\_Byrne\\_20140712094429.pdf](https://mural.maynoothuniversity.ie/5234/1/Teesa_Byrne_20140712094429.pdf) (accessed February 20, 2020). This thesis also documents a number of other attacks on women in the area, including forced hair cutting on pages 21–2.
43. Clark, *Everyday Violence*, 188.
44. Yeates, *A City in Turmoil*; Hogan, *The Black and Tans*; Clark, *Everyday Violence*.
45. Hogan, *The Black and Tans*.
46. Catherine Doherty, Military Archives, Dublin, DP2100.
47. The most recent book on Mulcahy by Ó Caoimh does not refer to the Doherty case but the Kenmare incident is discussed in detail.
48. Richard Mulcahy Papers, UCDA, P7\_C\_24. See also <https://www.oireachtas.ie/en/debates/debate/dail/1924-04-03/27/> (accessed September 6, 2019). The inquiry '... was established to inquire into the facts and matters which have caused or led up to the indiscipline and mutinous or insubordinate conduct lately manifested in the Army'.
49. Letter to C. B. O'Connor, Secretary to the Ministry of Defence from the President's Office on 28 April 1924, in the papers of Niall C. Harrington, NLI, MS 40,629/2.
50. Richard Mulcahy Papers, UCDA, P7\_C\_24.
51. Following the July 1921 Truce, Cahir Davitt assumed responsibility for the new post of Judge-Advocate General responsible for the conduct of court-martials, which became contentious after the outbreak of the Civil War.
52. Willie Doherty, Military Archives, Dublin, MSP34REF11001.
53. 'Discipline – Charge against Liuets Waters, Benson and Mulholland, Ballina', Military Archives, Dublin, A/11837. My thanks to the family of Margaret (Maggie) Doherty for giving me access to a copy of this file and for their ongoing support.
54. 'Discipline – Charge against Liuets Waters, Benson and Mulholland, Ballina', Military Archives, Dublin, A/11837.
55. Connolly, 'Towards an Understanding'.
56. Price, *We Bled Together* and Knirck, *Afterimage of the Revolution*.
57. 'Raid on McCarthy's House, Kenmare, Co. Kerry' dated 17th June 1924, 1923–1931, NLI MS 49,612; Dominic Price, 'Bloodbath to Whitewash: the Civil War Crimes of Paddy O'Daly', *Irish Times*, January 17, 2018. <https://www.irishtimes.com/culture/books/bloodbath-to-whitewash-the-civil-war-crimes-of-paddy-o-daly-1.3358645> (accessed February 20, 2020).
58. Cahir Davitt, Military Archives, Dublin, BMH 1751.
59. Richard Mulcahy Papers, UCDA, P7\_C\_24.
60. Cahir Davitt, BMH 1751.
61. Ó Caoimh, *Richard Mulcahy*.
62. Price, 'Bloodbath to Whitewash'.
63. Interview with 'Bill Bailey', in *Ernie O'Malley, The Men Will Talk to Me: Kerry Interviews*, ed. Tim Horgan and Cormac O'Malley (Cork: Mercier, 2012), 103.
64. The papers of Niall C. Harrington, NLI, MS 40,629 /2 contains material relating to the assault by Free State soldiers on two girls at Kenmare in September 1923 and also an issue of the

periodical *Éire*, 19 July 1924, relating to the army mutiny and referring to Harrington's role in the inquiry into the Kenmare incident.

65. Photocopy of letter from Kevin O'Higgins to W.T. Cosgrave, dated 17 VIII 1923, Niall C. Harrington papers, NLI, MS 40,629 /2. See also: Ó Caoimh, *Richard Mulcahy*, 185.
66. Ryle Dwyer, 'Decisive Leadership and Selflessness Saved the Nation After the Army Mutiny', *Irish Examiner*, March 4, 2014, <https://www.irishexaminer.com/viewpoints/analysis/decisive-leadership-and-selflessness-saved-the-nation-after-the-army-mutiny-260714.html> (accessed February 20, 2020).
67. Ernest Blythe, Military Archives, Dublin, BMS WS 939, 182.
68. See Connolly, 'Towards an Understanding' for a full discussion.
69. Connolly, 'Hair Taking'. 'Girls Painted Over Shocking Kerry Outrages', *Irish Independent*, August 14, 1922 reported that six young ladies in Killarnety known to have sympathy with the irregulars had their bodies painted with green paint by armed and masked men. Brigadier O'Daly 'promised to mete out extreme measures to the culprits.'
70. Price, 'Bloodbath to Whitewash'.
71. Ó Caoimh, *Richard Mulcahy*, 156.
72. Knirck, *Afterimage of the Revolution*, 87. Hugh Kennedy served as the first Attorney General of Ireland from 31 January 1922 to 5 June 1924 and subsequently was a Judge of the Supreme Court and the first Chief Justice of Ireland (24 June 1924 to 1 December 1936).
73. Knirck, *Afterimage of the Revolution*, 85–6.
74. Price, *We Bled Together* and Knirck, *Afterimage of the Revolution*.
75. Ó Caoimh, *Richard Mulcahy*, 187.
76. Nicola Henry, *War and Rape: Law, Memory and Justice* (London: Routledge, 2010), 3.

## Acknowledgements

I would like to thank Dr Andy Bielenberg, Dr John Borgonovo, Edel Doherty and the Doherty family, Frank Fagan, Eleanor Hooker, and the Military Archives, Dublin, for their support with this research.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## Notes on contributor

*Linda Connolly* is Professor of Sociology and the Director of the Maynooth University Social Sciences Institute.