

Gendering postcolonial penalty: The religious detention of women in Ireland

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journals.sagepub.com/home/tcr**Lynsey Black** 

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Abstract

The role of religion was pivotal in shaping how women were punished in postcolonial Ireland. The new state used the Catholic Church to establish a separate system of confinement, a shadow penal regime for women, which drew its inmates from within a newly recognized threat to the nation. Drawing on Mark Brown's work on the ways in which postcolonial states can replicate the repression of colonialism, the article suggests that under an increasingly morally authoritarian state, women perceived as sexually promiscuous found themselves in systems of religious control. This article explores the 'how' and the 'why' of this, examining the intersection of state and religious control through the cases of women convicted in the courts and sent to religious detention. I argue for the necessity of a gendered lens in postcolonial penalty, and for consideration of the conditions of postcolonial nation formation in shaping punishment.

Keywords

Catholic Church, gender, Ireland, Magdalen laundries, mother and baby homes, postcolonial penalty, punishment, religion, sexuality

Introduction

This article contributes to our understanding of postcolonial penalty, bringing in gender to analyse the case of Ireland.¹ The analysis demonstrates how postcolonial penalty is contingent on the emerging structure of the new nation. In the Irish case, reflecting the power of the Catholic Church on independence in 1922,² postcolonial nation formation

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saw a gendered power to punish partially ceded to non-state, religious bodies. That thousands of Irish women were confined in religious institutions through the 20th century is something we know from decades of activism; Black and Ring (2023: 18) describe this part of Ireland's history as 'infamous'. Institutionalization had become the dominant official response to perceived female immorality on independence (Smith, 2004). The overwhelming majority of the confined women had been convicted of no crime, while a minority only were sent to these sites from the criminal justice system.

The article offers a 'how' and a 'why' to that process. It explores the 'how' for women convicted in the courts and sentenced to spend time in a religious home, whereby the criminal justice system explicitly intersected with religious control for this group. In exploring the 'why', the article argues that these women represented a threat to the new state, inherent in their sexually risky and dangerous bodies that betrayed the idea of the new pious and Catholic Ireland. This threat was also inherent in the many thousands of 'non-offending' women who found themselves similarly confined. Brown (2017) has suggested that once former colonies achieve independence, repressive coercion is often directed at a new 'domestic' enemy. In Ireland's case, a threat was identified in the bodies of 'immoral' women and girls (Fischer, 2019). Post-independence policymakers attempted to impose more traditional gender roles, something that the scholarship on postcolonial nation formation has documented as 'emasculated' former colonies seek to re-assert power (Nandy, 1983). At independence, particularly when new governments come to power allied with religion, the position of women can be vulnerable (Loomba, 1998; Scott, 1986). This interplay of gender, religion and postcolonial nation formation was pivotal in shaping how women were punished in Ireland, as the new state relied on the Catholic Church to establish a separate system of confinement. In short, the article will show how the criminal justice system, with state and Catholic Church co-operating, fostered new ideologies of punishment.

The argument draws on extensive archival research, bringing an empirical case to emerging theoretical work on 'peripheral' penalty, as advocated by Sozzo (2023). Taking the period 1930–1949, the article examines how women were punished through investigation of the 178 women prosecuted for murder in these 20 years. The article specifically draws on records from the National Archives of Ireland (NAI). The State Books for the Central Criminal Court (SBCCC) and State Files for the Central Criminal Court (SFCCC) provided information on the legal cases. The Irish Newspaper Archives and *Irish Times* digital databases included extensive press coverage of cases, including arguments on punishment espoused by judges and barristers, discussions generally not captured by state archives. Archival material from the Dublin Diocesan Archive provided context on how the use of religious homes was viewed by church and state figures.

The article focuses on cases where women were convicted of lesser offences rather than the original capital charge, such as manslaughter or concealment of birth, and in which the judge had discretion in punishment. There were 125 such cases and in over half (71) of those cases, confinement in a religious home was the punishment. Analysis of these cases demonstrated the particular profile of these 71 women, the overwhelming majority of whom were viewed as sexually promiscuous and in need of moral reform. These cases typically involved young unmarried women who had killed their

infants, whose illegitimacy largely informed sentencing decisions. Immorality was identified as a serious social problem in post-1922 Ireland. Prominent figures, in government and the Church, feared that a moral degeneracy had corrupted Ireland, a decline in virtue and discipline that they attributed to the evil influences of modern culture and the effects of the years of revolutionary violence (Finnane, 2001).³ Of particular concern to government and religious actors were illegitimate pregnancies (Luddy, 2001). Lee (1989) claimed that the post-independence governments were obsessed with sex, but Smith's (2004) slight amendment that they were actually obsessed with 'visible' sex can explain the preoccupation with the visibility of pre-marital sex. 'Illegitimacy' was considered so damaging that an institutional response was required. Earner-Byrne (2007: 224) concluded that the unmarried mother 'revealed the conditional nature of female citizenship' in Ireland. While sex outside marriage was not actually criminalized in law, these women *were* viewed as a deviant population in need of control (Garrett, 2016). In religious homes, they joined the many other 'non-offending' women similarly confined.

The article first explores postcolonialism and Catholicism, two key frames of understanding what happened in Ireland. Following this, the Irish landscape of women's religious detention is presented, which foregrounds the intensity of these practices. Ireland's 20th-century history is then contextualized by reference to international examples and an argument is made, not for singularity or exceptionalism, but for a position on a spectrum that sees Ireland as extreme and authoritarian in its pursuit of moral regulation. The article then turns to an analysis of the period 1930–1949 in which the trends in women's punishment outline how, in practical terms, religious infrastructure intersected with the criminal justice system. This analysis explores the trends in punishment and examines the limits of religious homes as penal sites. In sum, I discuss how the emasculation of colonialism can lead independence governments to reimagine women's position as public citizens. In the Irish case, postcolonial nation formation and the role of the Catholic Church within this process saw new forms of gendered penalty emerge that sought to contain a perceived threat to the new state.

Postcolonialism and Catholicism

Postcolonialism is a critical perspective concerned with 'the continuing cultural and political ramifications of colonialism in both colonizing and colonized societies' and in 'making connections between that past and the politics of the present' (Young, 2016: 6). Postcolonialism has offered ways of theorizing penalty, such as its insistence on the violence of the colony (Sherman, 2009). However, colonial techniques are not discarded at independence. Discussing Global South postcolonial states, Fonseca (2018: 63) found that 'structures of social control in these peripheral areas have always resorted to a high level of state violence against marginalized sectors of the population'. In the postcolony, marginalization and exclusion of the 'exotic other' (Fonseca, 2018: 62) persisted. In Ireland, this exotic other was imagined in the person of suspect women who contravened the boundaries of sexual morality.

This article positions the Irish state's partial delegation of female punishment to the Catholic Church within a postcolonial framing, in which the colonial techniques of Othering, marginalization, exclusion and control were deployed against those identified

as a threat to the new state. The colonial desire to defend ‘against chronic and intransigent forms of destabilizing social disorder’ (Brown, 2002: 411) persisted. This transformed Irish punishment regimes, evident in the use of religious homes for women, particularly those whose sexuality posed a threat. The use of religious homes has previously been theorized as paternalism (Black, 2018); an ideology of power that holds one population inferior in rationality. This dynamic mirrors late 19th-century discourse in which the ‘burden’ of empire entailed “‘looking after” those who were civilisationally underdeveloped’ (Loomba, 1998: 217). Said (1979) argued that colonizers produced the colonial ‘Other’ as a people in need of containment and control. As Brown (2017) suggested, the postcolonial state frequently turned repressive mechanisms against internal threats. The forms of this repression are dependent on the form that the new state assumes. In Ireland, the post-independence power of Catholicism informed how such repression manifested. While ‘crime’ was dealt with by the state’s formal criminal justice system, the punishment of (female) ‘sin’, in the guise of extra-marital sexuality and illegitimacy, was often delegated to the Church, which was tasked with the containment and control of this problem population.

I argue that on independence, the state perceived two existential threats, the ongoing risk of subversive violence, and the moral risk inherent in the bodies of women. Evidence for these matters can be seen in the legislative priorities in the early decades post-independence. To combat Republican political violence aimed at the fledgling state, a succession of Emergency measures was passed, including, most notoriously (and still in existence) the creation of a non-jury Special Criminal Court (Coen, 2021). Between 1922 and 1948 alone, there were seven measures providing for internment without trial for political subversives (Ó Longaigh, 2006). The other existential threat on independence, in the eyes of policy-makers and clerics, was immorality and illegitimacy. In 1922, while women attained legal equality with men in the right to vote, new legislative measures quickly established their inferior legal status, erasing them as ‘public’ citizens. The Juries Act 1927 automatically restricted women’s access to serve on juries (until 1976). Government also passed a series of laws that targeted immorality, including relating to censorship, alcohol and dance halls, and the banning of contraceptives and divorce (Crowley and Kitchin, 2008). Women were reconfigured as persons without a public identity. These moves were in keeping with the newly imagined state as Catholic. As Valiulis (1995) argued, while the state struggled to suppress political enemies, it *could* control women. However, the moral threat was one to be dealt with by religious rather than state actors, demonstrating how the nascent form of the postcolony dictates the penal landscape that emerges.

While Davis and Gibson-Light (2020) examined postcolonial penalty through 21st-century incarceration rates, Ireland would register no effects under this approach. In Ireland, ‘a generous longitudinal focus’ is needed (O’Donnell and O’Sullivan, 2020: 1), which encompasses the high levels of institutionalization post-1922, or ‘coercive confinement’, which reached a peak at mid-century (O’Donnell and O’Sullivan, 2020; O’Sullivan and O’Donnell, 2007, 2012). Critically, the Catholic Church was pivotal in the development of both this institutionalization and the postcolonial Irish criminal justice system. Brangan (2021) identified Ireland’s distinctive pastoral penal culture, rooted in Catholicism and conservatism. This ethos pervaded probation too, which was characterized by the role of religious organizations (Healy and Kennefick, 2019; McNally, 2007).

The importance of religion in the provision of key areas of social policy occurred for a number of reasons. The Church promoted the view that the state should delegate these responsibilities to charitable organizations. However, the financial pragmatism inherent in outsourcing these functions was also attractive and necessary for a new state that faced considerable economic pressures. The delayed development of a welfare state in Ireland can be traced to these forces, and the failure of a robust 'left' to emerge in the post-civil war politics that dominated the 50 years post-1922 (Powell, 2017). The influential status of the Catholic Church on independence was a position that had emerged through the 19th century, ensuring that 'the terms Catholic and Irish were virtually synonymous' (Ó Corráin, 2018: 726). On independence, the Church held considerable power, not least because of its extensive institutional network (in health, education and welfare) (Barr, 2018). The Church offered 'continuity, stability and an extensive organizational infrastructure' (Ó Corráin, 2018: 731), which the new state allowed to extend without interference until the 1960s, for prudent financial reasons as well as more theological considerations. This period saw Catholic social teaching infuse government policies in matters relating to the family and morality.⁴ As Ferriter (2009: 6) writes: 'There is little doubt that there were many Irish politicians during the twentieth century who saw themselves as Catholics first and legislators second, and that this influenced their stance on issues of sexual morality.' This culminated in the provisions of the 1937 Constitution, which enshrined 'the special position' of the Catholic Church and women's place 'in the home' (Valiulis, 1995). Ireland's postcolonial positioning was explicitly predicated on its Catholicism, in contradistinction to English Protestantism (Ingليس, 2005).

The intersection of state and religious control: Reviewing the institutional and legislative landscape

The term 'religious home' is used for a number of institution types, some of which were Magdalen laundries, others were Mother and Baby Homes. Still others were neither. Ireland's first Magdalen institution opened in Dublin in 1765. At first, the laundries were lay Protestant institutions for women in prostitution. These institutions were not initially carceral, instead offering sites of temporary refuge (Luddy, 2007). Post-1922, they became increasingly used for the detention of sexually 'wayward' women and girls. Post-1922 also, these religious homes became more common as sites of punishment following conviction (Brennan, 2013; Rattigan, 2012; Smith, 2004, 2007). The McAleese Report (2013) estimated that the criminal justice system accounted for 8.1% of entries to laundries,⁵ as they became 'long-term, punitive institutions, driven by a quest for retribution and repentance' (Crowley and Kitchin, 2008: 366). Common practices such as hair-cutting, the imposition of new names, work without pay, regimes of silence and prohibition of communication with the outside world offer evidence of their punitiveness. Their use peaked at mid-century and, following a gradual decline, Ireland's last laundry closed in 1996. Mother and Baby Homes were a deliberate post-independence policy. There is also evidence that the Mother and Baby Homes were punitive, with shockingly high levels of infant mortality (Goulding, 1998; MBHCOI, 2020). The Homes were a prong in a system that catered to women who had children outside of

marriage; these institutions were run by religious orders or lay religious groups. Other religious homes feature among the cases of women herein. One in particular is Our Lady's Home, Dublin, a convent operated by the Sisters of Charity of St Vincent de Paul. In the 1930s and 1940s it was used as a place for sentenced women, women on remand and post-release from prison.

The ways in which religious homes were integrated into Irish criminal justice was piecemeal and informal. However, some legislative underpinning did exist. Women entered religious homes from the criminal justice system as a requirement of a suspended sentence, on probation, on remand, as temporary placements by Gardai (Irish police) and following early release from prison. There was occasional criticism of this patchwork legal framework, and the 1936 Cussen Report had recommended legislation (the Criminal Justice (Female Offenders) Bill 1942 was never enacted). The report (1936: 48) identified the rationale for religious detention, while outlining the issues:

Judges and Justices are reluctant to commit young girls to prison, but they have no legal power to order their detention otherwise. The difficulty is usually overcome by sending the offender to a Home conducted by a Religious Order, provided the girl consents to go there, and the Home agrees to accept her.

Of the cases herein, women entered religious homes as a requirement of a suspended prison sentence or probation. The Irish Human Rights Commission (2010) suggested that this element of 'choice' smoothed a lack of statutory underpinning. The mesh of provisions underpinning religious detention was partial. It never provided absolute cover for the use of these sites in the manner in which they were used, and the statutes that existed belied their discretionary use. Power differentials between the women and the Church/state also ensured that coercive measures were enacted that were not fully understood by women, and which they were not in a position to resist. Further, while many criminal justice actors publicly expressed their opinion that religious homes represented a 'lenient' alternative to prison, this is contradicted by the evidence and by women's experiences as inmates in these institutions.

The aspirations for the coercive power of religious detention were clearly outlined in a 1941 letter from the Department of Justice to the Catholic Archbishop of Dublin, John Charles McQuaid (Dublin Diocesan Archives, AB8/b/XXVIII/1160, letter from the Department of Justice to Archbishop McQuaid, 21 February 1942).⁶ The Department elaborated its hope that an institution be established for:

girls against whom no specific offence could easily be proved but as regards whom the Court would be satisfied that they were leading a kind of life which if not actively and definitely immoral was bound to end up as such unless they were placed under restraint.

The letter expressed the hope that the state would permit (and religious orders operate) a gendered system of preventive detention for women not criminally convicted but considered immoral. Although this proposal was not officially introduced, this was, in effect, the system that was created. Ireland's network of coercive confinement operated within

informal and highly discretionary decision-making structures that denied women legal autonomy.

Contextualizing the Irish case

The willingness of Irish criminal justice actors to place criminalized women under religious control must be understood in the context of the very high rates of institutionalization more generally in post-independence Ireland (O'Donnell and O'Sullivan, 2020; O'Sullivan and O'Donnell, 2007, 2012). Beyond institutions specifically for women, this included psychiatric hospitals, county homes (former workhouses), industrial and reformatory schools for children, and prisons. Religious organizations were involved in the operation of many of these sites. Explaining Ireland's intensive use of institutions post-1922, O'Sullivan and O'Donnell's (2007, 2012) 'coercive confinement' thesis identified familial and community acceptance of institutionalization.

While none of the institutions for women were uniquely Irish, the peculiarity lies in their intensity of use post-1922 (O'Donnell and O'Sullivan, 2020). Looking beyond Ireland, there were over 300 Magdalen institutions in England by 1898 but this number began to drop in the early 20th century (Finnegan, 2004). Enright (forthcoming), who investigated the use of religious homes in England from the 1930s to the 1950s, notes the different penal landscape there, where a more diverse range of institutions existed, while in Ireland religious homes had the monopoly. Croll (2019) has also suggested that Ireland's reliance on these sites persisted after their use had waned elsewhere. Rattigan (2012), comparing Northern Ireland with Ireland, found a significant divergence in patterns post-1922, with Irish reliance on religious homes increasing while the reverse happened in Northern Ireland.⁷ Frustrating the comparative project, there is limited international research on the use of religious institutions for women in the 20th century. Writing on 19th-century Scotland, Thor (2019) contrasts the literature on the Irish laundries to the dearth of international work for the later period. While their use appears to have dwindled elsewhere through the 20th century, the Irish example saw extraordinary increases, reaching a peak in the 1950s and continuing for decades even after this point.

Ireland's reliance on religious confinement for women recalls the historical tendency to place women within religious and moral control. Such cases are evident in the reform movements that influenced regimes in women's prisons in Britain and the USA (Rafter, 1983; Zedner, 1994). In the USA, Jones and Record (2014) have argued that laundries should be considered as the first separate prisons for women. The Irish case also finds intriguing international comparators in other historically Catholic nations such as Peru and Italy. In Peru, nuns assumed responsibility for the management of women in newly established women's prisons until the first state-operated facilities opened 1951 (Aguirre, 2003, cited in Boutron and Constant, 2013). In Italy, Gibson (2009) found that religious sisters assumed direct control of women prisoners until well into the 20th century.

Discussing the extraordinary rates of Irish women's institutionalization at mid-century, some existing scholarship has sought to explore the question of why such gendered forms of coercive confinement flourished. Smith (2004) emphasized the threat of

female sexuality in Ireland's 'architecture of containment', Crowley and Kitchin (2008) framed it as biopower, Fischer (2016) foregrounded 'shame' and nation formation, while Black and Ring (2023) proposed it as an example of state-perpetrated gendered violence. These explanatory frameworks all touch on themes of gender, shame, sexuality, control of reproduction and incapacitation. Many of these conceptualizations frame the issue as one of perceived threat. Crucially, these sites were an essential tool in postcolonial nation formation, criminalizing non-offending women (Garrett, 2016) while also acting as sites of confinement for convicted women. The particular social, political and economic climate was critical in underpinning the dominance and proliferation of women's religious confinement. Many societies in these same years also experienced concerns regarding the perceived slipping of moral standards. As Whyte (1980) argued, Ireland was not an outlier, but was at one extreme on the continuum of moral regulation. Ireland was not the only nation that experienced backlash politics following the devastation of the First World War (mentioned by Fischer, 2016, and see also Bingham, 2004, on the case of Britain).⁸ However, as Inglis (2005) has argued, the Irish clampdown on sexual transgression was more total. In Ireland, the first wave of the women's movement had made fewer inroads and there remained a dearth of transgressive counter-discourses (Inglis, 2005). Instead, a strict morality prevailed, which was pursued by increasingly morally authoritarian governments that valorized Irish womanhood within discourses of marriage, motherhood and purity.

Religious homes as sites of punishment, 1930–1949

One hundred and seventy-eight women were prosecuted for murder in Ireland from 1930 to 1949, a period that saw the Irish 'crackdown' on immorality reach its apogee (Smith, 2004). This section focuses on the sentencing and punishment of women in these cases where they were ultimately convicted of a lesser offence and in which judges had sentencing discretion.⁹ There were 125 such cases, and in 71 of these, a period of detention in a religious home was the punishment.¹⁰ As elaborated by Tata (2020), sentencing is undertaken by more than judges, encompassing police, probation, lawyers and others. These actors inhabit 'a world of shared meanings, routine short-hand, cues and codes' (2020: 147) in which certain pathways become established (such as the resort to religious detention). As scholars of gender and punishment have long known also, the offence for which a woman is convicted can be displaced in importance when punishment is being considered. Concepts such as chivalry and double deviance have been used to explore, on the one hand, perceptions that women are sentenced more leniently *because* they are women, and, on the other hand, the alternative proposition that women are treated more harshly by contravening their gender *and* the law (Allen, 1987/1998; Carlen, 2002; Heidensohn, 1996). Inevitably, the reality of such competing approaches creates 'complex and individualised' outcomes (Heidensohn and Silvestri, 2012: 351). In the present case, evidence for both chivalry and double deviance are present, albeit not in straightforward ways. As Black (2022: 265) noted:

the professed desire throughout to favour what was viewed as 'lenient' sentencing for women, notably the preference for religious detention over imprisonment, offers a more complicated way of thinking about what 'deviance' looks like, and how punitive 'Othering' responses can be couched in language which obscures severity.

Sentencing outcomes for women were heavily influenced by their marital status and whether the case involved an illegitimate infant. The great majority of victims were infants; across 178 women, there were 171 victims, 153 of whom were aged less than one year old and were, overwhelmingly, born to unmarried women. Of 71 women sentenced to spend time in religious homes, all but four were unmarried and had been prosecuted for the murder of their illegitimate infant. Two women who were separated from their husbands were also sentenced to spend time in a religious home, suggesting that marriage was protective only as long as it remained intact.¹¹ One woman who was prosecuted for her part in the killing of her sister's infant was sent to a religious home. This was the 1949 case of Nan Maher; the deciding factor appears to have been that 17-year-old Nan was herself pregnant and unmarried at trial (SFCCC, 1D-51-5, Prison Medical Officer Report, 28 June 1949). Kate Reilly was the only married woman, still living with her husband, who was sent to a religious home. Reilly had pleaded guilty to the manslaughter of her two-year-old child in 1937, and an argument for mental disturbance was reflected in sentence (Anglo-Celt, 1937). Although no formal finding of insanity was made, Reilly's sentence represented a further use for the definitionally ambiguous religious home.

While marital status was not an absolute, it *was* a key determinant in sentencing. In nine cases in which unmarried women were convicted of the manslaughter or concealment of birth of illegitimate infants, they received atypically light sentences. These were cases in which the judge had been informed about the women's recent or impending marriage.¹² Generally, these women gave an undertaking to keep the peace and were discharged. In the 1931 case of Mary Hanley, her solicitor forwarded evidence of her marriage with the comment, 'I take it that this ends the above matter' (SBCCC, 1D-33-68, November 1927 to June 1935, letter from Hanley's solicitor to the County Registrar, 11 August 1931). A newspaper headline in the 1937 case of Margaret Stokes proclaimed: 'Court offer of marriage accepted: woman released' (*Irish Press*, 1937a). Women who were no longer a sexual threat were returned to the hastily established marital home, while unmarried women were confined to religious homes.

The profile of women sent to prison was much more heterogenous, including more women who were married or widowed, and women prosecuted for killing children that were not their own. The preference for religious detention over imprisonment reflected shifting trends in the punishment of women in Ireland. While in the 1850s, Ireland had high numbers of imprisoned women, by mid-20th century this had reversed (Quinlan, 2011). Alongside falling numbers of women being convicted, the closure of women's prisons reflected deliberate decision making by criminal justice actors who chose alternative sites of confinement for offending women. A 1941 memorandum by probation officer EM Carroll outlined the thinking on this (Dublin Diocesan Archives, AB8/b/XXVIII/983):

Apart from the fact that punishment—an essential element in criminal reform—is imposed, that the public is safeguarded and the girl deprived of her liberty, there is little advantage to the State in sentencing a girl to a term of imprisonment under our existing system, for the system is lacking in fundamentals.

Carroll cited prison's lack of capacity to 'reform', alongside the risk of influence from 'hardened offenders "doing time"'. It is instructive to consider which women *were* sent to prison, those convicted for drunkenness, larceny, soliciting, assault, malicious injury to property, begging and vagrancy, a cohort that was characterized by high recidivism rates (Quinlan, 2011). This was the 'hardened' prisoner profile referenced by probation officer Carroll.

The threat to the nation, of sexual immorality and illegitimacy, was found in the bodies of young women of the working and labouring classes. 'Sex' was the morally blameworthy action, and it was policeable according to class. Despite Catholicism's professed non-interference in the family (Daly, 2006), marginalized women and families experienced significant state and Church intervention in matters of morality. It was hardly surprising that when it came to the bodies of morally suspect women, the Church would play a significant role in their control. For the women whose offences were deemed more 'sexual' than 'criminal', they were fitting subjects for religious control rather than state control, better off in the religious home than the prison. As such, the courts delegated the punishment of these women to religious bodies. The state may have placed women into religious detention, but even when explicitly sent by the courts, the women entered a closed regime in which deference to religious orders often dictated their eventual release (for those who *were* released) and entirely dictated the terms and conditions of their detention.

Perceived leniency and the limits of religious homes as sites of punishment

How were religious homes conceptualized within Irish criminal justice? Judges routinely positioned these sites as more lenient than prisons. However, the realities of confinement complicate this perception. On Bridie McNamee's conviction in 1935, her barrister asked the judge to consider a religious home over imprisonment. For the defence, a religious home was a less severe sentence. Despite entreaties otherwise, however, the judge passed a sentence of three months' imprisonment (*Weekly Irish Times*, 1935). In practical terms, the short prison term was likely the more lenient, given the lengthier and indeterminate stays in the religious homes. In some cases, newspaper reporting suggested that women sent to religious institutions received no punishment. In Margaret Murphy's case a headline proclaimed, 'Limerick girl freed' (*Irish Press*, 1937b), despite a sentence of 12 months in Our Lady's Home.

The conception of homes as lenient mirrored a view of prison as corrupting. In the 1938 case of Bridget Dinan, she was visited while on remand by nuns from the Sisters of Charity in Cork. Writing to the Department of Justice, a nun wrote that 'our Sisters who visit the jail every Sunday have met this young person' (SBCCC, 1D-11-92, November 1933 to 22 April 1941, letter dated 2 December 1938). The letter urged that Bridget be sent to the convent because of the presence in prison of 'another much older woman there also whose example and conversation would have a very bad effect'. The judge duly sent her to the laundry (*Irish Times*, 1938).

This perceived leniency of religious homes was somewhat elusive, as women entered a separate system of gendered control. Contemporary evidence demonstrated the extent to

which religious homes were sites of stigma (Murray, 1995). Luddy (2007: 120) writes that through the 1920s and 1930s, prominent Catholic priests acknowledged that many women would rather enter prison than a laundry. For one, the time periods were more ambiguous than suggested. In Bridget Dinan's case (SBCCC, 1D-11-92, November 1933 to 22 April 1941), the convent's superioress confirmed their willingness to accept the prisoner and added 'we will do our best to keep her in safety even after her time has expired' (letter pinned in State Book, 2 December 1938).

Women's 'agreement' to enter religious homes is challenged by one case in particular. Margaret Moore's experience offers an example of the complexity of using religious homes as sites of punishment, and of their 'fitness' as alternatives to prison (SFCCC, V5-2-8, Dublin City and County, 1938). In 1938, Margaret was convicted of the manslaughter of her infant. She received a 12-month sentence, suspended if she entered St Patrick's Refuge, a Magdalen laundry, for two years. The details of 20-year-old Margaret's case revealed a life of vulnerability. Her uncle was the father of the infant victim and had received a sentence of six months' imprisonment. On his early release from prison, he called on Margaret at St Patrick's and, although he was not admitted, she was upset that her uncle was free while she remained confined. She became so unsettled, the nuns had her removed temporarily to a mental hospital. However, a more intractable problem was that Margaret now no longer wished to spend two years in *any* laundry, and asked whether she could instead serve the 12 months' imprisonment. Probation officer Carroll asked that the term of detention in a laundry be reduced from two years to 12 months, to make it a less daunting prospect. At the same time, Carroll also expressed her view that 'there might be a chance of holding on [to] the girl at the end of that time for a further period' (SFCCC, Dublin 1938, V5-2-8, letter from Carroll to Circuit Court Office, 30 September 1938), indicating an expectation that women would be kept beyond the expiration of sentence.

The case of Nora Hannigan likewise demonstrated the informal and coercive nature of religious detention. Nora was convicted in 1931 and sentenced to two years in Donnybrook laundry (SBCCC, 1D-33-68, November 1927 to June 1935). While there, Nora was accused of 'endangering the life' of another inmate, and the religious order directed that she be removed 'without delay'. Nora was first transferred to another laundry. Her original sentence was amended to stipulate that she spend two years in Gloucester Street, from the date of the amendment. In practical terms, Nora was to spend an additional 10 months in a laundry. However, the judge also included a suspended sentence of two years' imprisonment. Three months later, Nora was again before the courts for breaching the peace. This time, the term of imprisonment was imposed. However, her imprisonment would run from the *original* date of sentence. Nora's case demonstrates how the courts had the discretion to extend Hannigan's stay in the laundry, furthering that type of punishment, even as they did not have the same ability to extend a stay in prison beyond two years.

These cases highlight the differences between prisons and religious homes. Criminal justice actors believed that certain criminally convicted women should be detained within religious homes. These women, in common with the non-offending women also confined in these homes, were considered as something beyond 'criminal'. In these cases, the sin of sexual promiscuity (which was as broad a category as it was nebulous) categorized the

women as in need of control.¹³ The cases also interrogate the idea of religious homes as more lenient disposals, showing how illusory this was in practice. In many cases, the final say on release was in the hands of the religious order. Many sentences were, in effect, indeterminate. Some women were held for decades. Comparison of prison sentences and religious detention for similar offences shows that the prison sentences were on average shorter (Black, 2022). Further, women in prison found themselves in institutions subject to certain oversight mechanisms, however rudimentary. Each prison had an associated visiting committee (Rogan, 2022), and prisoners had access to the outside world through visits and letter-writing. Such avenues for oversight were not available to women in religious detention, particularly women in the closed regimes of the laundries. Instead, many religious homes represented places of intense exclusion and marginalization. Writing on whether 'the categories of human beings who are (mostly) not found in prisons have something in common', Melossi (2023: 1207) suggested that 'within prisons we find only those who are free members of the social contract' (2023: 1214). Probation officer Carroll (Dublin Diocesan Archives, AB8/b/XXVIII/983) cautioned that some religious homes expected lifelong detention. In religious sites of confinement, many women experienced a sentence of social death.

Conclusions: Gendering postcolonial penalty

This article has foregrounded the gendering of postcolonial penalty, conscious that the 'histories of both the colonized and the colonizer have been written from the male point of view' (Oyèwùmí, 1997: 121). The analysis urges consideration of gender and punishment, and how the conditions of the postcolonialism shape how states punish. On independence, coercive force is often directed at the domestic enemy. Brown (2017) observes that when the goal of the new state has been achieved, it is instructive to explore what the governing elites do next. In many cases, this includes repressive legal mechanisms targeted at groups deemed to be a threat. The identification of threats in the process of state formation shaped penalty for women in Ireland with many women serving out their punishments in religious homes. Certain patterns are suggested. Women viewed as sexually promiscuous were 'a feminised threat to the nation' (Fischer, 2019: 38), 'deserving of punishment and confinement' (Fischer, 2016: 827). Valiulis (1995) noted that while the 'real' enemies of the state (political subversives) were elusive, women were a satisfying substitute. Infant murder was an offence of morality, involving, as it overwhelmingly did, infants born to unmarried women. It was therefore more appropriately under the jurisdiction of the Church than the state. For this cohort, colonial techniques of Othering, marginalization, exclusion and control were used, most evident in the extensive use of semi-penal religious sites for both offending and non-offending women. This system of institutions served the same function when put to use for the women who had not been convicted of any offence, the incapacitation of a perceived threat.

In sexual matters, Crowley and Kitchin (2008: 367) believed that Irish citizens were 'implicitly held to be without maturity'. In some respects, the new state sought to govern as a colonial power, assuming an inferior status for some populations in need of control. Valiulis (1995: 124) finds many similarities between how post-1922 Irish

administrations defined Irish women and 'the stereotypes that the British had used to describe the Irish and other colonial people', evident in depictions of both groups as incapable of rationality and self-governance. British imperialism had defined the Other as a means of rationalizing control of an 'inferior' population.

Nandy (1983) outlined that colonization was, for the colonized peoples, a process of feminization. On independence, one tactical approach was for the new ruling (male) elite to assert themselves against this emasculation. This provoked rigidly policed gender roles, in which male and female were starkly differentiated. Ultimately, within the symbolic significance of 'Woman', for both colonialism and anti-colonialism, Loomba (1998: 218) writes that 'real women are granted limited agency'. In the postcolonial context, particularly when reinforced by religion, many new nations have curtailed women's rights. Although many anti-colonial movements flirted with egalitarianism, a bourgeois national liberation movement often assumed a form of ruling that was far from liberatory (Young, 2016). Both feminism and nationalist anti-colonialism were key movements in the early 20th-century Ireland, with many women simultaneously involved in both. However, nationalist anti-colonialism eclipsed feminism when independence was in the balance, as women were told in no uncertain terms to wait (Ryan, 2020); 'the colonial masters must first be gotten rid of' (Loomba, 1998: 224).

The tendency for postcolonial countries to maintain authoritarian techniques in response to 'threatening' populations has been observed by Brown (2017). Colonialism's justification of its power by reference to the 'inferiority' of colonized peoples was replicated on independence in many instances. Valiulis (1995: 124) convincingly demonstrated that post-independence, Irish lawmakers worked to 'portray women as dependent and childlike, incapable of assuming responsibility, of making decisions—the antithesis of the ideal of the Irish male citizen'. Scott (1986: 1072) has suggested that restrictive gender norms are typical of many post-revolutionary societies that seek to consolidate power:

emergent rulers have legitimized domination, strength, central authority, and ruling power as masculine (enemies, outsiders, subversives, weakness as feminine) and made that code literal in laws (forbidding women's political participation, outlawing abortion, prohibiting wage-earning by mothers, imposing female dress codes) that put women in their place.

Essential to structuring the new Irish, Catholic, state was a regime ordered by gender. The colonial history could not help but influence the postcolonial moment. As 'Nationalist elites began to emerge' (Fletcher, 2001: 570) they turned their attention to women. Crucially, the postcolonial moment is one of national precarity. At such a point, the postcolonial state adopted coercive measures to control groups that threatened this in what amounted to an exclusionary process of identity formation in which institutionalized women experienced a 'social death'.

Concluding, and echoing earlier calls for the inclusion of women in studies of punishment (Bosworth, 2000), this article argues for the necessity of a gendered lens in post-colonial penalty. Bringing gender into the research on postcolonial nation formation can provide an historically grounded foundation from which to reckon with questions of punishment. Such work can engage in a project of comparison that links Global North and South, past and present. The scholarship has suggested how newly

independent states can seek to reassert power after the emasculation of colonization. The position of women in such nations therefore offers a pivotal juncture at which to explore gender and punishment. Crucially, taking the historical perspective, postcolonial penalty can trace these developments to the present, revealing postcolonial framings in women's contemporary punishment regimes.

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Notes

1. Postcolonial penalty is a nascent field within criminology (Brown, 2017); within this, work on women's experiences of punishment is emerging (e.g. Bruce, 2022).
2. Ireland achieved independence from the United Kingdom in 1922 following an intense period of armed rebellion, which culminated in the War of Independence (1919–1921).
3. There is insufficient space to consider this point in depth here, but the Carrigan Committee of 1930–31 provides a clear snapshot of these fears (Finnane, 2001; Smith, 2004).
4. In 1926, 93% of the population were Catholics, rising to 95% in 1961 (Inglis, 1998).
5. The McAleese Report was a government-established committee that investigated state involvement with the laundries. It has been subject to serious criticisms (O'Rourke, 2017). Owing to the dearth of other information the report remains an important resource.
6. Archbishop of Dublin from 1940 to 1972, 'and the most powerful prelate of his generation' (Ferriter, 2009: 2).
7. Independence for Ireland coincided with the partitioning of the island of Ireland. Six counties in the north-east remained within the United Kingdom, becoming 'Northern Ireland'.
8. In this period, eugenics was gaining popularity elsewhere. In the USA, Simon (2020) has written on the sterilization of thousands of prisoners. The eugenics turn in the USA saw policy-makers segregate and control the 'unfit'. There is insufficient space here to consider the parallels with female segregation in Ireland, however there are intriguing overlaps that warrant further study.
9. Disposals for 178 women: murder and death sentence (10); penal servitude (6); imprisonment (18); religious detention (71); suspended sentence and/or give undertaking (26); discharged without punishment (4); insanity (7); acquittal (33), nolle prosequi (3).

10. Institutional disposals:

Magdalen laundries (41 in total): Gloucester Street/Sean McDermott Street, Sisters of Our Lady of Charity of Refuge, Dublin (10); High Park, Sisters of Our Lady of Charity of Refuge, Dublin (10); St Mary Magdalen's, Donnybrook, Sisters of Charity, Dublin (7); Good Shepherd Limerick (7); St Patrick's Refuge, Sisters of Mercy, Dublin (4); Good Shepherd, Cork (1); Sisters of Mercy, Galway (1); Sisters of Charity, Cork (1).

Mother and Baby Homes (four in total): Bethany Home (Protestant lay-run), Dublin (3); Sean Ross Abbey, Sisters of the Sacred Heart of Jesus and Mary, Tipperary (1).

Other: Our Lady's Home (25); Legion of Mary Hostel, Limerick (1).

11. Norah Browne pleaded guilty to the manslaughter of her infant in 1944. She had two older children but her husband had deserted her some years before the birth of her third child (SFCCC, Kerry and other counties 1944, 1D-42–47). Kathleen Ogal pleaded guilty to the manslaughter of her infant in 1942. She also had two older children who were living with their father, who had left his wife almost two years before the birth of her third child (SFCCC, Kilkenny and other counties, 1942, 1D-34-44).
12. This information was discovered from letters present in the State Books for the Central Criminal Court or from newspaper reporting. Two instances are given as illustration.
13. As Buckley (2011) noted, victims of incest also began to be confined in religious homes post-1922. The commonality between these cohorts was the 'taint' of sex.

References

- Allen H (1987/1998) Rendering them harmless: the professional portrayal of women charged with serious violent crimes. In: Daly K and Maher L (eds) *Criminology at the Crossroad: Feminist Readings in Crime and Criminology*. Oxford: Oxford University Press, 54–68.
- Anglo-Celt (1937) Butlersbridge tragedy. 6 November, p.12.
- Barr C (2018) The re-energising of Catholicism, 1790–1880. In: Kelly J (ed) *The Cambridge History of Ireland, vol. III*. Cambridge: Cambridge University Press, 280–304.
- Bingham A (2004) 'An era of domesticity'? Histories of women and gender in interwar Britain. *Cultural and Social History* 2(1): 225–233.
- Black L (2018) 'On the other hand, the accused is a woman': women and the death penalty in post-independence Ireland. *Law and History Review* 36(1): 139–172.
- Black L (2022) *Gender and Punishment in Ireland: Women, Murder and the Death Penalty, 1922–64*. Manchester: Manchester University Press.
- Black L and Ring S (2023) Historical gendered institutional violence: a research agenda for criminologists. *Journal of Contemporary Criminal Justice* 39(1): 17–37.
- Bosworth M (2000) Confining femininity: a history of gender, power and imprisonment. *Theoretical Criminology* 4(3): 265–284.
- Boutron C and Constant C (2013) Gendering transnational criminality: the case of women's imprisonment in Peru. *Signs* 39(1): 177–195.
- Brangan L (2021) Pastoral penalty in 1970s Ireland: addressing the pains of imprisonment. *Theoretical Criminology* 25(1): 44–65.
- Brennan K (2013) Punishing infanticide in the Irish free state. *Irish Journal of Legal Studies* 3(1): 1–35.
- Brown M (2002) The politics of penal excess and the echo of colonial penalty. *Punishment & Society* 4(4): 403–423.
- Brown M (2017) Postcolonial penalty: liberty and repression in the shadow of independence, India c. 1947. *Theoretical Criminology* 21(2): 186–208.

- Bruce LB (2022) *Prison in Peru: Ethnographic, Feminist and Decolonial Perspectives*. Cham: Palgrave Macmillan.
- Buckley S-A (2011) Family and power: incest and Ireland, 1880–1950. In: McElligott A, Chambers L, Breathnach C, et al. (eds) *Power in History: From Medieval to the Post-Modern World*. Irish Academic Press, 185–206.
- Carlen P (2002) *Women and Punishment: The Struggle for Justice*. Cullompton: Willan.
- Coen M (2021) *The Offences Against the State Act 1939 at 80: A Model Counter-Terrorism Act?*. Oxford: Hart.
- Commission of Inquiry into the Reformatory and Industrial School System 1934–1936 (1936) Cussen Report.
- Croll R (2019) *Shaped by Silence: Stories from Inmates of the Good Shepherd Laundries and Reformatories*. St John's, NL: Memorial University Press.
- Crowley U and Kitchin R (2008) Producing 'decent girls': governmentality and the moral geographies of sexual conduct in Ireland (1922–1937). *Gender, Place & Culture* 15(4): 355–372.
- Daly ME (2006) *Slow Failure: Population Decline and Independent Ireland, 1920–1973*. Madison, WI: University of Wisconsin Press.
- Davis AP and Gibson-Light M (2020) Difference and punishment: ethno-political exclusion, colonial institutional legacies, and incarceration. *Punishment & Society* 22(1): 3–27.
- Earnar-Byrne L (2007) *Mother and Child: Maternity and Child Welfare in Dublin, 1922–60*. Manchester: Manchester University Press.
- Enright M (forthcoming) 'Up with the Brave': Gender, Transgression and Judges' Use of Catholic Convents in England and Ireland, 1930–1959.
- Ferriter D (2009) *Occasions of Sin: Sex and Society in Modern Ireland*. London: Profile.
- Finnane M (2001) The Carrigan Committee of 1930–31 and the 'moral condition of the Saorstát'. *Irish Historical Studies* 32(128): 51–536.
- Finnegan F (2004) *Do Penance or Perish: A Study of Magdalene Asylums in Ireland*. Oxford: Oxford University Press.
- Fischer C (2016) Gender, nation and the politics of shame: Magdalen laundries and the institutionalization of feminine transgression in modern Ireland. *Signs* 41(4): 821–843.
- Fischer C (2019) Abortion and reproduction in Ireland: shame, nation-building and the affective politics of place. *Feminist Review* 122(1): 32–48.
- Fletcher R (2001) Post-colonial fragments: representations of abortion in Irish law and politics. *Journal of Law and Society* 28(4): 568–589.
- Fonseca DS (2018) Reimagining the sociology of punishment through the global-south: post-colonial social control and modernization discontents. *Punishment & Society* 20(1): 54–72.
- Garrett PM (2016) 'Unmarried mothers' in the Republic of Ireland. *Journal of Social Work* 16(6): 708–725.
- Gibson M (2009) Women's prisons in Italy: a problem of citizenship. *Crime, History & Societies* 13(2): 27–40.
- Goulding J (1998) *The Light in the Window*. Dublin: Poolbeg Press.
- Healy D and Kennefick L (2019) Hidden voices: practitioner perspectives on the early histories of probation in Ireland. *Criminology & Criminal Justice* 19(3): 346–363.
- Heidensohn F (1996) *Women and Crime*, 2nd edn. Basingstoke: Macmillan.
- Heidensohn F and Silvestri M (2012) Gender and crime. In: Maguire M, Morgan R and Reiner R (eds) *The Oxford Handbook of Criminology*, 5th edn. Oxford University Press, 336–369.
- Inglis T (1998) *Moral Monopoly: The Rise and Fall of the Catholic Church in Modern Ireland*, 2nd edn. Dublin: UCD Press.
- Inglis T (2005) Origins and legacies of Irish prudery: sexuality and social control in modern Ireland. *Éire-Ireland* 40(3–4): 9–37.

- Irish Human Rights Commission (2010) Assessment of the Human Rights Issues Arising in Relation to the 'Magdalen Laundries'.
- Irish Press* (1937a) Court offer of marriage accepted: woman released. 3 March.
- Irish Press* (1937b) Limerick girl freed. 5 November.
- Irish Times* (1938) Girl promises to go to Cork Convent. 7 December.
- Jones M and Record L (2014) Magdalen laundries: the first prisons for women in the United States. *Journal of the Indiana Academy of the Social Sciences* 17: 166–179.
- Lee JJ (1989) *Ireland 1912–1985: Politics and Society*. Cambridge University Press.
- Loomba A (1998) *Colonialism/Postcolonialism*. London: Taylor & Francis Routledge.
- Luddy M (2001) Moral rescue and unmarried mothers in Ireland in the 1920s. *Women's Studies* 30: 797–817.
- Luddy M (2007) *Prostitution and Irish Society, 1800–1940*. Cambridge: Cambridge University Press.
- McAleese Report (2013) *Inter-Departmental Committee to Establish the Facts of State Involvement with the Magdalen Laundries*. Dublin: Department of Justice and Equality.
- McNally G (2007) Probation in Ireland: a brief history of the early years. *Irish Probation Journal* 4: 5–24.
- Melossi D (2023) Servitude for a time: from the permanent slavery of the unfree to the slavery pro tempore of the free. *Punishment & Society* 25(5): 1207–1232.
- Mother and Baby Home Commission of Investigation (2020) Final Report. Department of Children, Equality, Disability, Integration and Youth.
- Murray P (1995) A militant among the Magdalens? Mary Ellen Murphy's incarceration in High Park convent during the 1913 lockout. *Irish Labour History Society* 20: 41–54.
- Nandy A (1983) *The Intimate Enemy: Loss and Recovery of Self under Colonialism*. Oxford: Oxford University Press.
- Ó Corráin D (2018) Catholicism in Ireland, 1880–2015: rise, ascendancy and retreat. In: Bartlett T (ed) *The Cambridge History of Ireland, vol. IV*. Cambridge: Cambridge University Press, 726–764.
- O'Donnell I and O'Sullivan E (2020) 'Coercive confinement': an idea whose time has come? *Incarceration* 1(1): 1–20.
- Ó Longaigh S (2006) *Emergency Law in Independent Ireland, 1922–1948*. Dublin: Four Courts Press.
- O'Rourke M (2017) NGO Submission to the UN Committee Against Torture. Justice for Magdalenes Research.
- O'Sullivan E and O'Donnell I (2007) Coercive confinement in the Republic of Ireland: the waning of a culture of control. *Punishment & Society* 9(1): 27–48.
- O'Sullivan E and O'Donnell I (2012) *Coercive Confinement in Ireland: Patients, Prisoners and Penitents*. Manchester: Manchester University Press.
- Oyèwùmí O (1997) *The Invention of Women: Making an African Sense of Western Gender Discourses*. Minneapolis, MN: University of Minnesota Press.
- Powell F (2017) *The Political Economy of the Irish Welfare State: Church, State and Capital*. Bristol: Policy Press.
- Quinlan C (2011) *Inside: Ireland's Women's Prisons: Past and Present*. Newbridge: Irish Academic Press.
- Rafter N (1983) Prisons for women, 1790–1980. *Crime and Justice* 5: 129–181.
- Rattigan C (2012) 'What Else Could I Do?': *Single Mothers and Infanticide, Ireland, 1900–1950*. Newbridge: Irish Academic Press.
- Rogan M (2022) Histories of penal oversight. In: Black L, Brangan L and Healy D (eds) *Histories of Punishment and Social Control in Ireland*. Emerald, 225–240.

- Ryan L (2020) Nationalism and feminism: the complex relationship between the Suffragist and Independence movements in Ireland. In: Connolly L (ed.) *Women and the Irish Revolution: Feminism, Activism, Violence*. Irish Academic Press, 17–32.
- Said E (1979) *Orientalism. First Vintage Books Edition*. New York: Vintage.
- Scott JW (1986) Gender: a useful category of historical analysis. *The American Historical Review* 91(5): 1053–1075.
- Sherman TC (2009) Tensions of colonial punishment: perspectives on recent developments in the study of coercive networks in Asia, Africa and the Caribbean. *History Compass* 7(3): 659–677.
- Simon J (2020) ‘The criminal is to go free’: the legacy of eugenic thought in contemporary judicial realism about American criminal justice. *Boston University Law Review* 100(3): 787–815.
- Smith J (2004) The politics of sexual knowledge: the origins of Ireland’s containment culture and the Carrigan report (1931). *Journal of the History of Sexuality* 13(2): 208–233.
- Smith J (2007) *Ireland’s Magdalen Laundries and the Nation’s Architecture of Containment*. Notre Dame, IN: University of Notre Dame Press.
- Sozzo M (2023) Reading penalty from the periphery. *Theoretical Criminology* 27(4): 660–675.
- Tata C (2020) *Sentencing: A Social Process*. Cham: Palgrave.
- Thor J (2019) Religious and industrial education in the nineteenth-century magdalene asylums in Scotland. *Studies in Church History* 55: 347–362.
- Valiulis M (1995) Power, gender, and identity in the Irish free state. *Journal of Women’s History* 6(4)/7(1): 117–136.
- Weekly Irish Times* (1935) Infanticide cases in Dublin. 23 November.
- Whyte JH (1980) *Church and State in Modern Ireland*. Dublin: Gill and Macmillan.
- Young RJC (2016) *Postcolonialism: An Historical Introduction*. Oxford: Blackwell.
- Zedner L (1994) *Women, Crime and Custody in Victorian England*. Oxford: Oxford University Press.

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