

The Roman Catholic Church and the Irish Civil War

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For the purposes of this essay, the Roman Catholic Church is not the body of the faithful, but the bishops and clergy, secular and regular. In 1921, there were 4 Archbishops, 23 bishops, 3082 secular priests and 754 members of male religious orders, societies and congregations. There was no significant alteration in these numbers between 1922 and 1937.¹ According to the 1911 Census, 89.6 per cent of the population of the future Free State was Catholic. By 1926, the percentage had risen to 92.6.

Strong Episcopal claims to the leadership of the Catholic people of Ireland in political affairs were characteristic of the period before and after the Anglo-Irish Treaty of December 1921. Such claims were pursued with particular vigour during the period immediately following the Treaty, and with even greater vigour following the outbreak of the civil war at the end of June 1922. The considerable moral authority possessed by the bishops and acknowledged by the great mass of Catholics was deployed forcefully, and overwhelmingly, in defence of the Treaty Settlement, in support of the Provisional Government, and in outright condemnation of those who opposed that Government in arms. Individually and collectively, the bishops and the great majority of the senior clergy condemned anti-Treaty armed activity in absolute terms and denied the Sacraments to those engaged in such activity. Furthermore, the bishops permitted priests whose political views coincided with their own to take an active political and propagandist role, while denying a similar freedom to those who did not. Opponents of the Treaty commonly alleged that the bishops were acting from party bias rather than from spiritual motives, refusing to be pastors to all the people. The real difficulty for many who opposed the Treaty whether politically or in arms, was in accepting the view that Episcopal inerrancy prevailed in political and constitutional matters which were, in the Republican view, in legitimate dispute.²

Episcopal attitudes on this issue and on the general question of their own authority in civil matters tended to be uncompromising. Monsignor John Hagan, the strongly Republican Rector of the Irish College in Rome, maintained that:

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- 1 The *Irish Catholic Directory* (henceforth cited as *ICD*) for the period gives annual returns for the number of clergy.
 - 2 For detailed treatment of these issues, see Patrick Murray, *Oracles of God*, University College Dublin Press, 2000.

‘The bishops [in Ireland] don’t want to listen to arguments about their political partisanship and the damage it has done to religion. The bishops will not listen to any such view. They are persuaded that they are right and are inclined to tolerate no doubt. Indeed, I am inclined to gather that they regard doubts of the kind as a sort of personal affront. Naturally, the main body of the priests in a diocese think as the bishop thinks, and thus we have a vicious circle, which bounds the horizon all round.’³

Underlying much Episcopal discourse during the post-Treaty period was the principle that it was the exclusive right and duty of the bishops themselves to determine what issues, practical or otherwise, came within the sphere of their authority. There was the further principle that once the Episcopal body, or indeed an individual bishop, had decided that a pronouncement was justified, anybody wishing to remain a Catholic, was obliged to accept and act upon the teaching mediated in the pronouncement. The teaching that bishops could decide infallibly whether they were entitled, for example, to pronounce definitively on the morality of the Republican struggle against the Treaty settlement enjoyed the support of such prominent theologians as the Jesuit Father Peter Finlay, who seemed to place the matter beyond dispute by declaring that ‘local bishops were the divinely-appointed teachers of the flocks which the Holy Ghost committed to their care,’ and that their authority was delegated to them not by their people, their clergy or even the Pope, but by God, and that there was ‘no authority on earth’ which might gainsay their teaching or ‘defy their commands.’⁴ The bishops collectively condemned the Republican cause in a Pastoral Letter in which they declared that there was not, and could not be, any legitimate authority in Ireland other than the Provisional Government, that ‘a Republic without popular recognition behind it’ was ‘a contradiction in terms,’ that this was ‘Divine Law,’ that the war carried on by the ‘Irregulars’ was without moral sanction, that the killing of Free State soldiers was murder, and that those Republicans who persisted in ‘such evil courses’ were to be denied the sacraments of the Church.⁵

Not everybody, even within the clerical body, was prepared to concede to the bishops the degree of authority in the political affairs of the twenties that they reserved to themselves. Many of the lower clergy believed that enthusiastic episcopal support for the Treaty and denunciation of its opponents were ill-judged and ultimately harmful to the interests of the Church and religion. A significant number of secular and regular priests ignored the bishops’ views and openly or covertly sustained the spiritually embattled republicans. A number of clerical polemicists questioned the right of the bishops to condemn the Republican cause as fiercely and as absolutely as they did in their October Pastoral of 1922. The most memorable of the clerical replies to the Pastoral was written by Berthold Meleady, a Discalced Carmelite. Meleady described as blasphemous the bishops’ invocation of divine law in support of those ‘whom a short time ago they denounced as

3 Hagan to Archbishop Mannix of Melbourne, 5.10.23. Hagan Papers, Irish College, Rome.

4 *Irish Independent*, 12.10.22.

5 Pastoral Letter of the Irish Hierarchy, October 10, 1922, published in *The Irish Times*, *Irish Independent* and *Freeman’s Journal*, October 11th, 1922.



Monsignor John Hagan, Rector of the Irish College, Rome

murderers and plunderers and who have since become traitors to their people.’ He accused them of ‘robbing our bravest and holiest of the sacraments,’ and of trying to suspend ‘the few noble priests who have not forgotten their ideology and who are still faithful to the land that bore them,’ of being ‘callously and wilfully blind to the torturing and murdering of Irish Republicans by Free State forces.’ He charged them with having ‘arrogated to themselves a power which the Pope himself does not possess’ by pretending to pronounce definitively on the right of the provisional Government to rule Ireland, a political question which was, as republicans argued, a matter of legitimate dispute. In declaring that Catholics were bound in conscience to abide by their latest teaching, on the ground that it was morally impossible for them to teach false doctrine, the bishops and such apologists as Peter Finlay were ‘on the high road to rank heresy.’ History, Meleady suggested, was ‘littered with the errors of bishops and benches of bishops and the indiscrete and mistaken actions of Councils and Popes.’⁶ Peter Yorke, a Republican priest who edited *The San Francisco Leader*, issued another pamphlet whose main argument was that by pronouncing judgement on the Irish political question, a judgement which only the Pope could properly deliver, the Irish bishops ‘had been guilty of grievous rebellion against the Pope’ and that it was they and not the Republicans ‘that are cast out of the Church while living and to be deprived of Christian burial when they die.’⁷

While Republican controversialists like Meleady and Yorke marshalled some impressive theological, legal and constitutional arguments against episcopal

6 Reply to the Pastoral Issued by the Irish Hierarchy, October 1922. January 1923. Signed B. Ó Maoiléidigh. Mac Swiney Papers, UCDA, P48a/223.

7 *Irish Bishops Usurp Papal Rights*, by V. Rev. Dr Yorke, DD of the San Francisco Leader, Glasgow, 1923.

intervention in the post-Treaty conflict, they avoided examining the morality of the Republican struggle in the light of the Catholic teaching setting out the requirements for a justifiable rebellion, in particular that there should be good hope of success so that resistance by armed force will not entail greater evils than it seeks to remedy. Probably not many defenders of Republicanism thought this necessary in view of the fact that Pearse and his fellow-insurrectionists had effectively abandoned traditional Catholic principles and devised a new moral code for Republicans which laid down that a rebellion against established authority might be militarily futile and at the same time morally justifiable provided that the bloodshed involved could be regarded as purifying, sanctifying or stimulating the Irish nation.⁸

Once the Anglo-Irish negotiations for peace in Ireland began their tortuous course following the promulgation of a truce agreed between the Lloyd George government and the Sinn Féin leadership on 9 July 1921, the more politically-conscious members of the Irish hierarchy were anxious to see a treaty signed, and some at least played a part in bringing a treaty about. As early as 21-22 June 1921, Sir Andrew Cope, Assistant Under-Secretary at Dublin Castle, was engaged in efforts to persuade the Irish bishops to urge a peace policy on de Valera. On 24 November 1921, when it appeared that the Treaty negotiations might break down, Cope visited the hotel in Jermyn Street, London, where Thomas Gilmartin, Archbishop of Tuam was staying. Cope interviewed Gilmartin in his bed, and urged him to return to Ireland the following morning and to get busy with Bishop Fogarty, the Sinn Féin Treasurer, and with Archbishop Edward Byrne of Dublin. Two days later, Thomas Jones, Principal Assistant Secretary to the British Cabinet, had a message from Cope: 'Things are humming on the other [Irish] side. The Bishops especially busy.'⁹

On 13 December 1921, a week after the Treaty was signed, the bishops, as a body refrained from pronouncing on its merits or defects. However, many individual bishops when contacted by the *Freeman's Journal* and the *Irish Independent*, had already signified their approval of the Treaty.¹⁰ Those doing so at this early stage constituted almost half of the episcopal body, thus depriving the collective statement of 13 December of much of its significance. On 8 December, Bishop Fogarty issued a fulsome statement of approval, predicting that the men who made the Treaty would be 'immortal,' suggesting that the moral effect of the settlement 'will be worth half a navy to England,' and expressing confidence that the Irish Free State 'will soon have the allegiance of every Irishman.'¹¹ Fogarty had been one of de Valera's closest collaborators up to this, but on the same day that he issued his statement of welcome for the Treaty, de Valera denounced it.

In the case of some of the bishops, public acclaim for the Treaty was supplemented by efforts to persuade declared and potential opponents of the merits of the settlement. Bishops Fogarty and O'Doherty, commonly regarded as being

8 D.W. Miller, *Church, State and Nation in Ireland, 1898-1921* (Dublin, 1973), pp. 319-20; 398.

9 Thomas Jones, *Whitehall Diary, Vol. 3, Ireland 1918-1925*, ed. Keith Middlemas, pp 174 and 176.

10 *Freeman's Journal* 8.12.21, 9.12.21; *Irish Independent*, 10.12.21.

11 *Freeman's Journal*, 9.12.21.



Archbishop Edward Byrne, Archbishop of Dublin

sympathetic to Sinn Féin, told de Valera privately of their support for the Treaty at an early stage.¹² Much more significant was Archbishop Byrne's attempt, during the second half of December 1921, to persuade de Valera to accept the evident will of the people and let the Treaty go through the Dáil unopposed. Byrne represented himself to de Valera as occupying 'a more or less detached position' and as a man free from 'any hostile or even partisan feelings'. He saw the Dáil as a representative assembly, having no other locus standi apart from this. He pointed out that the country 'so far as it has spoken...seems overwhelmingly in favour of the Treaty'. He went on to argue that a Dáil vote on the agreement, whatever the result, would lead to a disastrous split. 'If the Treaty is rejected', he maintained, 'the Dáil will be acting against the will of the Nation'. To avoid 'a miserable split in the National forces when all should unite', Byrne suggested that de Valera 'avoid provoking matters to a division'. This course would be of ultimate benefit to de Valera and his supporters: 'A magnificent gesture such as I suggest will enshrine you in the hearts of the Irish people...Those who act with you will, if not at present obviously, be thankful to you that you have not cut them off from public life'.¹³

Between the signing of the Treaty on 6 December 1921 and its ratification by Dáil Éireann on 7 January 1922, bishops and many of their clergy exerted considerable influence on public opinion generally and on the Dáil deputies in particular to secure the passage of the agreement through the Dáil. Dorothy Macardle has pointed out that many Christmas sermons became pro-Treaty speeches.¹⁴ Fogarty

12 Ó Néill agus Ó Fiannachta, *De Valera*, Vol 2, p. 36.

13 Byrne to de Valera, n.d. Dublin Archdiocesan Archive. The letter appears to have been written soon after 13.12.21. It may be significant that Byrne altered his initial relatively cordial mode of address, 'My dear President', to the more formal 'a cara' (sic).

14 *The Irish Republic*, 4th edn, 1951, p.624.

used his Christmas Day sermon to express his displeasure that ‘differences had developed amongst their public representatives in the Dáil’ and at ‘the callous disregard openly avowed by some Deputies for the National will and the wishes of their constituents on this awful question’. Fogarty characterised the position taken by the Republican deputies in the pre-Christmas debates as ‘wholly indefensible and morally wrong’, since it was ‘the negation of representative government’. Fogarty’s conclusion might have given pause to those who had come to terms, on moral grounds, with the 1916 rising and the War of Independence: ‘No man or group of men has a right to lead the country into a ruinous war against the considered judgement of the Nation’.¹⁵ Fogarty’s anxiety that Dáil deputies give effect to the wishes of the majority of those who elected them was deeply felt, as was his fear that Republican intransigence might result not only in civil war, but in the return of the British. Writing to Hagan at the end of 1921, he expressed the almost universal view that ‘the great bulk of the nation want acceptance’ of the Treaty and to make the most of it ‘as the shortest way to the final acquisition of all their rights’. The problem, as Fogarty saw it, was that a Republican majority in the Dáil seemed likely to reject the Treaty ‘and then chaos, war, civil and international’.¹⁶ It was characteristic of Fogarty to personalise his political preoccupations. Early in 1922 he developed an obsessive dislike of de Valera’s role in national life, and soon focused on him as the source of all Ireland’s political ills. ‘De Valera’, he told Hagan, ‘has a new treaty every other day. He now wants to get over to Lloyd George with a new document to be turned down of course, and then to say the nation was insulted and then on with the war.’¹⁷ His tendency to overestimate de Valera’s importance in post-Treaty Republican politics and to attribute sinister or malicious motives to him in almost everything he did was a common one.¹⁸ Fogarty’s fear that the activities of Republican extremists might provoke a renewal of the Anglo-Irish war was not entirely baseless. It seems to have been shared by IRA men like Liam Archer, who decided to support the Treaty when he realised that Rory O’Connor’s objective after 6 December 1922 “was to create a situation wherein the British would have reason to return in force for the purpose of establishing ‘Law and Order’ and we would be plunged into complete submission again, or complete anarchy”.¹⁹

At the beginning of January 1922, the national and provincial press was reporting meetings of Sinn Féin units called to consider the Treaty. All these reports suggest a significant clerical involvement. This was inevitable since in almost all cases the senior Sinn Féin Club and Comhairle officers were priests. On 3 January, the *Freeman’s Journal* mentioned that ‘hundreds of parish meetings have been held

15 *The Saturday Record*, Ennis, 31.12.21.

16 Fogarty to Hagan 31.12.21, Hagan Papers.

17 *Ibid.*

18 For an extreme example, see Mulhern’s frank letter to de Valera at the height of the Belfast pogrom: ‘My own opinion and that of my colleagues in the North, and indeed of anyone I have met, is that you, and you alone, are responsible for the recrudescence of the troubles in the N. East, and of all the disturbances elsewhere’. Mulhern to de Valera, 23.3.22, Dromore Diocesan Archive.

19 Michael Hayes Papers UCD Archives. Henceforth as UCDA P53/344.

during the week-end all over the country, and without exception ratification was demanded'. When priests made their views known at these meetings, as they almost invariably did, they argued strongly for ratification. Philip O'Doherty, P.P. V.F. presided at the Omagh Comhairle Ceanntair meeting, at which the resolution in favour of ratification was proposed by J.H. Mc Kenna C.C. Knockmoyle. The unanimous support for the resolution to approve was influenced by the belief that the Treaty would safeguard 'our interests in the North'.²⁰ Patrick O'Donovan, P.P. Caheragh, presided at the West Cork Sinn Féin Executive meeting; Martin Murphy, the Parish Priest of Durras and Glengarrif, wrote expressing approval of the Treaty.²¹ At the meeting of the South Longford Comhairle Ceanntair, Canon Joseph Guinan P.P. Ardagh seconded the motion for ratification.²² In the diocese of Killala, the Bishop, Dr. Naughton, an ardent advocate of the Treaty, directed that meetings be held in every parish to ascertain the views of the people. The Bishop evidently hoped that these meetings would constitute pro-Treaty lobby groups. Writing to William Greaney Adm. Ballina, in advance of the meetings, Naughton was confident of the outcome: 'From what I know of the feeling in this district, and throughout the diocese generally, I am certain that the people are practically unanimous in their desire to accept the present offer of freedom'.²³ At parish meetings throughout County Roscommon, priests were vigilant upholders of the Treaty cause. At Elphin, the Parish Priest, John Mc Dermott, dealt with the arguments of an opponent of the Treaty who believed that the people generally were not the best judges of what was good for the country. Canon Mc Dermott, 'in a genial way, pointed out the weakness of [this] position', and told his adversary that 'in such matters, authority, to be lawful, must come from the people'.²⁴ At the North Roscommon Comhairle Ceanntair meeting in Croghan, Malachy Mac Branain, C.C. Mantua, proposed that the Treaty be approved, even though it contained clauses 'not in harmony with National aspirations'. Another resolution expressed the view that 95 per cent of the people favoured the agreement.²⁵ In a letter to the West Clare Comhairle Ceanntair, Canon O'Kennedy, President of St. Flannan's College, argued that the question of ratification or non-ratification 'is principally a matter for our Irish army', but believed that 'after the public statement of the Chief of Staff' there was no way out of the present crux but ratification.²⁶ Thomas Dunne, P.P. Kiltulla, president of the South Galway Comhairle Ceanntair, was joined by three other priests in supporting a pro-Treaty resolution at a meeting in Loughrea.²⁷

Bishops and priests continued to exert spiritual, moral and political pressure on public opinion and on the Dáil Deputies. The common themes of episcopal discourse on the subject were the sacredness of the principle of majority rule and

20 *Freeman's Journal*, 3.1.22.

21 *Weekly Freeman*, 7.1.22

22 *Ibid.*

23 *Ibid.*

24 *Roscommon Herald*, 7.1.22.

25 *Ibid.*

26 *Freeman's Journal*, 3.1.22.

27 *The Connaught Tribune*, 7.1.22.

the duty of public representatives to vote on the Treaty in accordance with the will of the majority. One Bishop, Hallinan of Limerick, made a passing reference to the need to make ‘all due allowance for the personal discretion vested in Parliamentary representatives of the people’, but seemed to believe that ‘in a supreme crisis like the present’ such discretion must be set aside in favour of ‘the ascertained wishes of their constituencies as revealed through the ordinary organs of public opinion’. Hallinan warned Deputies that in no case should they misrepresent their constituents ‘by voting against their wishes’.²⁸ Bishop Browne of Cloyne argued in his Christmas Day Sermon that ‘the people are the fountain of National authority’, and urged supporters of the Treaty to express their point of view publicly, ‘and call on their members to obey the mandate of their constituencies’.²⁹ Archbishop Harty of Cashel asserted that ‘The people of Ireland by a vast majority are in favour of the Treaty, and in a democratic country the will of the people is the final court of appeal’.³⁰

Some clergymen were prepared to employ more direct methods to influence Deputies. Tom Maguire has left an account of his experiences at the hands of Mayo priests at the end of 1921. His own Parish priest, Martin Henry, P.P. Kilmovee, disturbed by rumours that he intended to vote against the Treaty, advised him by letter that if he could not see his way to vote in favour he should at least abstain. When Maguire indicated that he could not abstain, Canon Henry explained that he would not have written had he not been requested by Archbishop Gilmartin to use all his influence to secure Maguire’s vote for the Treaty.³¹ Maguire also received ‘an offensive letter’ from Dean Dalton of Ballinrobe ordering him to vote for the Treaty, and was approached in the Gresham Hotel by Dalton and Father Martin Healy, Parish Priest of Kilmaine, as part of a pro-Treaty lobbying exercise. Even the Chinese Mission at Dalgan Park near Shrule got in touch with Maguire with the same end in view.³² Maguire claimed that the Treaty was approved only because of clerical pressure. ‘Without the priests’, he believed, ‘the Treaty would never have been put across’.³³ A Limerick Republican, Liam Monaghan, asserted that his Dáil Deputy Bill Hayes was opposed to the Treaty ‘until their P.P. convinced him otherwise’.³⁴ Tom Maguire recalled that ‘the pressure was strong and concerted upon every T.D. and those who returned home over Christmas were the most exposed’ to clerical influence. In his opinion, this accounted for a significant change of heart in a number of Deputies; it facilitated an outcome to the vote in January that did not seem likely before Christmas. Maguire also noted a significant aspect of clerical influence over the general membership of Sinn Féin: many were

28 *Irish Catholic Directory*. Henceforth cited as *ICD*, 1923, p. 541.

29 *Ibid.* p. 540.

30 *Ibid.* p. 542.

31 See *Survivors*, ed. U. Mac Eoin, 1981, p. 289.

32 *Ibid.* There is a well-authenticated story that Martin Healy refused to accept Church dues tendered by his Republican parishioners. I owe this information to Father Brendan Kilcoyne, Tuam.

33 O’Malley Papers UCDA P176/100, p. 153.

34 *Ibid.* P176/117, p. 35.

teachers who depended upon their Parish Priests for the security of their jobs.³⁵

Following the approval of the Treaty by the Dáil on 7 January 1922, the new administration needed all the support it could get from the Church in the face of multiple threats to its survival. The permanence of the Treaty settlement, and the stability of the new state, depended on the success of the Treaty Party in the coming General Election. The Bishops devoted considerable attention in their Lenten Pastorals of 1922 to the problems facing the infant government and the need to support it. Archbishop Gilmartin of Tuam directed that prayers be offered 'that God may guide their native Government in the discharge of their onerous duties'.³⁶ Archbishop Byrne of Dublin affirmed the new Government's right to public support, since it would have 'knowledge of our people's needs and may be expected to take a real interest in solving the many problems that concern our people's well-being'.³⁷ Archbishop Harty of Cashel dealt with the practical politics of the post-Treaty situation in the most partisan and forthright of all the Lenten Pastorals. The people would have an opportunity of approving or rejecting the Treaty at the polls, but as Harty saw it, there could really be only one morally justifiable outcome to the elections: the return of the Pro-Treaty Party. If this Party were to be rejected at the polls, there would be a real prospect of a renewal of war with little hope of success. The aim of the anti-Treaty party, an Irish Republic, even one externally associated with the British Commonwealth, Harty regarded as unrealistic. In such circumstances, 'it would be criminal folly to reject the Treaty'. Moreover, he pointed out, 'the people will have to judge whether the difference between external association and internal association with the British Empire is so substantial as to justify the risk of renewed terrorism'.³⁸

Harty's Pastoral might well have served as a Treaty Party election manifesto. When electoral activity began in the Spring of 1922, Bishops and significant numbers of their clergy involved themselves as platform speakers, organisers and publicists on behalf of the Treaty Party. At many pro-Treaty meetings, messages of support from bishops and priests were read from the platforms. The organisers of a rally in Tullamore in April 1922 canvassed the opinions of local clergy, some of whom were anxious to record their warm approval of the new order. Thomas Norris, Parish Priest of Rhode was 'heart and soul in favour of the Treaty', and intended to support it 'in every way'. Michael Kennedy P.P. Shannonbridge, who was an equally firm advocate of the settlement, and a strong critic of the tactics of some of its Republican opponents, drew attention to the 'hooliganism and barbarism which have characterised recent meetings'. The rights of free speech, he declared, along with 'majority rule and the due subordination of the military to the civil power' must be upheld 'at all costs'. James Lynam of Tullamore emphasised 'the visible benefits' of accepting the Treaty, and 'the disastrous consequences of risking the renewal of the Black and Tan ruffianism in a more aggravated form'.³⁹ Archbishop Gilmartin of Tuam sent a message of support and encouragement to

35 *Survivors*, p. 289.

36 *ICD* 1923, p. 552

37 *Ibid.* p. 551.

38 *Freeman's Journal*, 3.1.22

39 *Westmeath Independent*, 22.4.22.

a pro-Treaty meeting in the town on 19 March.⁴⁰ At the same meeting, a senior clergyman, Charles Cunningham, presided, while the Dean of the Archdiocese, the President of the Diocesan Seminary and two other priests were on the platform.⁴¹

When the election campaign in support of Free State candidates was launched in Carrick-on-Shannon on St. Patrick's Day, eleven priests were on the platform, and Malachy Brennan [Ó Branáin] C.C. Mantua, Elphin, explained why North Roscommon was in favour of the Treaty.⁴² 'Whom could they trust more than Arthur Griffith?' Canon Thomas Langan asked when he presided at a pro-Treaty meeting in Moate. It was through Griffith's 'activity, genius and ability, and in the face of many difficulties that it had been possible to bring the national movement to its present great success'. Langan hoped that 'the people of Westmeath would support the men who brought back freedom to their shores'.⁴³ At a meeting in Loughrea, John Heagney, P.P. Abbey, explained his presence on the platform by declaring that 'as there were moral questions involved' in the election contest, 'priests would be wanting in their duty if they stayed away from such meetings'. He saw the central moral issue of the election as the choice people would have to make between the unrealistic dreams of the Republicans and the 'large measure of liberty' to be enjoyed under the 'practical' rulers of the new state.⁴⁴ At a pro-Treaty rally in Tralee addressed by Michael Collins at the end of April, there were fifteen priests on the platform.⁴⁵

At their meeting on April 26th the bishops saw themselves confronted by two issues, one political, the other moral. In their statement, they argued that 'the great question of the Treaty is a legitimate question for national discussion and debate', although they pointed out that 'like the great bulk of the nation we think that the best and wisest course for Ireland is to accept the Treaty, and make the most of the freedom it undoubtedly brings us, freedom for the first time in 700 years'. The bishops were more decisive on the moral questions arising from the claim by extreme Republicans that 'the Army, or a part of it, can, without any authority from the nation as a whole, declare itself independent of all civil authority in the country'. Such a claim to 'military despotism' would amount to 'an immoral usurpation and confiscation of the people's rights'. The bishops recognised that 'speculative views were being entertained', presumably by Republican theorists, 'as to the organ of supreme authority in this country at present', but in practice there could be only one legitimate national authority: the Dáil and the provisional Government acting in unison.⁴⁶

The outbreak of full-scale Civil War prompted priests throughout the country

40 *ICD*, 1923, p. 558

41 *Freeman's Journal*, 21.3.22.

42 *Roscommon Herald*, 25.3.22.

43 *Freeman's Journal*, 21.3.22.

44 *Ibid.*

45 *Kerry People*, 29.4.22.

46 *ICD*, 1923, pp. 598-602. According to Childers, Canon Hackett of Killaney, Co. Monaghan, a Republican sympathiser, told him that 'a Vatican message was sent calling on Bishops not to express anti-Republican message'. This [Vatican message] arrived 'evening before Maynooth meeting - delivered to Archbishop of Dublin'. Childers Diary, TCD, 26.4.22.

to render moral and material help to the beleaguered government. In many places, priests led their parishioners in repairing damage done to public utilities by anti-Treaty forces. In North Offaly, priests and people co-operated in removing trees and road obstructions.⁴⁷ T. Meehan, C.C. Borrisokane led 'upwards of 100 young men' who cleared all the roads of felled trees in the district.⁴⁸ In Sligo in mid-July, the Courthouse was occupied by Provisional Government troops. The leader of the Republican forces in the town threatened to fire on the building unless Republican prisoners were released from the local jail. Two priests failed to bring about a settlement, and the Provisional Commander was determined to hold the Courthouse to the last man. Bishop Coyne of Elphin tried to persuade the Republicans to leave the town, but they refused, demanding the surrender of the Courthouse. The Bishop then joined the Provisional garrison in the courthouse, determined to remain, whatever happened, correctly assuming, however, that the Republicans would not fire on the building while he was there. He stayed in the Courthouse overnight despite being unwell and the besiegers left the town before morning.⁴⁹ This kind of moral support was afforded to the forces of the government by numerous other bishops and priests.

When, on 21 July a detachment of National troops took possession of the Tuam workhouse, the local Administrator, Charles Cunningham, presided at a function organised in their honour. He told them 'how honoured the people were by their presence' and that 'ninety-nine per cent of the people' were delighted that 'by the presence of the National troops, there would be a more settled order of things'.⁵⁰ When John Dillon's house in Ballaghadereen was occupied by Republican forces, Bishop Morrisroe of Achonry denounced 'the activities of the Irregulars,' declaring that 'the wilful destruction of bridges etc. would be treated as a reserved sin in the diocese'.⁵¹

In early August 1922, W.T. Cosgrave, Acting Chairman of the Provisional Government, addressed a letter to each Irish Parish Priest suggesting what the people should do to help the government and the Army in the present crisis. 'The Government', he wrote, 'urges that all clergy and public men throughout the country should impress upon their neighbours the importance of taking immediate steps to clear the roads wherever they have been obstructed, to repair bridges where possible, and to give any assistance in their power to workmen engaged in the repair of railways'.⁵² The response to this request appears to have been swift and enthusiastic. In several parts of Offaly and Tipperary, 'the people, led by their priests, have been actively engaged in the task of removing the obstructions to

47 *Freeman's Journal*, 7.7.22.

48 *Ibid.* 12.7.22.

49 *Ibid.* 19.7.22. At Kilcormac in Offaly, 'the National troops got a splendid welcome from Edward O'Reilly, P.P. and the people, without exception'. *Freeman's Journal*, 7.7.22.

50 *Ibid.* 22.7.22. On July 22nd, after the fall of Limerick to the National forces, Bishop Hallinan 'paid an official visit to the headquarters of the National Command in Cruise's Hotel, and offered congratulations to Commandant-General Michael Brennan on the success of the National Army in Limerick'. *ICD*, 1923, p. 578.

51 *Roscommon Herald*, 22.7.22.

52 *Westmeath Independent*, 5.8.22.

roads and did so in spite of the threats of the Irregulars'.⁵³ There were reports from Mayo of a Volunteer Civilian Guard which the young men of town and country were joining in large numbers. The Treaty Election Committees had taken control of this force and in many places were being assisted by the clergy.⁵⁴

The vast majority of Irish clergymen who took a public stand on the matter clearly regarded the military activities of the Republicans during the Civil War as crimes against the State and against individuals. The pulpit was constantly used to enforce this point of view. The sacredness of the principle of majority rule, the unquestionable status of the Provisional Government as the sole legitimate ruling authority in the South and the wickedness of armed rebellion against it, were the central themes of Sunday sermons throughout the period. For Archdeacon John Fallon of Castlebar, the political choice was simple: the Provisional Government or a 'Revolver Government' backed by bullies 'determined to thrust their own opinions down the throats of the people'.⁵⁵

Some pulpit rhetoric was much more fiery than this. Even before the death of Collins had ushered in a more barbaric phase in the Civil War, some preachers were denying the right of those under the Republican I.R.A. Executive to receive the Sacraments. Eamon Dee, Commandant of the Kerry No. 1 Brigade, reported his Parish Priest to the Bishop for using a sermon on 30 April as a vehicle for personal abuse. Dee claimed that the priest had described him as a hooligan who had cravenly submitted to the Black and Tans to save his life while his comrades were being murdered; he also accused him of expressing delight as some young Republicans walked out during Mass, saying 'he hoped all such men would leave the House of God'. Through the Bishop, Dee wanted 'a public withdrawal of those base statements'.⁵⁶

In many churches, Republicans in the congregations memorised and recorded those sermons in which their motives and conduct were impugned. In one such sermon delivered soon after the death of Collins, Patrick Fitzgerald P.P. Killarney, described the I.R.A. men who had recently taken possession of the town as 'scoundrels' and 'bandits'. The people of Killarney, he believed, should have found some means of hounding the Republicans out of the town, 'instead of, as a foreign paper described them, holding down their heads like sheep while the highwaymen did the work of destruction'. He contrasted Collins 'their grand leader of Irish blood' with de Valera and Childers, men of 'alien blood, leading them along the path of murder and above all leading them away from God'.⁵⁷ This kind of comment sounds relatively urbane when compared with some of what came later.

In Cork Cathedral, Michael O'Sullivan Adm. was reported as describing Republicans as 'human vermin to be crushed out of existence by all decent people', while Canon Tracy of Kilmurry, Cork, declared that 'Republicans would burn in the hottest part of hell'. Maurice Costello C.C. Listowel described Cumann na mBan women as immoral. A priest at Cuff's Grange, Kilkenny, was reported to

53 Ibid.

54 Ibid.

55 *Roscommon Journal*, 5.8.22.

56 Eamon Dee to Bishop O'Sullivan, 9.5.22, Kerry Diocesan Archive. Henceforth cited as KYDA.

57 Father Fitzgerald's sermon was delivered on 27.8.22. Mac Swiney Papers, UCDA, P48a/204 (1).

Mary Mac Swiney as having said ‘vile things about Cumann na mBan from the altar’.⁵⁸ In Kerry, clerical militancy sometimes went beyond such colourful depictions of the Republican enemy. Towards the end of 1922, John Mc Donnell, Parish Priest of Dingle, informed the Bishop that the officer commanding the National troops had begged him to permit the placing of a machine gun on the tower of his church and that he had given permission for this to be done. Canon Mc Donnell was told that ‘this had been done in Killorglin and has prevented raids and so saved lives’. It seems to have had the same result in Dingle as ‘we had no raid since the troops arrived. There is a machine gun in the tower of the Protestant church also’.⁵⁹ If we are to accept the veracity of some of the material in the Mary Mac Swiney papers, not all the violence during this troubled period was perpetrated by Republicans. Here we find reference to a Father O’Connell who, in ‘the district round Kinsale openly carried arms. Held up and searched passers-by at the point of revolver. Had officer’s rank in the English Free State Army’.⁶⁰ A letter from the secretary of the Skibbereen Sinn Féin club gives details of the violent intervention of two priests when local Republicans held a function in aid of the Prisoners’ Dependants’ fund. Two priests of the parish, Edward Lambe and John Collins, entered the Parish Hall and ordered those attending the function to leave. When one of them refused to leave, ‘the two priests beat him, giving him a black eye’. After this the priests, having scattered the food to be consumed by those attending the function all over the wet road, threw tea and paraffin oil on it.⁶¹

By October 1922, the bishops had come to the conclusion that the moral, as well as the political, authority of the government should be affirmed by them in the most decisive way possible. Government ministers were acutely conscious of the need to impose political and social order if democratic institutions were to survive in the Free State. The Executive Council, aware that a meeting of the bishops was imminent, decided on 4 October to invoke the support of the Hierarchy. Ministers considered it ‘desirable that a pronouncement should be made by the Bishops at their forthcoming meeting regarding the low moral standard prevailing throughout the country. A draft letter has been submitted to the Government for approval’.⁶²

On the day before the Executive Council meeting, a Government Proclamation offered an amnesty to ‘Every person who is engaged in ... insurrection and rebellion against the State’ and who ‘on or before the 15th day of October 1922 voluntarily delivers into the possession of the national forces all firearms, arms, weapons, bombs, ammunition and explosives, and all public and private property now unlawfully in his possession’.⁶³ Those who failed to avail of this amnesty, who continued to engage in armed activity against the National forces and who abetted such activity or were found in possession of war materials, faced trial before

58 *Eire*, 23.6.23; M. Mac Swiney to Miss Gaffney 28.3.23. Desmond Fitzgerald Papers, P80/797, UCDA.

59 Canon Mc Donnell, P.P. Dingle to Bishop O’Sullivan, 28.12.22, KYDA.

60 Mac Swiney Papers P48a/213, UCDA.

61 *Ibid*, P48a/196 (25). The report on Lambe and Collins is dated 30.12.23.

62 NAI S1792, 4.10.22.

63 *The Irish Independent*, 4.10.22.

Military Courts which had the power to impose the death penalty.⁶⁴

The Church-State alliance in October 1922 was inspired by the well-grounded fears of Government Ministers and churchmen that without strong, determined action on the part of the Government enjoying the moral sanction of the Church at the highest level, anarchy would prevail. Until October 25th, when de Valera proclaimed his Republican 'Emergency Government', the Republican I.R.A. whose self-imposed mission was the defence of the Republic against those who had betrayed it, was independent of any semblance of civil control. It was, according to a pro-Treaty historian, a heavily-armed force; many of its units and individual members engaged in 'looting, house-burnings, land-grabbing, murder and, occasionally, rape'. The country was unpoliced, and 'uncontrollable gangs of young men roamed at will and burned out unionists, shopkeepers, and those they regarded as either political anathema or agrarian enemies. Post offices and banks were raided for enormous sums'.⁶⁵ The same historian, Tom Garvin, remembers that, 'A Hobbesian state of nature seemed in prospect, not only in the eyes of the rich and privileged, but also in the eyes of the poor and vulnerable'.⁶⁶ In the course of a raid on a licensed premises in Dublin in early October, P.J. Cosgrave, uncle of President Cosgrave, was shot dead by a gunman.⁶⁷

During the War of Independence, Church leaders, whatever their reservations about the moral aspects of the military struggle, could support the forces of opposition to the government because most of them regarded it as an alien one. However, now that an Irish government had popular approval, 'the church could enthusiastically support the established order'.⁶⁸ There is strong evidence that by October 1922 the Provisional Government was seen by a large majority of people as the only defender of their lives, liberties and interests. The wholesale atrocities perpetrated by Republicans and others acting in their name had the effect, as Garvin argues, of 'making people end up being indifferent to Free State ruthlessness'.⁶⁹ Support for the government was reflected in the popular enthusiasm which marked the arrival of National Army units in towns evacuated by Republican forces. 'There were night-long celebrations', Garvin remarks, 'when the I.R.A. were driven out of Claremorris, County Mayo, on 24 July. At the end of July the Free State Army was welcomed by huge crowds in Tipperary town. This was in part due to the fact that the I.R.A. had burned down such factories as the town possessed, thereby throwing many out of work.' Popular attitudes were also influenced by the weighty consideration that 'unlike the I.R.A. the Free State Army was relatively controllable by its hierarchy, and the I.R.A. had, in the absence of

64 The proclamation announcing the establishment of the Military Courts was published in the provincial and national press. See, for example, *Roscommon Herald*, 14.10.22.

65 Tom Garvin, *1922: The Birth of Irish Democracy*, 1996, pp. 54, 105.

66 *Ibid.* p. 105. In October, following the wholesale rejection by Republicans of the conditional amnesty, Father Dominic impressed on Republican leaders like Ernie O'Malley, the urgency of establishing a Republican government, since without a formally established civil authority, he argued, Republicans were 'nothing more in the eyes of the world than murderers and looters'. C. D. Greaves, *Liam Mellows and the Irish Revolution*, 1971, p. 377.

67 *Westmeath Independent*, 7.10.22.

68 Hopkinson, *op. cit.* p. 182.

69 Garvin, *op. cit.* p. 103.

payment, maintained themselves at the expense of the local people'.⁷⁰

Popular attitudes were, however, soon influenced in contrary directions. Enthusiasm for the Free State troops among the 'liberated' population gave way to justified criticism of the indiscipline and heavy drinking of many of them. The behaviour of soldiers of the Western Command attracted widespread opprobrium. Tony Lawlor, a Free State officer, boasted to his mother, in a letter intercepted by Republicans, that 'a wonderful shot' of his had fatally wounded Patrick Mulrennan, a Republican prisoner in Athlone jail, during a riot on 6 October 1922. The killing of Republican prisoners on the slopes of Ben Bulbin, Co. Sligo in September 1922, by two Free State officers and four former British soldiers serving in the Western Command, involved the use of machine-guns. One of the prisoners was Brigadier-General Seamus Devins; another was Brian MacNeill, one of the sons of Eoin MacNeill, Minister for Education in the Provisional Government. A Free State army witness to the shootings recalled that the officers and former British soldiers carried them out because the rank and file soldiers of the Free State unit refused to form a firing party to shoot prisoners.⁷¹

The Pastoral Letter issued by the Bishops at Maynooth on 10 October 1922 was timed to co-incide with the government amnesty offer to Republicans and with the application of the Public Safety Bill.⁷² In the Pastoral, the bishops hoped and prayed that those still opposing the state in arms would 'take advantage of the Government's present offer, and make peace with their own country'.⁷³ The Provisional Government could scarcely have expected more enthusiastic or more powerful support than that afforded by the October Pastoral. The bishops declared it a matter of 'divine law' that 'the legitimate authority in Ireland just now' was the Provisional Government; that there was 'no other Government, and cannot be, outside the body of the people'; that 'the guerrilla warfare now being carried on by the Irregulars is without moral sanction; and therefore the killing of National Soldiers in the course of it is murder before God'. Other forms of Republican I.R.A. activity such as the seizure of property and damage to roads, railways and bridges were deemed to be 'robbery' and 'criminal destruction'.⁷⁴ From the point of view of active Republicans who regarded themselves as conscientious Catholics, the most disturbing, perhaps alarming, aspect of the October Pastoral was a penal section which pronounced that those who contravened the bishops' teaching would 'not be absolved in Confession, nor admitted to Holy Communion, if they purpose to persevere in such evil courses'.⁷⁵ The bishops also attempted to ensure that Catholic Republicans would not enjoy the moral support of sympathetic priests. Such priests, they declared, 'are guilty of the gravest scandal, and will not be allowed to retain the faculties they hold from us'. They threatened to suspend

70 Ibid.

71 Hopkinson, *Green Against Green*, pp. 212-20.

72 See Hopkinson, *op. cit.* p. 182. For the 'official' and 'unofficial' versions of the October Pastoral see Appendix One in Murray, *Oracles of God*, pp 421-30. It is interesting, and possibly significant, that Archbishop O'Donnell did not sign the document.

73 *ICD*, 1923, p. 612.

74 Ibid., p. 610.

75 Ibid., p. 610-11.

any priest who dared to 'advocate or encourage this revolt, publicly or privately'.⁷⁶ One of the more curious features of the Pastoral was its condemnation of what it called 'the many unauthorised murders recorded in the Press.' A number of people who read the Pastoral or who heard it read in churches publicly speculated on what 'unauthorised murders' might be, and whether, if there were 'unauthorised murders,' there must be murders which were to be regarded by the authors of the Pastoral as authorised, for example, murders sanctioned by Collins and carried out by his squad during the War of Independence.'

Many of those against whom the Pastoral was directed professed astonishment at its lack of balance and its partisan tone. The fundamental Republican objection was that the bishops were pretending to pronounce definitively on a major constitutional issue then the subject of acrimonious debate: the legitimacy or otherwise of the Provisional Government. When the bishops described this government as having been 'set up by the nation', the general Republican response was that in the June election a considerable majority had supported the idea of a coalition government. When they accused Republicans of having 'chosen to attack their own country', a plausible reply was that it was the Provisional Government which had attacked the Four Courts. The Pastoral appears to have been put together in haste; in places it is contradictory and even absurd.⁷⁷ The bishops warn 'our Catholic people' that the teaching of the Pastoral is 'authoritative' and that they are 'conscientiously bound to abide by it, subject, of course, to an appeal to the Holy See'.⁷⁸ It is difficult to imagine, given the claim made elsewhere in the Pastoral that their teaching on the central issues represented 'divine law', what difference they believed an appeal to the Holy See might make.⁷⁹

The reference in the Pastoral to crimes against property seems to have inspired a new determination not to let these go unpunished, even to the extent of excommunicating the perpetrators. It is true that before the Pastoral was issued, Cardinal Logue, outraged by the looting of oil from a boat owned by the Carlingford Lough Commissioners, promised that anyone 'aiding or abetting' those who did such things 'would, by that very fact, be excommunicated'.⁸⁰ After October, looting and damage to property attracted the most vigorous denunciations. Early in 1923, Archdeacon Langan of Moate referred to the destruction of railway engines at Streamstown. The property destroyed, he declared, 'belonged to religious institutions that had their money invested in railway shares' and the destruction of the carriages 'cried to Heaven for vengeance'. In January 1923, Bishop Foley of Kildare and Leighlin heard it rumoured that a motor belonging to Christopher Coyne P.P. Mountrath 'had been taken from him by the Irregulars', the occasion

76 Ibid.

77 The most egregious example, was the reference to 'unauthorised murders' perpetrated by Republicans..

78 *ICD*, 1923, p. 610.

79 A group of Republicans drew up an appeal to the Pope at the end of December 1922, and Professor Arthur Clery and Dr. Conn Murphy presented it to him. The document setting out the terms of the appeal is in the Hagan Papers, Irish College, Rome and is discussed in Chapter Three.

80 *Freeman's Journal*, 19.7.22.

being his denunciation of a raid which had occurred a short time previously. Foley believed that the theft 'would deserve excommunication if it were done in the knowledge that the machine was the chief means of enabling Father Coyne to discharge his spiritual duties'.⁸¹ It does not appear to have occurred to Bishop Foley that excommunication in this case would have been supererogatory, since the perpetrators, if they were republicans, were already excommunicated by the terms of the October Pastoral.

In Republican eyes, episcopal efforts to sustain the Provisional Government, reaching their climax in the ordinances of the October Pastoral, inaugurated a régime of spiritual terrorism, with the sacraments and rites of the Church freely deployed as weapons. The bishops having anathematised militarily active Republicans and their collaborators and excluded them from the body of the Church, the clergy had a genuine difficulty, not only in the matter of Confession and Communion, but in giving Christian burial to those Republicans who died on active service or on hunger-strike. Towards the end of the Civil War, two Republican soldiers were killed in Waterford. Local members of Cumann na mBan were obliged to take charge of the funeral arrangements when the Parish Priest, on the orders of the Bishop, failed to appear.⁸² Michael Mansfield was a prominent Waterford Republican. When his father died early in 1923, the local priest refused to allow his body to lie in the church, 'even though the deceased had a son a priest and two daughters in religious orders. The active service unit descended on Grange, took over the church, and carried out the funeral service and burial'.⁸³ The Republican journal *Eire* printed many stories of similar happenings. A prisoner in Kilkenny jail reported that when a Republican prisoner died there in January 1923, neither the chaplain nor his assistants could be persuaded to visit his cell.⁸⁴ C.S. Andrews recalled that when a member of Cumann na mBan and a member of an I.R.A. brigade wanted to marry, the local priest refused to administer the Sacrament because of the Bishops' Pastoral.⁸⁵

The case of Denis Barry illustrates the determination of churchmen to enforce the doctrines outlined in the October Pastoral long after the formal ending of the Civil War. Barry was one among thousands of Republican prisoners on hunger-strike late in 1923. When he became very ill, C.S. Andrews approached the prison chaplain to request attendance on Barry, 'but was met by a blast of abuse against Republicans in general supported by quotations from the Bishops' Pastoral'. The chaplain, Andrews remembered, 'was particularly scathing about the men who were prolonging the hunger-strike to the point of committing suicide; they had put themselves outside the Church'.⁸⁶ Barry was removed from prison to the Curragh Hospital where he died, still refusing to take food. When his body arrived in Cork

81 Foley to M.J. Murphy, 10.1.23, Kildare and Leighlin Diocesan Archives. Henceforth cited as KLDA.

82 *Eire*, 21.4.23.

83 Seán and Síle Murphy, *The Comeraghs. Refuge of Rebels, Story of the Deise Brigade I.R.A., 1914-1924*, n.d.

84 *Éire*, 27.1.23.

85 C.S. Andrews, *Dublin Made Me*, 1979, p. 267.

86 *Ibid.*, pp. 301-2.

on 27 November for interment in the Republican plot, arrangements had been made that it should lie in state in St. Finbarr's Catholic Church overnight.

Bishop Cohalan, however, would not permit the body to be taken to any church and it was instead taken to the rooms of the Sinn Féin Executive. Cohalan explained his decision in a letter. He was not allowing 'religious exercises which constitute Christian burial to take place at the burial of Denis Barry', since, 'anyone who deliberately takes his own life is deprived of Christian burial, and I shall interpret the law of the Church and refuse a Christian burial'.⁸⁷ Cohalan and other leading Churchmen had given qualified moral support to Terence Mac Swiney during his hunger-strike in 1920. From Cohalan's perspective, however, a hunger-strike undertaken in the cause of national independence was of a different moral order from one undertaken in an unjustified rebellion against a lawful government. Privately, Cohalan was much less assured of the moral rectitude of his treatment of Barry than his stern public utterance suggested. Two days before the body arrived in Cork, we find him writing to Bishop Foley of Kildare and Leighlin, in whose diocese Barry had died. He wanted to know whether Barry had received the last Sacraments, as he felt unable to trust a Republican statement that he had. Although he had made up his mind not to permit a Catholic funeral service even if the last Sacraments had been administered, he still wondered how a confessor might deal with such a case as Barry's. His letter to Foley is a splendid piece of casuistry. As the bishop of Barry's diocese he had to deal with the matter 'in foro externo in relation to the public life of the Church'. He believed that, objectively, the hunger-striking of Barry ended in suicide that from the nature of the case there was no repentance, since there was 'persistence to the end'. There was also no proof of mental aberration. Subjectively, Barry might have been in good faith, but in foro externo Cohalan had to assume that he 'ought to have been guided by his ecclesiastical teachers', whereas in fact the strike was continued 'in defiance of Bishops and priests'. In 'a non-essential thing like Christian burial', Cohalan was tempted to 'adhere to the letter of the law that in the absence of repentance', he should not allow such burial. But, he concluded, 'if Barry got the last Sacraments, and as the strike is ended, I might reconsider the question'.⁸⁸

87 *ICD*, 1924, p. 600. Professor Corish describes Cohalan, who became senior Professor of Theology in Maynooth in 1894, as 'a guardian of orthodoxy, a man of the manuals' who, before his lectures 'distributed lithographed notes to his students so that there might be no occasion for error'. *Maynooth College 1795-1995*, 1995, p. 251.

88 Cohalan to Foley 24.11.23, KLDA. 'I would be surprised, Tod Andrews wrote of Barry, 'if he did not die in the arms of the Church as I think it unlikely that many priests faced with this situation were prepared to see the terms of the Bishops' Pastoral through to the ultimate conclusion'. op. cit. p. 302. Judging by Cohalan's subsequent action, Andrews may have been mistaken in this case. The problems faced by prison chaplains in dealing with political prisoners are discussed by Bishop Foley in a letter to his Vicar-General. Pointing out that the application of agreed principles must be left to the judgment of the confessor, he adds that this will depend on the 'psychical state' of confessor as well as penitent. 'Hence', he believes, 'uniformity in the application of these principles is undesirable and even if it were not, it seems to me morally impossible'. Foley mentions 'the principle that *per exceptionem* it may be lawful for the confessor to keep silent, that is if he is morally certain that the penitent is *bona fide* and he has grave reason to fear that admonition would be injurious'. Foley to M.J. Murphy, 25.9.22, KLDA.

The bishops who, in their October Pastoral, committed themselves heart and soul to the Provisional Government and placed unrepentant Republicans beyond the pale of tolerance, could scarcely have foreseen what spiritual and moral problems they would encounter in November and December. On 10 November, Erskine Childers was arrested in possession of a pistol which had been given to him by Michael Collins. He was executed on 24 November before the legal procedures involved in his appeal to the courts had been exhausted.⁸⁹ On 7 December, Seán Hales, a pro-Treaty T.D., was murdered by Republican gunmen who were implementing an I.R.A. decision to use reprisals against members of the Dáil who had voted for the Resolution giving the National army powers to execute. On the following morning, four Republican leaders, Rory O'Connor, Liam Mellows, Joseph Mc Kelvey and Richard Barrett, were shot in the prison yard at Mountjoy after a cabinet meeting 'had explicitly authorised their deaths as a reprisal'.⁹⁰ The government could not argue that the executions had the protection of the Public Safety Act, since all four men had been captured in July during the Four Courts attack and had been in Mountjoy ever since. None of the executed men had been brought to trial. It is difficult to dispute Macardle's assertion that 'no cover of legality could, at that time or any other, be adduced' for these executions.⁹¹

It soon became a commonplace of Republican discourse that church leaders bore a moral responsibility for the executions, which many commentators, other than Republican sympathisers, at home and abroad, found abhorrent.⁹² C.S. Andrews records the common Republican attitude: 'By any, except some metaphysical or occult standards, these executions were murder. We found it hard to accept that Mulcahy, pietist that he was, would have outraged his conscience unless he had some advice that would justify, for him, his action in the sight of God'.⁹³ Some commentators believed that the first, unrevised, version of the Pastoral, published in the national newspapers on 11 October, had provided the government with all the moral backing it needed to execute Republicans, tried or untried. Seán O'Casey, writing less from a Republican than from an anti-episcopal standpoint, gives a heightened account of the pastoral, 'fresh with dieu, condemning

89 Macardle, op. cit., pp 811 ff.

90 Hopkinson, op. cit. p. 191. The reprisal execution without trial of the four Mountjoy prisoners as a deterrent against the further assassination of elected representatives provides an instructive contrast to the methods adopted by the Northern Ireland government in dealing with Republican terrorism. Legislation passed by the Free State parliament provided for internment, flogging and the establishment of military courts with the power to execute prisoners. In Northern Ireland, as Bryan Follis points out, although the government established special non-jury courts to try terrorists, it did not empower these courts to impose the death penalty. *A State Under Siege. The Establishment of Northern Ireland, 1920-1925*, Oxford, 1995, p. 110. Tom Wilson justifiably speculated on the 'horrified reaction' and 'outrage' that would have been provoked had the 'hard-pressed Ulster Government' executed Republican prisoners without trial as a reprisal for the crimes of others. See *Ulster, Conflict and Consent*, Oxford, 1989, p. 63.

91 Macardle, op. cit., p. 822.

92 The New York *Nation* called the executions 'murder foul and despicable and nothing else'. Those who sanctioned the deed were described by Gavan Duffy as 'not in a normal frame of mind'. See Macardle, op. cit. p. 823.

93 Andrews op. cit. p. 252.

Unauthorised Murder on the part of the Republicans, implying to many minds that the same kind of progressive activity on the part of the Free State followers, came within, according to the clergy, the shadow of canonical condonation. They seemed to be investing it with a kind of legal validity'.⁹⁴ In the immediate aftermath of the executions, Republican apologists were freely suggesting that the Pastoral was a licence to kill Republicans. On 12 December, Seán T. O'Kelly's wife Cáit told Hagan that she and some other Republicans had 'collected a number of representative people here to go to see the Archbishop [Byrne] as a story got round that quite a number of other [Republican prisoners] were to be executed ... For would they have dared to execute only for the Pastoral. I wonder how the pastoralers like the shooting of prisoners for a reprisal by an established government.'⁹⁵ Byrne's response suggested that the bishops had less power as advocates of clemency than as facilitators of what Cosgrave called the terror that his government would strike into Republicans.⁹⁶ Byrne, Mrs. O'Kelly reported, 'received our people courteously, made himself charming, said he was glad they came but he was powerless: he already made representations in vain'.⁹⁷

Republican insistence on seeing the executions as the logical outcome of the October Pastoral exposed many of the bishops to stern rebukes, many of them involving moral blackmail. The role of bishops as moral arbiters now seemed less and less sustainable; many high-minded Republicans felt that they had a warrant to lecture those who had so recently been castigating them. Mary Mac Swiney, whose discourse was usually marked by a strong ethical bent, evidently found her censorial function especially congenial. 'May I ask', she wrote to the Archbishops and bishops of Ireland on December 8th 1922, 'if the base murder of four men in Mountjoy this morning has your ecclesiastical approval as an authorised murder? ... We can draw no other conclusion than that you do approve if you do not openly condemn, and we count you guilty of this blood'.⁹⁸ The twin notions that episcopal support had been a direct influence on what Republicans saw as a reign of terror, and that episcopal silence on extra-legal state activity implied consent if not complicity in this, were freely expressed by angry victims and their relatives. The executions of 8 December 1922 inaugurated a long campaign of Republican complaints to senior churchmen. Writing to Archbishop O'Donnell in the Spring of 1923, Hagan claimed that he was still getting many letters 'to the effect that

94 *Autobiographies*, 2, 1963 edn., p. 92.

95 Cáit O'Kelly to Hagan, 12.12.22, Hagan Papers.

96 Macardle, *op. cit.*, p.823.

97 Cáit O'Kelly to Hagan 12.12.22, Hagan Papers. Mrs. O'Kelly added that she had heard 'rather indirectly, that those people who went to see the Archbishop on Tuesday learned that he was broken-hearted ... Perhaps he tried and even succeeded in staying certain executions. I hardly think so, however.'

98 Mary Mac Swiney to Archbishops and Bishops of Ireland, 8.12.22. Byrne Papers, DAA. Mac Swiney asked the bishops 'if further murders of helpless prisoners are committed in this barbarous and inhuman manner ... murders of men who, because of their long imprisonment, can have had nothing to do with any recent developments arising out of your Government's murder Bill; and if the Irish Hierarchy have not lifted their voices against the murders already carried out, what do Your Lordships think will be the effect on lovers of justice in this country?'

the executions would never have been possible had the Bishops not given their official corporate sanction by the October Pastoral'. He pointed out that 'great stress is laid on the silence observed [by the bishops] with regard to the execution of Mellows and his companions'. Hagan felt that 'in all justice it is a pity that there was not some public expression of what I believe to be the episcopal mind on the Mellows incident'.⁹⁹ Conn Murphy, a committed Catholic who had experienced some of the rigours of Free State militancy, wrote to each of the bishops, sternly admonishing them for the effects of their intervention in national affairs. 'Your public espousal of the Free State cause', he wrote to Bishop O'Dea of Galway, 'has enabled its Government to illegally and unjustly seize and imprison tens of thousands of Irish Catholic boys and men and hundreds of Irish Catholic women; to torture habitually defenceless prisoners ... to murder them ... You are very directly and specifically responsible for these injustices [through] your failure to utter a single word of protest or disapproval of murders, tortures [and] raids'.¹⁰⁰

No member of the Irish hierarchy seems to have publicly condemned, or even publicly commented on, the November and December executions. To this extent, the complaints of Mary Mac Swiney, Hagan and Murphy are justified. Archbishop Byrne and Archbishop O'Donnell, however, intervened privately in efforts to prevent the killing of Childers in November and the Four Courts leaders in December. On the day following the execution of Childers, O'Donnell wrote movingly to Hagan of his admiration for Childers and of his effort to save his life. 'Much as I dislike intervening in any way', he told Hagan, 'when I saw a few days ago that he was in jeopardy, I wrote to the law adviser suggesting that he should be spared. Plainly I had nothing for my pains'. O'Donnell's view was that all the executions were 'most deplorable', especially that of Childers; he also claimed that both Logue and Archbishop Byrne were opposed to what the Government was doing.¹⁰¹ Byrne had also intervened with the authorities on behalf of Childers, a gesture which prompted Hagan to congratulate and thank him. 'Your action to have him spared', he wrote, 'does honour to you and him; and I am glad to know that even one voice was raised on the side of mercy'.¹⁰² On the eve of the December 8th executions, Byrne visited Cosgrave to plead with him not to put into effect the decision of the Executive Council taken earlier that day to execute four prisoners as a reprisal for the murder of Seán Hales. Cosgrave stood firm.¹⁰³

After the executions had taken place, Byrne took advantage of Cosgrave's earlier assurance to him that he would not consider a letter from him 'on a public matter as anything like undue interference', to condemn the executions. Byrne told Cosgrave that 'it was with something like dismay' that he had read in the newspapers that the men had been executed as reprisals for the death of Hales. Byrne

99 Hagan to O' Donnell, 26.3.23, Armagh Archdiocesan Archive. Henceforth cited as AAA.

100 Conn Murphy to Bishop O'Dea, 28.2.23, Galway Diocesan Archive, henceforth cited as GDA.

101 O'Donnell to Hagan, 25.11.22, Hagan Papers.

102 Hagan to Byrne, 2.12.22, Byrne Papers, Dublin Archdiocesan Archives. Henceforth cited as DAA.

103 See Dermot Keogh, *The Vatican, the Bishops and Irish Politics*, Cambridge, 1986, pp. 97-8. Keogh derived his information about Byrne's intervention from Professor T. Desmond Williams, who had interviewed Cosgrave.

regarded the policy of reprisals as ‘not only unwise but entirely unjustifiable from the moral point of view’, finding it ‘absolutely unjust’ that one man should be punished for another’s crime. There was the further consideration, according to Byrne, that the policy was bound to alienate many friends of a government that needed ‘all the sympathy’ it could get. Byrne pleaded that the ‘road to clemency’ be kept open, and that if any Republicans were to suffer, this should be ‘after a fair trial and without the appearance of haste’.¹⁰⁴ It does not appear that all the bishops shared the concerns of Byrne and O’Donnell about the morality of executing imprisoned opponents of the government without trial as reprisals. While Byrne saw the government action as a crime as well as a blunder, Bishop Foley took a more benign and tolerant view. He does not seem to have been unduly troubled about the moral aspect of the affair, but was worried that the executions might have been politically inopportune. Writing to his Vicar-General, Foley suggested that ‘The procedure in connection with the last executions was, to say the least, inexpedient in that it is calculated to evoke opposition to the government and even to alienate a certain type of supporter. I thought the defence made by the Minister unsatisfactory, but they [the Government] have a terrible task before them, and flesh and blood could not but assert itself under the strain of the last few months’.¹⁰⁵

Writing to Byrne after the execution of Childers, Hagan warned that ‘deeds like this are bound to awaken deadly echoes’.¹⁰⁶ Within months, O’Donnell was to be an innocent victim of the cruel processes in which the October Pastoral had helped to involve the Irish bishops. In March 1923, four Republican prisoners held at Drumboe Castle in Donegal were sentenced to death. When O’Donnell was informed, he convened a meeting of Raphoe diocesan clergy and as a result two messages were sent to the Government in Dublin pleading for clemency for the prisoners. His efforts were not known to Donegal Republicans, a small group of whom victimised him and members of his family after the Drumboe prisoners were executed on 14 March. ‘My native home and everything in it’, he wrote to Hagan, ‘was burned down on the night of St. Patrick’s Day with considerable harshness or cruelty to the inmates as a reprisal for Drumboe on the score that the Bishops cared little how many were executed’. O’Donnell’s account of the wrong inflicted on his family illustrates his characteristic charity and forbearance: ‘I suppose the poor fellows [the arsonists] little knew that when the news [of the imminence of the Drumboe executions] reached me late the evening before, I managed after hours to make telegraphic communication with Dublin, and I sent the most earnest representations against the executions’. He also sent priests to Drumboe to see if anything could be done.¹⁰⁷ When T.M. Healy, the Governor General, sympathised with him on the burning of his home, O’Donnell could not conceal his disapproval of the executions. ‘The burning of my native home’ he replied to Healy, ‘is, indeed, a bad business. In my opinion, the executions at Drumboe, for

104 Byrne to Cosgrave, 10.12.22, Byrne Papers, DAA. Keogh, *op. cit.* p. 98, refers to a meeting between Byrne and Cosgrave following the December 8th executions, which, according to Bishop Dunne who accompanied Byrne, ‘was effective in moderating government policy’.

105 Foley to M.J. Murphy, 14.12.22, KLDA. 2.12.22.

106 Hagan to Byrne, 2.12.22, Byrne Papers, DAA.

107 O’Donnell to Hagan, 21.3.23, Hagan Papers.

which it was a reprisal, should not, to say the very least, have taken place'.¹⁰⁸

The Free State authorities and the Irish hierarchy were to discover within months of the October Pastoral that the Vatican Secretariat of State was not impressed by some of the sentiments expressed in that document, and that the Pope believed that the proper course for the Irish hierarchy was not to adopt a partisan attitude but to foster reconciliation between the warring parties. From December 1922 on, at a time when it was clear that Republican forces faced defeat in the Civil War, their civilian and clerical supporters intensified their efforts to solicit goodwill, as well as moral and practical support from the Vatican. An early opportunity was afforded by an odd feature of the Bishops' Pastoral.

In their October Pastoral, although the bishops pronounced that they were merely enunciating Divine law which clergy and laity were obliged to obey if they were to avoid ultimate spiritual sanctions, they also declared that the obligation to abide by the terms of their pronouncement was 'subject, of course, to an appeal to the Holy See'.¹⁰⁹ It may then seem surprising to find Cardinal Logue writing to Bishop O'Doherty of Clonfert to express his displeasure that Republicans had decided to take the only course left open to them by the Pastoral if they were to avoid the grave spiritual penalties it imposed. The source of Logue's displeasure was a document from Republican Headquarters dated 31 October 1922, announcing that the Republican Dáil Éireann had asked de Valera 'to make representations to the Vatican formally and emphatically protesting as Head of the State against the unwarrantable action of the Irish Hierarchy in presuming and pretending to pronounce an authoritative judgment upon the question of constitutional and political fact now at issue in Ireland'. The Republican version of this question, as the document put it, was 'whether the so-called Provisional (Partition) Parliament, set up under threat of unjust war and by a coup d'état was the rightful legislature and Government of the country or not'. With the October Pastoral in mind, the writer of the document accused the bishops of 'using the sanction of religion to enforce their own political views and compel acquiescence by Irish Republicans in an usurpation'.¹¹⁰ In general, as he told O'Doherty, Logue took the most casual view of the large bundles of Republican propaganda he received but never read through: 'When I see what it is I tear it up and throw it into the waste-paper basket'. This latest threat of a Republican appeal against the bishops to the Holy See required more serious attention, however. When a copy became available, it might be necessary to counteract its influence at the Vatican by sending 'some choice specimens of their [Republicans'] crimes to the Holy See'. Logue was going to stand firm against those foolish Republicans 'who seem to have got it into their heads that they can frighten the bishops and get them to withdraw or explain their condemnation of evildoers'. He was glad O'Doherty had sent a copy of the October Pastoral to Cardinal Gasparri, Vatican Secretary of State; it would 'open

108 D. Ó Doibhlin, ead. *Ón Chreagán go Ceann Dubhrann. Aistí le Tomás Ó Fiaich*, An Clócomhar, 1992, pp. 142-3.

109 *ICD*, 1923, p.610.

110 *ICD*, 1923, p.593.



Pope Pius XI

the eyes of the [Vatican] authorities to the character and doings of the people we have to deal with.’¹¹¹

The Republican appeal to the Pope took several weeks to prepare, but in the meantime, the Vatican authorities, and even the Pope, were receiving disturbing accounts of the spiritual disabilities being inflicted on Republicans by the Irish ecclesiastical authorities. Logue told Archbishop Byrne that the Vatican was being ‘flooded with de Valera’s propaganda’, which betrayed itself by its intemperance. He himself had felt obliged to counteract the effects of Republican campaign in which ‘the authority of the bishops is impeached, vilified and condemned’ by asking the Vatican Secretary of State to encourage a Papal pronouncement supporting what the bishops were doing. ‘Every real Catholic’, he believed, ‘would listen to the voice of the Holy Father and yield obedience to his authority’.¹¹² The Pope, however, was listening to many voices other than Logue’s. Hagan reported to Byrne that Republican propaganda was having its effect in Rome. ‘I saw the Holy Father this morning’, he wrote, two days after Logue had written to Byrne, ‘and found him greatly perplexed by telegrams which have been coming, particularly from America, about Miss Mac Swiney’.¹¹³ Hagan had other news which would have displeased Logue. Both the Pope and his Secretary of State had told the Bishop of Portsmouth, Dr. Cotter, of Logue’s request for an anti-Republican fulmination, but Cotter ‘gathered that both were anxious to find any decent excuse for not send-

111 Logue to O’Doherty, 2.11.22, GDA. O’Doherty brought his papers with him from Loughrea when he was made Bishop of Galway in succession to O’Dea in 1923.

112 Logue to Byrne, 22.11.22, DAA.

113 Hagan to Byrne, 24.11.22, DAA. Mary Mac Swiney was on hunger-strike in Mountjoy, and being denied the Sacraments.

ing anything of the kind'.¹¹⁴ The Pope also told Hagan that he had discussed the Irish situation on 23 November with Bishop Amigo of Southwark, who would have been able to give him an authoritative account of Republican responses to the October Pastoral. Earlier in the month, de Valera had written to Amigo that 'the good intention which prompted the announcement [the October Pastoral] is not difficult to understand, but that means so calculated to defeat these intentions could have been chosen is almost incomprehensible'.¹¹⁵

If the Pope was 'perplexed', as Hagan put it, by the complaints constantly reaching him about episcopal misdemeanours in Ireland, Hagan almost certainly was not. The Mac Swiney Papers contain an interesting extract from a 'Letter from Rome', unsigned and undated but likely to have been written towards the end of 1922, giving instructions to Republicans in Ireland and abroad on the readiest way to reach the Pope with their complaints. Only someone as close to the Vatican apparatus as Hagan or his Vice-Rector Michael Curran would have been in a position to provide the kind of advice the letter contains. If Republicans want to ensure that their messages reach the hands of the Pope 'the one and only sure channel is that of the electric wires', since 'not only does every wire reach his own eye, but a wire impresses in a way that no letter or other communication is capable of doing'. The results achieved by the campaign would be in proportion to the number of complaints reaching the Pope. In this regard, the writer advises, 'it is well to bear in mind that while one wire is a good thing, a hundred wires from as many individuals or bodies are a thousand times better than one, and you would do well to make this known to your friends in Ireland and across the ocean'. He is happy to report that 'a profound impression was created in this way quite recently by numerous wires which reached the Pope here from Ireland and America in relation to Miss Mac Swiney and the treatment meted out to her, especially by the chaplains'.¹¹⁶ Preparation of the official Republican letter to the Pope, which was to be in French, had been put in the hands of Seán T. O'Kelly's wife Cáit, who taught the language at U.C.D., Patrick Browne of Maynooth who had studied in Paris, Count Plunkett and Dr. Conn Murphy, who, with Professor Arthur Clery, was to present the document at the Vatican.¹¹⁷

This letter, bearing Dr. Murphy's address, Garville Avenue, Rathgar, is an eighty-seven page document consisting mainly of appendices which purport to record the history of modern Irish republicanism. It opens with the impressive claim that the 'Committee of Irish Catholics' who have prepared it are speaking in the name of 'more than a million of our co-religionists, supporters of the Government of the

114 Ibid.

115 Quoted in Longford and O'Neill, Eamon de Valera, 1970, p.204.

116 Mac Swiney Papers, UCDA, P48a/197 (26). Examples of telegrams sent by Republicans to the Pope were sometimes given in the Republican journal *Éire*. The 'Republican Women of Cork' sent the following: 'Holy Father. We claim justice from you in name of God and Catholic Church. Bishop of Cork made four political speeches at Confirmation ceremonies. Openly incited Free Staters to more murders. How long are Catholics to bear injustices?' *Éire*, 7.7.23. Mrs. O'Mahony of Cork also complained of Cohalan's actions: 'As a mother, strongly protest against use made of Sacrament of Confirmation. My little boy scandalised by Bishop of Cork's attack on all he was taught to respect. Will Your Holiness stop politics in Church?'

117 See Cáit O'Kelly to Hagan, 12.12.22, Hagan Papers.

Irish Republic'. Having assured the Pope of the traditional fidelity to the Holy See 'of one of the oldest and most Catholic nations in Europe', the writers seek his help in the 'great spiritual trial' they are now undergoing. The purpose of their document, they explain, is to 'appeal respectfully to Your Holiness against certain decisions of the Irish Hierarchy' which had been promulgated at Maynooth on 10 October 1922. The bishops had issued a declaration which had grave spiritual consequences for all Irish Catholics who supported 'the Republic of Ireland and its government'. In an effort to make the Pope familiar with the context in which the October Pastoral was issued, the authors of the document provide him with the standard Republican interpretation of the constitutional position, explaining that, 'at present, there are two rival governments in Ireland who are at war with each other, each of them claiming to be the legitimate government'. They make it clear which of these governments the Pope should prefer. One is the government of the Republic of Ireland, 'created by the votes of the Irish people themselves at two general elections, the first of these in 1918, the second in 1921'. The other government 'calls itself the Provisional Government, and draws its attributes and whatever authority it possesses from the legislative acts of the British Parliament and rests, exclusively, on force'. The Provisional Government has existed 'only since January 1922, while the Government of the Republic of Ireland has been functioning continuously since January 1919'. The writers go on to tell the Pope that the Irish bishops, in their pronouncement on the constitutional question, have made the wrong choice: their Pastoral Letter 'declares that the Provisional Government is the legitimate Government of the country and has been elected by the nation'. Furthermore, 'it stigmatizes all those who wage war against this government and in defence of the Irish Republic as rebels', and inflicts the severest spiritual penalties on them. The Pope is respectfully told that 'to impose such draconian penalties on those Irish Catholics accused only of having defended what they conscientiously believe to be the legitimate government against the violence of what they conscientiously believe to be an illegal and usurping government, is something not only unjustifiable in itself, but prejudicial to the true interests of our holy religion'. The letter ends with a 'humble' prayer to the Holy See to take 'whatever measures it may judge necessary to bring to a speedy end the serious religious burdens which have been imposed on us'.¹¹⁸

The two men given the task of delivering the document to the Pope, Arthur Clery and Conn Murphy, were pious Catholics. Clery was a part-time professor of law in U.C.D., who spent much of his money on his students and on charitable work in the Dublin slums; his work as a journalist with D.P. Moran's *Leader* allowed him to indulge his distrust of Protestants and Freemasons. He regarded the Oath in the Treaty as 'the Devil's Sacrament' and a renunciation of Faith.¹¹⁹

¹¹⁸ The letter, twenty-two pages in length with sixty-five pages of appendices and signed on behalf of 'Le Catholic Appeal Committee', is now in the Hagan Papers. Quotations are in the author's translation. Historians of the period have so far not made use of this essential document.

Dermot Keogh writes: 'Two men, Dr. Conn Murphy and Professor Arthur Clery, travelled to Rome with a document in French of over eighty pages setting out their case against the Irish hierarchy. Although I have not been able to see this document, Curran commented that it had all the usual drawbacks of a paper amended by too many cooks', op. cit., p. 105.

¹¹⁹ See Patrick Maume, *D.P. Moran*, 1995, pp.16, 17, 41.

Murphy, a civil servant, was equally resolutely opposed to the Treaty. He complained to the press in September 1922 that his house had been raided five times in a month.¹²⁰ On their way to Rome, Clery and Murphy visited the sympathetic Bishop Amigo at Southwark, who advised them to refrain from complaining to the Pope about the hierarchy, but to press for an end to the penalties imposed by the October Pastoral; Amigo found both of them ‘excellent men’, anxious for peace.¹²¹ On their arrival in Rome, Hagan reported to Archbishop Byrne, they were ‘received once or twice by Cardinal Gasparri [Secretary of State] and apparently with sufficient courtesy’; Curran told one of the Archbishop’s Secretaries that ‘The Cardinal Secretary of State told them the matter would be considered when they had the reply of Cardinal Logue’, and that ‘they certainly fought their corner well and courageously despite all the difficulties, and despite the fact they didn’t seem too satisfied with the form of the document they had to present’.¹²² Clery and Murphy had good reason to be pleased with their work. They had convinced the Vatican authorities that both the government and the Irish bishops had a case to answer, and that the Holy See should become involved in adjudicating upon the ecclesiastical aspects of the Republican grievances. The extent of their achievement may be judged from press reports following their return. They had three interviews with Cardinal Gasparri, and an audience with the Pope. Their letter of appeal against episcopal sanctions had been ‘duly endorsed on the records of the Vatican’. Gasparri assured them that when Logue’s response to their remonstrance had been received, ‘the case would be duly considered by the Sacred Congregation whose function it was to deal with such matters’ and which would forward a report to the Pope. The latter would then be in a position, ‘before issuing a decision, to discuss the merits of the case with the delegates at a further Private Audience, the date of which would be forwarded to the Appeal Committee’.¹²³ This Republican version of the reception accorded by the Pope and his Secretary of State to Clery and Murphy, and of the response to the grievances they outlined,

120 *Freeman’s Journal*, 15.9.22. At the Fianna Fáil Ard Fheis in 1933, Murphy referred to the fact that he had been dismissed from the Civil Service in 1922 for political reasons, and reinstated in 1928. The Fianna Fáil government, he complained, had refused to pay his arrears, and its policy seemed to be ‘forgive your enemies and forget your friends’. At this point, Seán T. O’Kelly, the Ard Fheis Chairman, told Murphy that many delegates possibly believed that they had greater personal grievances than he had, and that the delegates ‘were there to do the nation’s work’, not to listen to ‘personal grievances’. *Irish Press*, 9.11.33.

121 Amigo to Hagan, 10.12.22.

122 Hagan to Byrne, 5.1.23; Curran to Archbishop Byrne’s Secretary, 4.1.23, DAA. Hagan wanted to give Clery and Murphy all the help he could in their presentation of the Republican case. ‘I will assume’, he told Byrne before the two met at Gasparri, ‘that I am free to employ an Advocate should I find that they are taking the case to the Rota or to one of the regular tribunals such as the Congregation of the Council. Indeed, as long as they are here I should prefer to have assistance of this kind, so as to avoid all possibility of mistake or misconstruction’. Hagan to Byrne, 22.12.22, DAA. According to Hagan, the Vatican had reservations about the content of the October Pastoral. ‘As far as I can gather’, he told Mannix, ‘the people in the Secretary of State’s office did not think the Bishops had done right; but as what they did was pleasing to England, the Holy See did not interfere’. Hagan to Mannix, 5.10.23, Hagan Papers.

123 There is a copy of this report in NAI S 1792.

was not challenged by the Vatican, as a Free State diplomat, Seán Murphy, was to point out to Gasparri. In April, during an interview with the Secretary of State, Murphy complained that ‘the Holy See unfortunately omitted to contradict’ the Republican statement, thus giving the impression that ‘the Vatican was inclined to give undue consideration to the Irregulars’ claims’.¹²⁴ The Holy See could scarcely have contradicted the Republican report of the mission, since it gave an accurate account of what had happened during the Roman visit of Clery and Murphy. The Vatican had, indeed given serious consideration to the Republican claims, as Logue discovered in January 1923 when he received a copy of the Appeal for his comments.¹²⁵

In March 1923, the Pope intervened in the Irish situation in a way that displeased both the bishops and the Free State government, but gave some comfort to Republicans. On 14 March, the *Giornale di Roma* announced the departure of Monsignor Salvatore Luzio, who had been Professor of Canon Law at Maynooth from 1897 to 1910, as Papal Envoy to Ireland. Luzio arrived in Ireland on 19 March. On the same day Bishop Browne of Cloyne wrote to O’Doherty of Clonfert expressing extreme surprise at the development. He found the coming of Luzio ‘amazing, without any previous intimation (so far as I know) to Cardinal Logue or the Irish Hierarchy’.¹²⁶ Luzio’s arrival had, however, been heralded long in advance. On 13 November 1922, Hagan told Archbishop Byrne that the news of the projected appointment of an Apostolic Delegate was so definite ‘that the name of Luzio is a matter of gossip in interested circles’. In mid-December 1922, James O’Dea, Galway Diocesan Secretary, was able to tell his friend Professor Michael Browne of Maynooth of rumours that ‘we are getting Luzio as a papal nuncio’.¹²⁷ Logue had long been seeking something of this kind: since the beginning of the Civil War he had been pressing the Vatican authorities not only for ‘a fulmination’ against Republicans, but for a direct intervention in the form of a delegate.¹²⁸

Two days after his arrival, Luzio called on Logue, presenting him with a letter of introduction from Cardinal Gasparri. The letter informed Logue that Luzio, ‘Domestic Prelate of His Holiness and Regent of the Sacred Penitentiary’ was in Ireland ‘by charge of the Holy Father’ to gather ‘all news and information that may be useful for the knowledge of the Holy See on the actual condition of affairs

124 Seán Murphy’s report on meeting with Gasparri, 26.4.23, NAI D/FA 52.

125 Logue to Byrne, 21.1.23, Byrne Papers, DAA.

126 Browne to O’Doherty, 19.3.23, GDA.

127 Hagan to Archbishop Byrne, 13.11.22, Byrne Papers, DAA; Father James O’Dea to M.J. Browne, 15.12.22, GDA.

128 Logue’s appeal for an anti-Republican ‘fulmination’ resulted, as Hagan remarked with much satisfaction to Archbishop Byrne ‘in something different from what he had been urging and was expecting’. Hagan to Byrne, 13.11.22, Byrne Papers, DAA. The Pope’s reply to Logue, far from betraying any anxiety to condemn Republicans, suggests that the Pope wanted the Irish bishops to act as reconcilers, not as political partisans. ‘Trusting as we are in your prudence, Venerable Brothers’, he tells Logue and the other bishops, ‘we are altogether confident that you will discreetly exert every effort in order that all in Ireland, whosoever they may be (*ut omnes, quotquot sint in Hibernia*), may always be led by a spirit of charity and concord. In that way, your country will not only achieve a much desired tranquillity, but also advance towards a most propitious growth’. Pope Pius XI to Logue, 2.8.22, AAA.

in your nation'. His other task was 'to co-operate, as far as he possibly can, in the pacification of minds in the interests of a much-desired and definite settlement of the country'. The letter also asked Logue to facilitate Luzio's 'acquaintanceship with the most prominent and eminent personages'.¹²⁹ To Logue's dismay, it soon became clear that among the 'eminent personages' Luzio and Gasparri had in mind were leading Republicans. Indeed, the Pope also appears to have instructed Luzio to talk to Republican leaders. Arthur Clery, who was in frequent communication with Luzio during his visit, made this clear in a letter to de Valera in late March. 'I saw Luzio again', he wrote; 'He said the Pope told him to meet you so that he might convey the Pope's message to you; he was not to write to you because of the state of the country'.¹³⁰ Luzio, in his enthusiasm to follow these instructions, suggested that Logue and himself go on a mission to the Republicans. Logue, who had a settled contempt for Republicans and their activities, seems to have told Luzio that if he could bring back surrender terms from them he would consider these.¹³¹

Much of Luzio's stay in Ireland was spent in meeting and corresponding with Republicans. Early in April, he was in touch with Joseph Byrne, the new Irish Provincial of the Holy Ghost Congregation, to arrange a meeting with de Valera. On 6 April, one Holy Ghost priest, Herbert Farrell, collected Luzio at the Shelbourne Hotel where he stayed during his Irish visit; another member of the order, disguised as Luzio, headed towards Dun Laoghaire followed by detectives. Meanwhile, Luzio was conveyed to Mount Street where he met de Valera.¹³² The meeting was not satisfactory from de Valera's point of view, although he was impressed by Luzio's goodwill towards Republicans. Writing to Hagan after Luzio had left Ireland, de Valera reported that 'his attitude was so sympathetic that our people thronged to visit him ... I had one interview with him, in which we discussed matters generally. He came, unfortunately, at a bad time for us. The peacemaker has always an almost irresistible temptation to try to effect his object by bringing pressure on the weaker side to give in. I am afraid our visitor was succumbing to it when he should have stood rigidly for impartial justice. However, his task was almost superhuman, and it is easy to criticise'.¹³³ During his interview with Luzio, de Valera placed far less emphasis on the political situation than on the moral and spiritual predicament of Republicans troubled like himself by the implications of the episcopal judgment on their cause. This concerned de Valera a great deal more than did the principles on which peace might be established.¹³⁴ A week after the interview, Seán T. O'Kelly's wife Cáit told Hagan that 'L'Espagnol [de Valera] and l'Italien [Luzio] have met here without settling the Irish question so far. Monsignor

129 Gasparri's letter introducing Luzio is reproduced in *ICD*, 1924, p.569.

130 A.E. Clery to de Valera, 29.4.23 (recte 29.3.23). Quoted in Ó Néill agus Ó Fiannachta, *De Valera*, Vol. 2, p.106. Hagan told Byrne that Luzio was believed to have received instructions 'to see Dev soon after his arrival'. Hagan to Byrne, 8.3.23, Byrne Papers, DAA.

131 See Keogh, *op.cit.*, p.113.

132 S. P. Farragher, *Dev and his Alma Mater*, Dublin 1984, p. 140.

133 De Valera to Hagan, 19.5.23, Hagan Papers.

134 See Ó Néill agus Ó Fiannachta, *op.cit.*, p.107. From October 1922, until the end of the Civil War, de Valera, in deference to the terms of the October Pastoral, did not receive the sacraments. I owe this information to the late Professor T.P. O'Neill.

Luzio is most anxious to see peace reign here and then the Sacraments will cease to be a state monopoly'.¹³⁵ Luzio's suggestion that a restoration of peace might be the condition on which the religious sanctions on Republicans might be lifted explains why de Valera considered him 'not too satisfactory on the question of the sacraments'.¹³⁶

Following de Valera's single, inconclusive meeting with Luzio, all further contacts between the two were maintained by means of letters passed from one to the other by Father Byrne. In the first of these letters dated 16 April and addressed to Byrne, de Valera suggested that Luzio go to see 'Cosgrave and Co. and point out to them that a truce is necessary in order to get things properly done. They cannot be blind to the fact that they can never, no matter what they or we do, hope to get in all the [Republican] arms.' For his part, de Valera could guarantee that if he gave a Cease Fire Order it would be obeyed, provided that Republican combatants could return unmolested to their homes, prisoners were released and those who had supplied active-service units were compensated. De Valera did not want Cosgrave's government to know that he had made such proposals. He asked Byrne to 'press these views on our visitor [Luzio] as from yourself, if you share them, and ask him to press them on Cosg. as from himself'. If Luzio were to be 'instrumental in securing a peace that will be practical and real' the result would be advantageous to the Church. He concluded by expressing a common Republican view that the Irish episcopacy had become the most deadly of all the enemies of the Republican cause. Luzio, however, could help to redeem the Church in the eyes of Republicans were he to influence Cosgrave in the direction of a just settlement. 'This act of reparation', he told Byrne, 'however inadequate, may soften the bitterness which our people will feel against the Bishops who more than the military forces of our opponents have brought our cause to this pass'.¹³⁷

When this letter was written, Luzio had met Cosgrave, who later explained to the press that he could not discuss political questions with the Pope's envoy. He regarded Luzio's visit to him as merely a 'courteous friendly act', devoid of any other significance. Luzio could not have properly presented himself 'in a political or diplomatic capacity'; had he wished to do that he would have been obliged to submit his application 'for reception on a political mission' to the Ministry for External Affairs and then await a government decision 'as to whether his intervention in

135 Cáit O'Kelly to Hagan, 13.4.23, Hagan Papers.

136 See Ó Néill agus Ó Fiannachta, *op.cit.*, p.107

137 De Valera to Father Joseph Byrne, 16.4.23. This and other relevant correspondence may be found in Farragher, *op.cit.*, pp.141ff. Compare the views of Aodh de Blacam, a convert to Catholicism who served the Republican cause with a religious fervour. 'Every day', de Blacam wrote to his Capuchin friend and fellow-Republican Father Canice, 'I see more clearly that our movement broke on the Bishops, as the cause did many times in history. And there never was a finer spiritual movement in Ireland than when Kevin Barry and Mac Swiney were winning for us. The defeat is due to the Bishops siding with perjury and badness against truth and charity, and as the fight was a spiritual one, their causing a schism in the spirit of the nation broke us. We will never be free till either the people revolt against the Bishops as well as England, or the Church gets pure and sides with the right. If the Church had blessed our movement, we could have smashed all the empire's might, just as we beat it in conscription year'. Aodh de Blacam to Fr. Canice, 27.7.22. Desmond Fitzgerald Papers, UCDA, P80/736.

our political affairs should be permitted'. Since Luzio had followed none of these procedures, he could have no status in Cosgrave's eyes as a political mediator.¹³⁸ At this point de Valera decided that the Luzio mission had 'not been of much value'. Under pressure from the Free State government, the Pope had agreed to recall him.¹³⁹ De Valera sent Luzio a parting note, in which he declared that in fighting the Free State he had been 'fighting a usurpation that got into power by a coup d'état – by fraud and force'. He hoped that Luzio could arrange for a message to Ireland from the Pope 'asking that the dispute between the rival governments be left to an election'.¹⁴⁰ This latter suggestion was in line with what Luzio had told Clery about the Pope's view of the political situation in Ireland. 'The Pope', Clery wrote to de Valera, 'could not settle the political question; but he [the Pope] thought it might be settled by means of an election, although he admitted that it might be difficult to arrange an election given the present state of things'.¹⁴¹ In his discussions with Republicans, Luzio had found the idea of a plebiscite on the constitutional issue attractive. Cáit O'Kelly found him 'very enthusiastic' about the notion that the people should be asked to decide whether the Free State was a final settlement, whether it was accepted under duress, or whether it was 'accepted at all, with or without duress'.¹⁴²

De Valera may not have found Luzio's mission of 'much value', but other Republicans who met him seem to have been heartened by his openness to their point of view. Mary Mac Swiney told Kathleen O'Connell, de Valera's Personal Secretary, that Luzio had 'assured Professor Clery that the Holy Father commissioned him especially to see Mr. de Valera and that he was willing to go anywhere and to make any arrangements we desire'.¹⁴³ After Luzio's departure on 5 May, Cáit O'Kelly told Hagan that he had been 'exceedingly nice and patient.' As long as he was in Ireland, 'the ladies, especially, unburdened their hearts to him and came away comforted. Father Sweetman, a Republican supporter from County Wexford, was of the other half of humanity the most constant in attendance. I met some disconsolate women on Sunday, after His Excellency's departure'. Mrs. O'Kelly could not imagine that he had 'come to Ireland to console the Republicans and the downtrodden'. She made a significant observation on Luzio's response to his reception by the Free State authorities. 'He was', she reported, 'brutally treated, and said so, by the governing section'.¹⁴⁴ Hagan later confirmed this sense of outrage on Luzio's part at the way he had been dealt with not only by the government, but also by the bishops, who had largely ignored him. Hagan's letters to the Irish bishops following Luzio's return to Rome have many references to Luzio's

138 *Freeman's Journal*, 20.4.23.

139 On 23.4.23, following representations from Cosgrave to the Vatican, the Pope agreed that 'Monsignor Luzio's ecclesiastical business had come to an end and that he would be recalled immediately by wire'. Seán Murphy's report on meeting with Gasparri, 26.4.23. NAI D/FA S2.

140 Farragher, op.cit., pp.142-3.

141 Clery to de Valera, 29.3.23. Quoted in Ó Néill agus Ó Fiannachta, op.cit., p.107.

142 Cáit O'Kelly to Hagan, 13.4.23, Hagan Papers.

143 Mary Mac Swiney to Kathleen O'Connell, 2.4.23, Kathleen O'Connell Papers. Mac Swiney added that she would write a full report for the President [de Valera] during the week, of the people on our side who have seen the Nuncio, and any points I think may be useful to him'.

144 See Reference 142. above.

intense displeasure and disappointment. Hagan told O'Doherty of Clonfert that 'Luzio was glad to have escaped with his whole skin, and where he expected to meet nothing but warm friends he found little but cold looks and no welcome'.¹⁴⁵ Hagan reported to Archbishop Byrne that 'Luzio is disgruntled, feels dissatisfied with everyone including his secretary¹⁴⁶ and the Bishops, and considers that the latter did nothing to promote his enterprise'.¹⁴⁷ A further letter from Hagan to Byrne has a telling comment on the unfavourable impression created by the Irish Bishops and the Free State Government not only on Luzio but on the Pope. Luzio, Hagan claims, 'is very bitter on the Bishops for their coldness and failure to afford help; he has the utmost contempt for the members of the Cabinet, with the exception of Cosgrave; looks on O'Higgins as the incarnation of evil; blames the English for the whole mess; says H.H. [His Holiness] is fit to be tied and is utterly disgusted'.¹⁴⁸ Luzio clearly felt that he had less reason to be displeased with the reception accorded to his mission by the Republican side. On 29 April, after de Valera had published his own peace proposals, Luzio sent him an encouraging letter. 'I congratulate you', he wrote, 'because you have succeeded in doing something practical in the interests of peace. Now that your proposals have been published, the Government of the Free State is answerable for any delay in achieving peace'.¹⁴⁹

Before Luzio's departure, de Valera urged him to assure the Pope that Republicans still regarded themselves as belonging to the Church, whatever sanctions the bishops of Ireland might have imposed on them.¹⁵⁰ He continued to correspond with Luzio, to whom he gave advance notice of the Republican Cease-Fire order of 24 May. In the interests of the general pacification of the country, he suggested to Luzio that the Church could now lead by example by removing at once the unjust spiritual penalties it had imposed on conscientious Republicans.¹⁵¹ In the final stages of the Civil War, Luzio wrote to Father Byrne suggesting that de Valera should not allow the Oath to prevent him from making a peace settlement with the Free State, and warning that 'if negotiations are broken off only for that reason by Mr. de Valera, he would not have much sympathy or support even

145 Hagan to O'Doherty, 25.5.23, GDA. In another letter, Hagan explained that the 'cold looks' he had received were from the Irish bishops. Hagan to Byrne, 25.5.23, Byrne Papers, DAA.

146 Canon Conry, an Irish priest resident in Rome, acted as Luzio's secretary in Ireland.

147 Hagan to Byrne, 25.5.23, Byrne Papers, DAA.

148 Hagan to Byrne, 25.6.23, Byrne Papers, DAA. In early October 1923, Hagan told Mannix that he believed that the Pope was 'sick and tired of Ireland, and does not want to hear the word mentioned. He has made no reference to the country the last three or four times I have been speaking to him'. Hagan to Mannix, 5.10.23, Hagan Papers.

149 Luzio to de Valera, 29.4.23. Quoted in Ó Néill agus Ó Fiannachta, *op.cit.*, p.112. This letter was delivered to de Valera by Father Joseph Byrne. Kathleen O'Connell's diary for 29.4.23 records that 'Father Byrne called and stayed the night'.

150 See Longford and O'Neill, *op.cit.*, p.220.

151 De Valera to Luzio, 23.5.23. See Ó Néill agus Ó Fiannachta, *op.cit.*, p.124. Luzio's presence in Ireland seems to have led to an easing of the conditions imposed on at least some Republican penitents. According to the commonly-applied interpretation of the October Pastoral, Republicans could not receive the sacraments unless they repudiated the aims and methods of their movement. See below, 'Notes Compiled by S. Ní Mhuirí in conversation with Teresa O'Connell', an anti-Treaty prisoner in 1923.

from the Vatican'. In Italy, he pointed out, members of the Republican Party take a similar oath in good faith, 'and feel quite sure they remain as Republican as ever - everybody knows what is the meaning of such an oath taken by a Republican'.¹⁵² Luzio also wanted de Valera to go beyond the terms of the Republican Cease-Fire order of 24 May and to surrender or destroy arms.¹⁵³ De Valera wrote to him on 22 June, rejecting his two suggestions. 'Acceptance of the oath', he told Luzio, 'is of course quite out of the question. That would be a formal act of obeisance and homage to England, and one of National humiliation for Ireland'. Surrender or destruction of arms would imply a recognition of the authority of the Free State Executive, and Republicans, de Valera asserted, 'do not and cannot recognise that authority as legitimate'.¹⁵⁴

Luzio's visit brought into sharp focus the complex and troubled relationship between the Irish bishops and the Free State government on the one hand, and the Vatican on the other. The government and most of the bishops saw the Luzio visit primarily as a Republican event through which the Vatican had given a wholly unacceptable moral respectability and a constitutional status to the forces of anarchy. Cosgrave made angry representations to the Vatican in the third week of April 1923; a senior diplomat complained to the cardinal Secretary of State that Luzio had not got in touch with the government 'until he had first seen the Irregulars', and that he had remained a month in the country 'without in any way informing the government of his presence'.¹⁵⁵ On 21 April, the Executive Council heard details of what ministers must have regarded as an astonishing Vatican intervention in Irish political affairs. The Minister of External Affairs, Desmond Fitzgerald, reported that during an interview with Archbishop Byrne on the previous day, the latter had informed him that he had received a telegram from Cardinal Gasparri, Secretary of State to the Vatican, instructing him to approach the Government of the Free State with a view to securing the release of Dr. Conn Murphy, 'the impression at the Vatican apparently being that Dr. Murphy had been arrested because he had presented a petition to Rome on behalf of the Republicans'.¹⁵⁶ On 19 April, the *Irish Independent* reported that Cardinal Gasparri had sent the

152 Farragher, *op.cit.*, p.243 quotes Luzio's letter.

153 For details of the I.R.A. attitude to the surrender of arms, see Macardle, *The Irish Republic*, 1951 edn., pp.849ff.

154 De Valera to Luzio, 22.6.22. Copy in Hagan Papers.

155 The diplomat, Seán Murphy, reported to the government on 26.4.23. See NAI D/FA, 52.

156 Executive Council Minutes, NAI G2/2, 21.4.23, p.8. The following text of Cardinal Gasparri's telegram of 19.4.23 to Byrne was published by the Republican journal *Éire*: 'It has been represented to the Holy See that Dr. Murphy is in prison for having presented to His Holiness an appeal. His Holiness painfully impressed by such news begs Your Lordship to ask the Government in his [Pope's] name to set him - Dr. Murphy - at liberty as this will help very much in the pacification of the Country'. *Éire*, 5.5.23. On 24.4.23, *Éire* reported the granting by the Pope of his Apostolic Benediction to Murphy 'on hunger-strike against his arrest, via Mrs. Despard, not through the Archbishop of Dublin' and claimed that Murphy 'was released within a few hours'. The *Éire* reporter believed that through this act, 'the Pope has done much to prevent loss of faith in Ireland'. On 30.4.23, Desmond Fitzgerald explained to Gasparri at the Vatican that Murphy had been arrested because a search of his house showed that it was being used as a centre for the distribution of 'irregular despatches'. See Desmond Fitzgerald Papers, UCDA.

following telegram to Mrs. Despard¹⁵⁷ for Conn Murphy who was on hunger-strike: 'Holy Father sends Dr. Murphy Papal Benediction'. The Executive Council meeting was told that Murphy had been released before Gasparri's telegram was sent. Since it was obvious to members of the government that 'His Holiness the Pope had no proper knowledge of the true facts of the case', it was decided that 'the Minister of External Affairs should proceed to Rome with full particulars of Dr. Con Murphy's case, but that his departure should be delayed pending the negotiations [with the Vatican] with regard to Monsignor Luzio'.¹⁵⁸ Two days later, these latter negotiations had been successfully concluded; on 23 April the Pope and Gasparri agreed to recall Luzio to Rome.¹⁵⁹ Cosgrave's relieved response was to offer 'sentiments of grateful appreciation of the gracious consideration of His Holiness ... whereby the embarrassment caused by the manner of the Right Rev. Monsignor Luzio's intervention in our affairs has been brought to an end'.¹⁶⁰ Government resentment towards Luzio and his mission had come to a head following a statement issued on his behalf by his secretary to the press on 17 April that Luzio was 'now free to devote his entire services to the interests of peace and in this capacity he will be directly representing the Holy Father', and that his 'time and services will be at the disposal of all those, no matter what their political convictions may be, who desire the fulfilment of that end'.¹⁶¹ This led the Executive Council to decide that Luzio was 'now endeavouring to interfere in the domestic affairs of the country', that his action 'was an encouragement to the forces of disorder and anarchy operating against the government and its people', and that the Pope should be apprised of this view.¹⁶²

Luzio's statement to the press, and his free association with Republicans, could plausibly be interpreted as meaning that he was in Ireland to reconcile two disputing factions, neither of which enjoyed a more secure title to legitimacy than the other, either in his own eyes or in those of the Pope. The notion that the Civil War was a struggle between rival governments or rival pretenders to government was central to the Republican case presented at the Vatican by Murphy and Clery in December 1922; in April 1923, Luzio was at least giving the impression that he was operating as if the Vatican favoured the Republican interpretation of the constitutional position in the Free State.

Kevin O'Shiel, a legal adviser to the Free State government, prepared a memorandum on the implications of the Luzio visit for North-South relations in April 1923, for circulation to each member of the Executive Council.¹⁶³ O'Shiel was worried that the attitude adopted by Luzio had given Republicans an excuse for inciting public bodies to pass resolutions calling upon him to work for peace,

157 Charlotte Despard (1844-1939) was the elder sister of Lord French. During the War of Independence he was Lord Lieutenant while she supported the I.R.A. Her status as an upper-class convert to Catholicism would have impressed the Vatican authorities.

158 Executive Council Minutes, 21.4.23, NAI G 2/2 p.8

159 NAI, D/FA, S2.

160 Cosgrave to Gasparri, 8.5.23, NAI D/FA S2.

161 *Irish Independent*, 17.4.23.

162 Executive Council Minutes, 17.4.23, NAI G2/1.

163 The report was circulated to the members of the Executive Council on 19.4.23, NAI S 2198.

which really meant trying to encourage Cosgrave to negotiate with de Valera. Some Republicans certainly saw Luzio as an authoritative arbiter of the political question at issue in the Civil War. Father P.J. O'Loughlin of Ballinasloe thought it would be a good idea if representatives of the Free State Government and de Valera could 'lay their respective claims' before the Pope's representative; if they did, he suggested, 'perhaps agreement will come to end the present campaign of blood and murder'.¹⁶⁴

What worried O'Shiel most was the divergence between the views of the Irish bishops and those of the Vatican on the issues underlying the Civil War. The Irish hierarchy, 'the highest moral authority in the land', had, O'Shiel recalled, given the Free State its 'emphatic endorsement and support'. The Government and the bishops might, he implied, have expected a similar response from the Holy See. Given the 'deliberate and unanimous ruling of the bishops, the alleged activities of Mgr. Luzio appear all the more extraordinary, and, considering them in conjunction with the reported grant of the Benediction of the Holy Father to one who comes under the bishops' interdict, one would have to draw the conclusion that the Roman authorities were in direct conflict with the grave and considered opinion of the Irish Church'.¹⁶⁵ At the end of April, Desmond Fitzgerald told Gasparri that the 'apparent indifference' of the Vatican to 'the express public declaration' of the Irish bishops in favour of the Free State had been 'a source of grave scandal and disedification' to supporters of the government.¹⁶⁶

O'Shiel's conclusion that the views of the Vatican authorities on the Irish situation conflicted with those of the Irish bishops was justified, but for reasons not entirely discreditable to the Vatican. Unlike the Irish bishops, the Holy See was in no hurry to give formal recognition to the Free State government. This was made clear to those Irish diplomats who sought such recognition in 1922. Count O'Byrne, who represented the government in Rome up to the outbreak of the Civil War, was told by the Vatican Pro-Secretary of State, Monsignor Borgongini Duca on 28 February 1922 that 'having regard to the present divergence of opinion', it would be premature for the Holy See to afford recognition until after the Irish people had expressed their wishes at the elections.¹⁶⁷ When O'Byrne again pressed for recognition following the June elections of 1922, which could be interpreted as an emphatic endorsement of the Treaty, he was asked to wait another month.¹⁶⁸

With the supervention of civil war, the negative attitude of the Vatican was even more emphatically expressed. O'Byrne was told on 27 July that 'having regard to the state of affairs at present prevalent in Ireland, and to the fighting that was going on there' the Holy See 'did not consider it opportune' to recognise the Provisional Government. However, 'once peace was restored' and once 'a government could function normally in Ireland', the representative of such a government would be received by the Pope 'with due formality'.¹⁶⁹ In November 1922,

164 *Roscommon Journal*, 21.4.23.

165 O'Shiel Memorandum, 19.4.23, NAI S 2198.

166 Memorandum by Joseph Walsh, 30.4.23, Fitzgerald Papers, UCDA.

167 Fitzgerald Papers, UCDA P80/410.

168 *Ibid.*, 102/22, 3.7.22.

169 *Ibid.*, 27.7.22.

we find Hagan advising Borgongini Duca that the Holy See should be extremely cautious in pronouncing on 'Irish political or semi-political affairs'. Hagan, alerting the Vatican Pro-Secretary to the impending arrival in Rome of Murphy and Clery, professed to have 'intimate knowledge' of the 'aims and hopes' of bishops as well as Republicans. He expressed 'the carefully considered opinion that in dealing with this crisis and with protests and appeals arising out of it, a neutral and procrastinating attitude would seem to me to be the most advisable at the present dark hour'. Any action on the part of the Holy See, even a negative one, he told Borgongini Duca, 'may easily lead to developments and complications gravely prejudicial to the interests of religion for many a year to come'.¹⁷⁰

Hagan did not want the Vatican authorities to fall into the errors he considered the Irish bishops to have made even before October 1922. In August 1922, on the day Collins was killed, Hagan told Bishop O'Dea of Galway that he was particularly depressed at recent episcopal condemnations of Republicans which seemed to him 'calculated to do much harm in the years that lie ahead'. Hagan, a good historian, reminded O'Dea of 'the many souls held aloof for years from the sacraments as a consequence of the attitude of Churchmen towards the Fenian movement'. The bishops, he believed, should frame their conduct in accordance with the distinct possibility that to-day's rebels might be tomorrow's governors. Indeed, he had 'little hesitation in forming a forecast that in half a dozen years the republican party will command the majority of the country'. In that event, Irish churchmen would not like to be reminded that 'more than one Bishop to-day was responsible for the denying of absolution to those who rightly or wrongly have made up their minds as to the lawfulness of resorting to certain methods for the realisation of the Republican ideal'.¹⁷¹

Like Hagan, and prompted by him from time to time, the Vatican, in contrast to the Irish bishops, was taking the longer view of Irish affairs. During 1922 and much of 1923, it could not have appeared prudent to the Vatican authorities to make a formal commitment to either side in a struggle whose outcome was uncertain, and in which both of the warring parties professed strict Catholic principles. A benevolent neutrality and the extension of fatherly solicitude to everybody involved was deemed the saner course. In many Republican eyes, the Vatican did a useful service to the cause of Catholicism in Ireland by refusing to compound the sins of the bishops.

On his return to Rome, Luzio submitted a report on his Irish experiences to Cardinal Gasparri, the Vatican Secretary of State. This report is located in the Vatican Secret Archives (*L' Archivio Segreto Vaticano*).¹⁷² The Report makes it obvious that Luzio had been strongly influenced by the Republican version of post-Treaty Irish history transmitted to the Vatican Appeal Committee by Dr. Murphy and Professor Clery on behalf the Catholic Appeal Committee. The essence of the Republican position was that the Treaty split had led to the emergence of two governments in the Free State. Luzio's report to Gasparri referred to 'these

¹⁷⁰ Hagan to Borgongini Duca, 13.11.22, Hagan Papers

¹⁷¹ Hagan to O'Dea, 22.8.22, GDA.

¹⁷² These archives have been open to free consultation by scholars from all over the world since 1881.

two parties, or, more accurately, these two governments,' the very claim that the Free State authorities and the Irish bishops had rejected out of hand. Luzio went further. His experience in Ireland had taught him that the Republican government was 'much more religious, preferring the ancient and genuine Catholic faith of the Irish people.' The Ministers of the Free State, by contrast, were 'fanatical, proud, raised aloft by England' and, before sitting in Parliament, were prepared to take an oath 'that is taken in the Protestant Parliament of England.' Worse still, President Cosgrave had, out of 30 Senators, 'chosen 18 Freemasons,' and his government had devised a Constitution, Article 8 of which stated that all religions are equal in the eyes of the Free State. The most deplorable feature of all, Luzio remarked, was that 'this is the government supported by the Irish hierarchy.'

Luzio further deplored two aspects of the bishops' October Pastoral. One was that in it the bishops had purported to pronounce on a purely political issue in a legitimate dispute, by making the legitimacy of the Free State government a matter of divine law. 'A much greater evil,' however, was that the authors of the Pastoral were prepared to use the Sacraments as an anti-Republican weapon. This evil was compounded by the fact that the bishops 'inflicted suspension ipso facto' upon priests who absolved errant Republicans. 'This scandalous fact meant,' Luzio pointed out, that 'some priests with Republican ideals 'gave confession and sacraments to Republicans, while others who accept the decision of the bishops do not. The faithful therefore know to whom they must turn to receive the sacraments, and they marvel at how religion is not equal in the eyes of all priests and begin to believe that each one shapes it according to his own wishes.'

Luzio was especially troubled by the plight of up to 15,000 Republican prisoners who could not choose their confessors but were restricted to prison chaplains who were instructed by the bishops to enforce the terms of the October Pastoral. Having heard numerous complaints on this matter while he was in Ireland, Luzio insisted that 'this abnormal situation' be rectified immediately. He argued that but for 'the profound piety' of the Irish people, including Republicans, 'Ireland would have witnessed the defection of thousands from the Catholic Church.' He could not understand how the same bishops who had encouraged Irishmen to flight for the Republic 'now denied them the sacraments for continuing to do so.' Luzio was mistaken in thinking that the bishops had encouraged Irishmen to fight for a republic: many of them associated Republicanism with anti-clericalism, the persecution of religion, and atheism. Luzio recalled that during his stay in Ireland, he was informed by Cardinal Logue that he was expected to bring approval from Rome of the October Pastoral and its consequences and a rejection of the Republican appeal against the pastoral. Logue was not pleased to learn that Rome was unlikely to endorse the bishops' decision on the legitimacy of the Free State government, because it did not want to be involved in a political matter. Luzio told Logue that the purpose of his mission was to enquire about the advisability of a Papal letter which had already been prepared, advocating peace between the warring sides. Neither Logue nor Archbishop Byrne of Dublin favoured such a letter. Byrne told him that this kind of intervention from the Vatican would not be welcome; 'for politics in Ireland there was the Free State government, and for religion there were the [Irish] bishops,' and neither body wanted mediation from the Vatican.

All Luzio could do then was to try to meet people on both sides of the conflict in order to facilitate their reaching an agreement. Large numbers of Republicans, including de Valera, were anxious to meet him. He tried to impress on de Valera the need to end armed opposition and to espouse constitutional methods. Invoking 'Christian morality and religion,' he tried to persuade de Valera that it was a crime for Republicans to persist in an armed struggle which had no hope of success and when legal means were available to bring about a settlement. De Valera did not respond, Luzio was gratified when *The Irish Times* published an article suggesting that while he, 'a foreign and impartial person,' was in Ireland, there was a good opportunity to conduct peace talks. As a result of this article, Luzio received 'hundreds and hundreds of letters and telegrams from individuals and public bodies proposing that he play a facilitatory role in re-establishing peace in Ireland. This, he discovered, was a futile task: the Free State wishes to put an end to the conflict 'through the annihilation of the enemy on the battlefield.' The most ardent champion of this course was 'one of the ministers, O'Higgins, a young man of about 30, arrogant and fanatical.' In addition to the Free State government, Luzio identified two other opponents of peacemaking efforts: the British authorities, which had supported the Free State and 'aided it with monies and munitions,' and the bishops of Ireland. Despite all the rebuffs he had endured at the hands of Church and state in Ireland, Luzio felt that his mission had not been in vain. De Valera published peace proposals, saying that he had been swept up in the general movement towards peace brought about by Luzio's presence. Luzio could thus claim that he had done his duty, which, as he saw it, had 'consisted primarily of inducing de Valera to end hostilities and table peace proposals.' In support of this claim he had a signed letter from de Valera in which he recognised that the arguments put forward by Luzio were what induced him to end hostilities and make a peace proposal, and that it would be in no small part due to Luzio if this peace is concluded. However, Luzio was shrewd enough to think of the possibility that his arguments, or indeed his presence in Ireland, had been merely a simple pretext allowing de Valera to capitulate.

In his report to the Secretary of State, Luzio proposed that the Irish bishops be told to lift the ban on Republicans receiving the Sacraments; that lay and regular clergy be completely prohibited from taking part in political affairs, and that a permanent apostolic delegation be installed in Ireland even if the bishops do not wish it, 'as they say that they do not wish that their work be overseen.'

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