Civil War Violence in Kerry

A Necessary First Principle

Fig.1- Execution of Rory O'Connor, Dublin 8 Dec' 1922 (Courtesy of Roddy McCorley Museum)

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Ulster
Connacht
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Munster
Kerry

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Chapter 1

Introduction

'*Chivalry and humanity were early casualties on both sides of the Civil War.*'[1]

The Irish War of Independence was fought between British Crown forces and the Irish Republican Army (IRA) from 1919-1921. It ended with a truce and subsequent treaty, ratified by a small majority in the Irish Parliament, the Dáil, on 7 January 1922. This Anglo-Irish Treaty was divisive from the start containing a number of compromises which proved onerous to a significant section of Irish nationalists. It provided for dominion status within the British Commonwealth for an Irish state but fell short of the fully independent republic many on the Irish side had thought was forthcoming. It also contained an oath of allegiance to the British King and it allowed the northern province of Ulster to determine its own political future. While the treaty was adopted by a slender majority of 64-57 the President, Eamon de Valera, immediately resigned to lead those opposed to it and who would become known as the 'anti-Treaty' faction. Those who remained elected Arthur Griffith as the new President and he formed a cabinet which included Michael Collins, one of the most prominent military leaders during the War of Independence, and would constitute what would become known as the 'pro-Treaty' side. This rough division represented the two sides which would fight the Irish Civil War from June 1922 until its eventual cessation in May 1923.

As tensions increased between anti-Treaty and pro-Treaty sides on 13 April 1922 anti-Treaty republicans occupied a number of buildings, known as the Four Courts, in the centre of Dublin in what has since been described as a 'gesture rather than a military initiative'.[2] Whatever the motivation, the action transformed the fraught, but rarely violent, relationship that had hitherto existed between the opposing sides. While it had been apparent to many that civil war was becoming increasingly unavoidable the pervasive influence of Michael Collins, along with the close personal relationships that existed on both sides, meant that hostilities had, up to

[1] Niall Harrington, *Kerry Landing: August 1922* (Dublin, 1922), p.141.
[2] Charles Townshend, *The Republic: The Fight for Irish Independence* (London, 2014), p.397. Liam Deasy, *Brother Against Brother* (Cork, 1998), p.85. Deasy called the Four Courts occupation 'little more than a protest'.

this point, been carefully contained.[3] The occupation of the Four Courts brought this to an end, however, and on 28 June at 4:00am the Irish Civil War began.

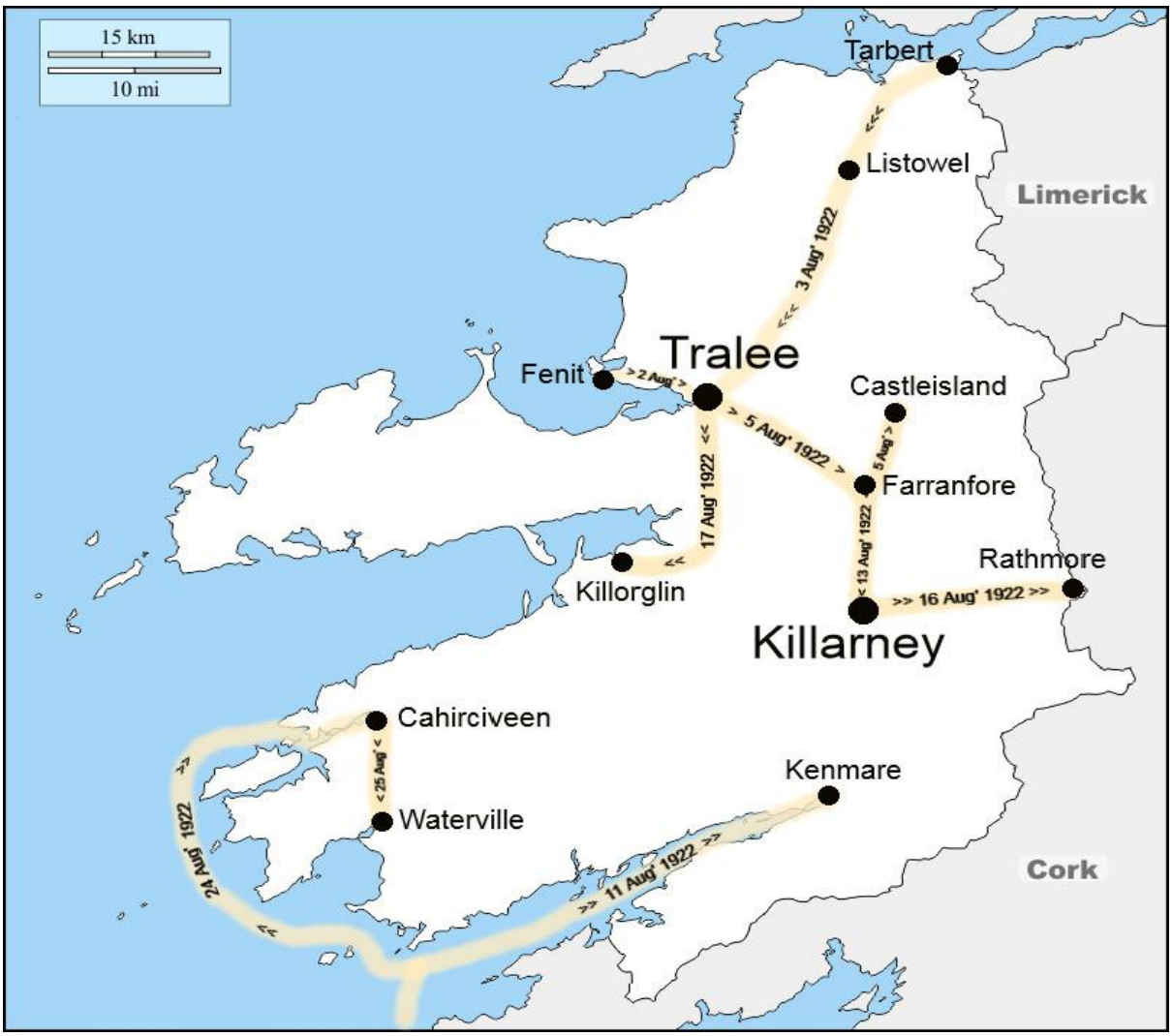

Fig.2- Map showing National Army operations in Kerry, August 1922

From Dublin the conflict expanded outwards but it would be another five weeks before the it reached Kerry, the area of study for this paper. On 2 August 1922 National Army units of the Dublin Guards landed at Fenit Harbour, in the north-west, and marched on the county town of Tralee, capturing it amidst fierce fighting. On 3 August another landing was made in the North of the county, at Tarbert, with this force from the 1st Western Division moving southwards to link up with the troops already in Tralee. On 5 August the combined forces pushed on, taking Farranfore and Castleisland before moving on to occupy the other major urban centre of Killarney on 13 August. In the south of the county a landing at Kenmare enabled

[3] Ernest Blythe, Irish Military Archive, BMH WS939, pp138-139; Michael Hopkinson, *Green Against Green: The Irish Civil War* (Dublin, 1988), p.93.

troops to sweep lightly defended areas along the south-western seaboard with all of the important towns in Kerry in government hands by the end of the month. This signalled the end of what might be termed the 'conventional stage' so beginning the guerrilla phase of the conflict in the county which would last until May 1923.

While total figures for those killed during the Irish Civil War have yet to be universally agreed upon, recent research has suggested that the total might be in excess of the two thousand one hundred and forty-one estimated killed during the War of Independence.[4] Material damage, and the cost of financing the war, has been approximated to be around £30 million and £17 million respectively in contemporary currency, equating to roughly €2,68bn and €1,14bn in modern terms.[5] Figures such as these however, represent only the bare bones of a conflict that has continued to shape party politics in the country to this day. However, while events such as the Easter Rising in 1916 and the War of Independence 1919-1921 have been analysed, and indeed eulogised, in significant detail the Irish Civil War has instead been largely ignored, an unfortunate footnote bookending a glorious era of national birth. In academic terms it has had to make do with a single general history outlining the course of the war and a small number of ancillary works, constituting a meagre return on such a pivotal event.[6] Michael Hopkinson argues that it has been 'extremely difficult for Irish historians to write about [it] in a detached manner' while, almost a century after the fact, Bill Kissane could still remark that the 'civil war happened too recently in Irish political memory to generate the kinds of rival interpretive schools that have marked the historiography' of other civil conflicts'.[7] Eoin Neeson simply describes it as 'the great, deliberate gap in Irish history books'.[8]

If that wasn't enough the historiography that does in fact exist is contradictory. On one side is the idea that the civil war has been exaggerated. Liam Deasy an IRA commander in Cork during the conflict would later write that 'very few of the Republican leaders had any mind for the killing of former comrades and…did not encourage…offensive tactics of any

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[4] See Eunan O'Halpin interview with John Dorney (2012), available at http://www.theirishstory.com/2012/02/10/eunan-o-halpin-on-the-dead-of-the-irish-revolution/#.WpaFkOciHIW Michael Laffan, on the other hand, estimates the number of civil war dead at around 1500, available at http://historyhub.ie/the-irish-civil-war

[5] Hopkinson, *Green Against Green*, p.273. Currency conversion courtesy of Central Statistics Office inflation converter available at http://www.cso.ie/en/interactivezone/visualisationtools/cpiinflationcalculator/#

[6] Published over thirty years ago Hopkinson's *Green Against Green* remains the only major academic work which covers the entire conflict; Supplementary works, while still few in number, include Kissane's *The Politics of the Irish Civil War* and Clarke's *Everyday Violence in the Irish Civil War*.

[7] Hopkinson, *Green Against Green* p. xii; Bill Kissane, *The Politics of the Irish Civil War* (Oxford, 2005), p.202

[8] Eoin Neeson, *The Civil War in Ireland: 1922-1923* (Dublin, 1966), p. 343. See also Anne Dolan, *Commemorating the Irish Civil War: History and Memory, 1923-2000* (Cambridge, 2003), p.2.

serious…value'.[9] On the other side of the divide is the idea that the civil war was a brutal conflict. Maryann Valiulis has argued that, if the early days of the conflict lacked bite, 'it soon turned into serious hunting'.[10] This paper will argue that this confusing dichotomy has existed, at least in part, because the historiography of the civil war has tended to look past that most fundamental element of any conflict, the actual violence. It has meant that any attempt to analyse the Irish Civil War has, as one scholar has noted, 'often [been] forced to describe chaos'.[11]

This paper will therefore attempt to determine which of the conflicting historiographical tropes the Irish Civil War best conforms to by systematically identifying, examining and contextualising instances and patterns of violence in the geographical unit of County Kerry, long considered one of the most active areas of the conflict. This paper will attempt to establish this basic first principle by examining the violent interaction of the opposing forces, the National Army and the IRA.[12] It will be demonstrated, for example, that the IRA employed controversial tactics throughout the conflict. Chief among them was ambushing, which often enraged their opponents and lead to reprisals, although the killing of off-duty and unarmed soldiers and the use of controversial weapons such as landmines and exploding bullets proved no less contentious. On the other side of the ledger it will be demonstrated a lack of discipline in the National Army made it as much a danger to itself as it was to those it was fighting against. Furthermore, there existed patterns of extra-judicial killing of IRA men which spanned the entire conflict and which, it will be argued, was the National Army's primary method of waging war. In summation this paper will examine the degree to which the civil war in Kerry conformed to minimalist historiographical conceptions or whether it did, in fact, constitute a brutal and ruthless conflict.

The principal unit of analysis for this study will be the violent killings of National Army soldiers and IRA men. The act of killing is the cornerstone upon which war is based and is the principle means by which armed forces achieve their goals during wartime.[13] As Joanna Bourke has argued, for 'politicians, military strategists and many historians war may be about the

[9] Liam Deasy, *Brother Against Brother* (Cork, 1998), p.86; See also Niall Harrington, *Kerry Landing: August 1922* (Dublin, 1992), p.153.
[10] MaryannValiulis, *Portrait of a Revolutionary: General Richard Mulcahy* (Dublin, 1992), p.164.
[11] Hopkinson, *Green Against Green*, p.xi.
[12] For the purposes of this study those forces that constituted the pro-treaty side, and represented the military forces of the elected government, will be called the 'National Army, troops or soldiers'. Those fighting on the anti-treaty side against government forces will be referred to as the IRA, short for Irish Republican Army.
[13] The most notable exception to this may be the modern phenomenon of aerially bombing strategic enemy targets in a show of strength. But even this is really just a precursor threat to more lethal intervention if the desired effect is not achieved.

conquest of territory or the struggle to recover a sense of national honour but for the man on active service [it] is concerned with the…killing of other people'.[14] When considering the efficacy of using violent killings as the primary tool of analysis and explanation for this study it should be acknowledged that this method presents some dilemmas. In the first instance it ignores other forms of violence that occurred during the conflict. Intimidation, assault, arson, harassment and destruction of property, to name but a few, were no less a feature of the civil war in Kerry even if they remain outside this study's scope. Additionally, large numbers of soldiers and IRA were also wounded, many very seriously and with life changing injuries, and yet their experiences are excluded from analysis. One might also well ask the question: what is the actual difference between violence which intends to kill, but is unsuccessful, and violence which does in fact kill, even sometimes unintentionally? The answer in real terms is probably very little. However, the answer in terms of the objectives of this paper is very much.

It was felt that the use of violent killings as a metric offered a number of advantages which outweighed its shortcomings. Firstly, the recent availability of military service pension records from the Irish Military Archive made it possible to compile a fully verifiable figure for those killed in Kerry for the first time. Secondly, violent killings represent a significant level of violence in every case and as such are comparable across instances. Each case considered has ended in the same way, the loss of life. In contrast conflict related wounds can traverse the spectrum of violence from minor cuts and bruises to horrific live-changing injuries. Including figures for wounded could therefore dilute the reliability of violence as a comparative metric. Figures for wounded during this conflict were also unreliable and difficult to compile accurately and it was felt that they would introduce an unacceptable element of speculation. Lastly, violent killings also have a self-validating character that wounds do not possess. While almost every conflict has cases where soldiers self-inflict, fabricate and exaggerate wounds, to self-inflict, fabricate or exaggerate a violent killing is simply not practical.

Another feature of this study which should be noted at this point is its reliance on statistical information gleaned from military pension records and intelligence and operations reports. This information has been supplemented by contemporary newspaper reports and other primary sources but the availability of just a small number of first-hand accounts of the conflict means that this vantage point remains somewhat underutilised. As Michael Hopkinson has argued, most 'personal memoirs of the Irish Revolutionary period…have very little to say about

[14] Joanna Bourke, *An Intimate History of Killing: Face to Face Killing in Twentieth-Century Warfare* (London, 1999), p.1.

the Civil War: It was far easier for them to write about the Anglo-Irish conflict'.[15] While this presents certain limitations for analysis, and will be highlighted throughout where necessary, it is felt that the aims of the paper can be realised this notwithstanding.

The structure of this paper is therefore as follows: Chapter 2 will look at the historiography of the Irish Civil War. Chapter 3 will examine theories on civil war and violence in order to contextualise the content of this paper. Chapter 4 will look at the effect that the IRA's methods of prosecuting the war in Kerry had upon the conflict, in particular its willingness to fight 'ugly'.

Chapter 5 will in turn look at how issues of indiscipline in the National Army and patterns of extra-judicial killing contributed to the character of the conflict. Chapter 6 will then conclude the paper by summing up the evidence and arguments presented and evaluating the degree to which the civil war in Kerry conforms to either of the outlined historiographical traditions.

[15] Hopkinson, *Green Against Green*, p.xii.

Chapter 2

Historiography

2.1
Irreconcilable Differences

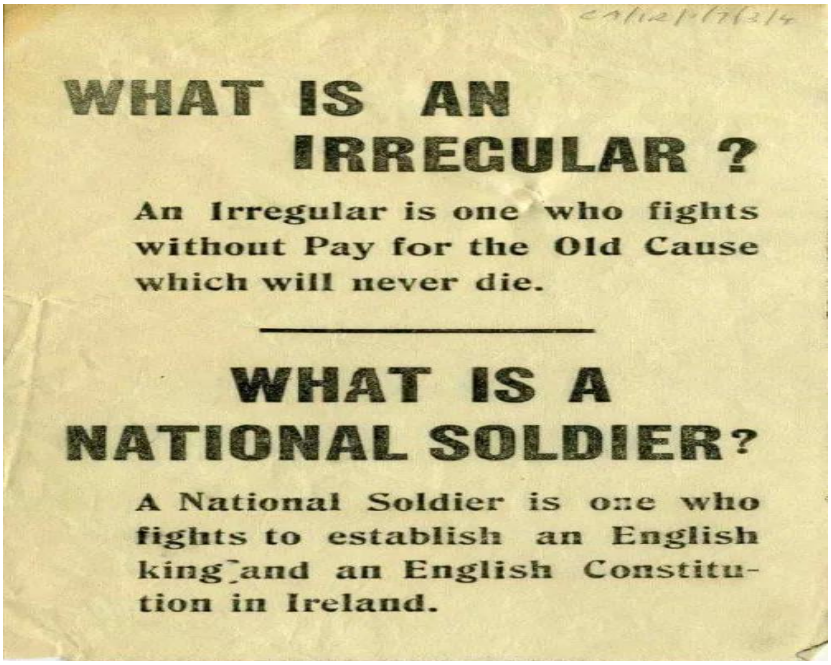
Hampered by such factors as a scarcity of available primary sources, a sensitivity to the continued existence of large numbers of those who had fought in the conflict, not to mention the enduring emotions that still existed, the emergence of an Irish Civil War historiography has been tardy. Indeed, it is only in the last thirty years that academic accounts have begun to appear, a somewhat pedestrian rate for an event which J.J. Lee argues 'occupies so pivotal a place in modern Irish history'.[16]

Writing soon after the end of the civil war in 1924, and in a polarised atmosphere in which democratic institutions had not yet been securely established, P.S. O'Hegarty's account of the conflict in *The Victory of Sinn Fein: How It Won It and How It Used It* was primarily concerned with apportioning blame on republicans and of warning against the spectre of continued resistance to the rule of law. Blaming the conflict on what he called 'pseudo-republicans' he argued that the civil war was 'a general attack on the whole social fabric'.[17] For O'Hegarty the degradation of contemporary morality, the loss of the 'deep-rooted belief that there was something in us finer than…in any other people' was the real tragedy of the civil war.

Released in 1924 Dorothy Macardle's short book *Tragedies of Kerry* attempted to counter this view, putting the republican case forward in simple human terms by describing in emotional detail the killing of IRA fighters in Kerry by the National Army. This departed from contemporary republican rhetoric which had articulated justifications for the civil war primarily with reference to the terms of the controversial 1921 Anglo-Irish Treaty which many republicans repudiated. Ignoring questions of political legitimacy Macardle, a self-confessed republican propagandist, argued that the new government represented little more than a puppet regime, 'subject to England, bound by oath and interest to the English King'.[18] She contrasted

[16] J.J. Lee, *Ireland 1912-1985: Politics and Society* (Cambridge, 1989), p.68. See also Neeson, *The Civil War in Ireland*, p.7. Neeson calls it 'the single biggest influence in modern Irish history'.
[17] P.S. O' Hegarty, *The Victory of Sinn Fein: How It Won It and How It Used It* (Dublin, 1924), p.124.
[18] Nadia Smith, 'Dorothy Macardle (1889-1958): Republican and Internationalist' in *History Ireland*, Vol. xv, No.3 (May, 2007); Dorothy Macardle, *Tragedies of Kerry* (Dublin, 1924), p.2.

the rectitude and integrity of the opposing sides, with the National Army 'drink-sodden, irresponsible' mercenaries while the IRA were 'kind and gentle men' whose rural background conferred an earthiness and purity of purpose absent in their enemy.[19] The account was unapologetically partisan and played on wider contemporary republican ideas which posited anti-treaty resistance, if not democratically sustainable, then as morally justifiable.


WHAT IS AN IRREGULAR ?

An Irregular is one who fights without Pay for the Old Cause which will never die.

WHAT IS A NATIONAL SOLDIER?

A National Soldier is one who fights to establish an English king and an English Constitution in Ireland.

Fig.3- Republican Civil War handbill (Courtesy of Dublin City Library Archive)

These early accounts were attempts to justify pro and anti-Treaty policy during the civil war with neither work attempting any real analysis of the conflict itself. Macardle's later work *The Irish Republic*, published in 1937, included what would be the first historical account of the conflict itself. Focussing on the military passage of the war it detailed the actions taken by the new state and republicans during the conflict establishing a tripartite model of the fighting encompassing the outbreak of hostilities in Dublin, its escalation to the provinces and its degeneration into a guerrilla campaign, that would become the accepted narrative framework. Macardle portrayed the civil war, not as an attempted usurpation, but rather a momentous symbolic act precipitating a 'National Call to Arms'.[20] She argued that it was the new state which had behaved undemocratically during the civil war period, illegally dissolving the second Dáil parliament in June 1922 and setting up a Provisional Government which had abrogated civil rights and executed significant numbers of republicans thus reproducing all 'the features of the British campaign'.[21]

While O'Hegarty and Macardle's works represented the extremes of irreconcilable differences between the opposing sides, it would be another three decades before

[19] Macardle, *Tragedies of Kerry*, pp 4-6.
[20] Dorothy Macardle, *The Irish Republic* (London, 1937), p.788.
[21] Macardle, *The Irish Republic*, p.804; Ibid., p.833.

more balanced accounts of the conflict began to appear. The first of two monographs published in the late 1960s, Eoin Neeson's *The Civil War in Ireland: 1922-1923* presented a chronological narrative of events leading up to the civil war, as well as charting the course of the conflict itself, endeavouring to produce an account with 'partisanship…deliberately avoided'.[22] He argued that the failure to address the issue of the partition of Ireland was 'one of the principal causes of the Civil War' and his analysis focussed on the military path of events largely within the same tripartite framework used by Macardle .[23] However, while rich in anecdotal detail it neglected to examine any of the social, economic or local factors which later works would demonstrate contributed to the conflict. Despite Neeson's stated objective of revealing the unvarnished truth his account would stand accused of 'undisguised prejudice' by critics such as ex-Minister of Finance Ernest Blythe.[24]

Released shortly after, in 1968, Calton Younger's *Ireland's Civil War* represented the first attempt by a non-Irish historian to analyse the civil war period. He too produced a largely military history albeit one with intimate accounts of engagements frequently told in the first-person.[25] In keeping with contemporary accounts of the conflict references were sparse, with contributions rendered upon condition of anonymity. Like Neeson, Younger concentrated on a narrative account of events, albeit a romanticised one, rich in suppositional anecdotes but at the expense of any structured analysis of the causes or the consequences of the conflict.

[22] Neeson, *The Civil War in Ireland*, p.13.
[23] Ibid., p.9.
[24] *The Irish Times*, 12 July 1966, p.9; Neeson, *The Civil War in Ireland*, p.288. Neeson argues that government propaganda, war policy and legislation was deliberately designed to inculcate feelings of 'mass vengeance- a condition which suited the pro-Treaty leaders well.'
[25] Calton Younger, *Ireland's Civil War* (London, 1968).

2.2
Towards an Academic Account

In 1988 Michael Hopkinson published *Green Against Green: The Irish Civil War*, to date, the only academic account of the military passage of the conflict itself. Citing the release of previously unavailable primary source material and the diminishing importance of civil war politics in Ireland he set out to write a 'satisfactory history of the war', something which had presumably been missing up until that point.[26] While Hopkinson agreed that the Anglo-Irish Treaty was the 'decisive event which led to the Civil War' he felt that it was nonetheless inevitable that the lack of organic cohesion within the nationalist movement would eventually lead to division when the primary objective of independence was achieved.[27] He argued that a lack of centralised unity also meant that the conflict was best analysed from a regional perspective instead of the top-down approach which had preponderated up to this point.

By moving his analysis out into what he termed the 'localities' Hopkinson examined the myriad of intimate interactions which he felt characterised the conflict and gave it its dynamic. He argued that '[t]he war for the…IRA…was a matter of individual initiative and local column action' and it was this lack of central political or military authority that had given the conflict its chaotic nature and explained the regional variation in intensity.[28] Hopkinson acknowledged the enduring bitterness which the civil war had spawned due to the legacy of 'executions and unauthorised killings', but was mindful to avoid any in-depth examination of these incidents.[29] In writing thus Hopkinson managed to move the civil war historiography beyond arguments of causality and culpability to a comprehensive military account of the conflict, although he did ignore factors such as the role of individual agency or the influence of wider geopolitical events on the conflict, issues later accounts would begin to disentangle.

One such account was Tom Garvin's *1922: The Birth of Irish Democracy* which looked at the establishment of the new Irish state polity in the period from 1921-1923, touching, by necessity, upon the civil war.[30] Garvin argued that the conflict had its origin in the attempt in early 1922 to replace the IRA, a force characterised by 'local anthropological links of loyalty', with a 'new army…governed by rational-legal principles'.[31] His work also examined how the

[26] Hopkinson, *Green Against Green*, p.xi.
[27] Ibid., p.35.
[28] Ibid., p.158.
[29] Ibid., 274.
[30] Tom Garvin, *1922: The Birth of Irish Democracy* (Dublin, 1996), p.2.
[31] Ibid., pp 55-56.

establishment of the state institutions of the period, national and local government, the police force, the army and the judiciary, were all influenced in their inception by the civil war.

He argued, for example, that the general chaos that reigned in the country during the early stages of the civil war, and the proclivity of the IRA towards public disorder, meant that there was much 'indifference to [government] ruthlessness' in suppressing the IRA.[32] He also demonstrated how local government reforms, which centralised and streamlined authority and 'wip[ed] out patronage and…corruption' in this period, were driven by the new state's desire to extend its authority beyond Dublin and eradicate vested interests.[33] Likewise, the form and function of the new police force was also influenced by the conflict, with its unarmed status a result of the contemporary cultural taboo on 'killing unarmed men', highlighting just some of the ways that the civil war influenced the process of state formation.[34]

It would be almost another ten years before Bill Kissane published *The Politics of the Irish Civil War* which continued the shift away from military accounts of the conflict to instead examine the conflict in the context of wider contemporary social and political events. Kissane argued that the relationship between, what he felt, was a relatively modest amount of fighting during the civil war and the great political fissure that the event caused in Irish politics meant that the conflict was primarily ideological, one in which the 'root causes' preceded the polarisation which occurred in the nationalist movement in the lead up to the Anglo-Irish Treaty.[35] He argued that the civil war's antecedents had their roots in decolonisation expressed in contemporary Ireland in the tension between political nationalists, who wanted to maintain close ties with Britain, and cultural nationalists who, opposing what it saw as Britain's pernicious cultural hegemony, sought a complete severing of ties.[36]

Kissane also explored the civil war from the perspective of its relationship to contemporary civil society and in particular the efforts of various actors and institutions to mediate the conflict. While certain structural factors inferred a sort of inevitability to the conflict Kissane highlighted the presence of various initiatives which had attempted to negotiate a peaceful settlement, in the process introducing into the historiography the perspectives of those groups which stood outside of the two warring factions. In moving away from the chronological narrative of events Kissane provided a contextualisation of the conflict within

[32] Garvin, *1922*, p.103.
[33] Ibid., pp 88-90.
[34] Ibid., p.105.
[35] Bill Kissane, *The Politics of the Irish Civil War* (Oxford, 2005), p.11.
[36] Ibid., pp 24-27.

the wider political and cultural currents which followed in the wake of World War One. In acknowledging that the Irish Civil War did not happen in isolation Kissane opened up an under-explored field of comparative study which saw the conflict analysed in the context of other European civil wars in the early twentieth-century.

Further broadening the historiographical debate G.M. Foster's *The Irish Civil War and Society: Politics, Class and Conflict* attempted to refine the study of social class as an integrative element in the civil war by analysing what he termed the 'social status' of the opposing sides.[37] For Foster notions of respectability inferred a class element to the conflict with animus expressed in terms of difference to the other side. While anti-treaty republicans viewed the government of the new state, and its supporters, as primarily concerned with self-aggrandizement and the trappings of power, the government depicted the anti-Treaty side as uneducated, rural lower-class types, 'trucileers' who had joined the nationalist movement late in the hope that they could share in the glory, if not the fighting. Foster analysed these ideas through cultural markers, the most prominent of which he argued was the clothing styles which were adopted by the opposing sides in the period. While anti-treaty republicans generally adhered to the styles of their constituency Foster argued that the new government and its supporters became increasingly associated with the clothing style, manners and social graces of affluent upper-class Victorian society, that which they had purported to be replacing. Citing Vilfredo Pareto's idea that cultural markers such as clothing help sharpen and reinforce social status hierarchy boundaries once defined by inherited criteria such as race and caste, Foster drew parallels between the contrasting political ideologies of the opposing sides of the treaty and the outward manifestations of their clothing and social habits.[38]

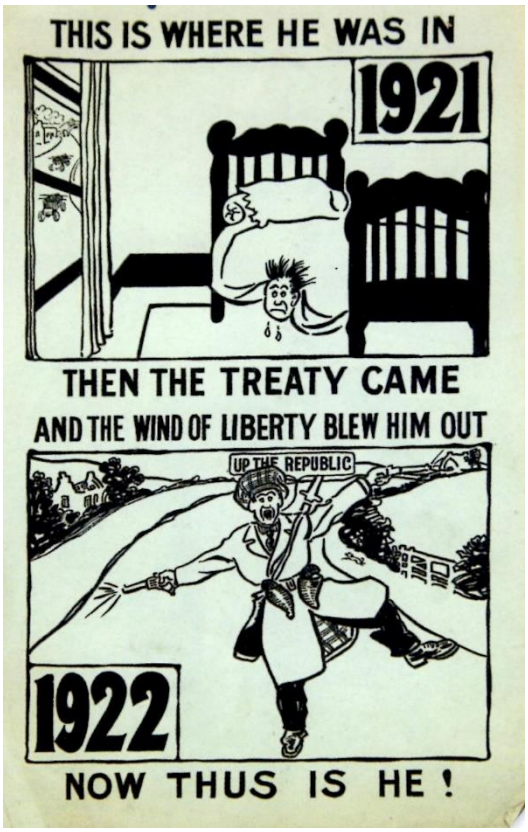


Fig.4- Cartoon depicting Trucileers (Courtesy of *The Green Divide*)

[37] G.M. Foster, *The Irish Civil War and Society: Politics, Class and Conflict* (New York, 2015), p.17.
[38] Foster, *Irish Civil War and Society*, p.87.

Another analysis of the civil war from an innovative angle was Gemma Clark's *Everyday Violence in the Irish Civil War* which examined the 'experiences of victims and perpetrators of violence' during the conflict across the geographical area of counties Limerick, Tipperary and Waterford.[39] Clark shied away from military and political violence instead focussing on banal forms violence which she argued gave shape to the allegiances and identities of actors.[40] While she acknowledged that the sources used, recently released compensation claims, contained 'an inherent bias towards the political' the object of the study was rather to examine whether particular social, religious or political groups were specifically or disproportionately targeted during the conflict.[41]

Clark utilised statistical analysis of claims to identify and analyse three specific categories, arson, intimidation and violence directed against civilians. She argued that in many cases the 'sectarianism and conflicts over land that had characterised…Irish-British enmity for hundreds of years persisted during the Civil War'. [42] She highlighted the increasing tendency of Catholic middle-classes to be the victims of criminal wrongdoing at the hands of those less well-off suggesting that a class element may have been as much a motivating factor as sectarianism. While Clark also acknowledged Kissane's assertion that the civil war brought to the fore many pre-existing 'personal and factional conflicts' she argued that the conflict itself was not simply a continuation of historical grievances.[43] The emergence of the new governing apparatus meant a radical shift in the constitution of power and authority in Ireland thereby creating new points of social tension and, ultimately, conflict. In short, '[t]here were new scores to be settled'.[44]

[39] Gemma Clarke, *Everyday Violence in the Irish Civil War* (Cambridge, 2014), p.10.
[40] Ibid., p.17.
[41] Ibid., pp 12-19.
[42] Ibid., pp 90-92.
[43] Kissane, *Politics of the Irish Civil War*, p.5.
[44] Clarke, *Everyday Violence*, p.153.

2.3
Conclusion

In conclusion the historiography of the Irish Civil War is probably most notable for the lack of academic texts relating to this event, one which did much to polarise and shape Irish society and politics for the next century.[45] Early accounts were handicapped by a lack of archival material and, as such, represented efforts to apportion blame or to accurately recount the chronology of events rather than explain their significance. Ironically, one resource to which early writers had access to was that of first-hand accounts but the enduring sensitivity of the material meant that much of the information conveyed was done so under the condition of anonymity and therefore not open to critical examination by subsequent scholars. In the last thirty years writers have attempted to move the debate beyond the question of onset and causality, instead addressing the influence structural factors may have had on the conflict. With the possible exception of Clarke's work however, none of these additions to the historiography have attempted to untangle the 'chaos' which Michael Hopkinson has argued shrouds explanations of the conflict and which, this paper will argue, is linked with the reluctance to systematically examine the violence which characterised and defined the war.

When Ireland's civil war violence is in fact mentioned, it is usually confined to oblique references or short paragraphs focussing just on, what John Regan has called, the most 'exceptional incidents'.[46] And even then accounts are muddled and contradictory with two conflicting viewpoints at odds. On one side of the historiographical debate exists the notion that the conflict's violence has been overstated, with much in the way of posturing but little in the way of actual fighting. Calton Younger has argued

> *…there was among many Republicans a lack, not of conviction or courage, but of heart in the fight. They wanted to make their protest as urgently as they could…*[but they] *did not want to take life…and neither did most of the Provisional Government troops, and so flights of bullets hurtled through the air harmlessly as migrating birds.*[47]

Tom Garvin has summed up the conflict as 'half-hearted…rather like a large riot', while Gemma Clarke called it a 'limited war…certainly not…as bloody as was once proclaimed'.[48] This minimalist interpretation of the civil war has, at its core, the idea it has been blown out of

[45] Sean Donnelly, 'Will Election 2016 Signal the End of Civil War Politics' (Jan' 2016) available at https://www.rte.ie/news/special-reports/2016/0105/757975-election-prospects/
[46] J.M. Regan, *The Irish Counter-Revolution:1921-1936* (Dublin, 1999), p.120.
[47] Younger, *Ireland's Civil War*, p.394.
[48] Garvin, *1922*, p.45; Clarke, *Everyday Violence*, p.3.

proportion, with the relative short time-span of the conflict, the sporadic and regionalised nature of the fighting and the relatively small number of fatalities all evidence of this exaggeration.

On the other side, however, is the idea that the conflict was in fact a ruthless one. Neeson argued that by 6 December 1922 it had already reached a 'nadir of bitterness and savagery'.[49] Michael Hopkinson has argued that the internecine nature of the war, an 'incestuous conflict in a small country', ensured that resentment and antipathy existed long after the fighting stopped.[50] And even while these interpretations of the civil war have conceived of it as a more brutal affair they too only reference the most infamous incidents. Like minimalist interpretations, they neglect to examine the underlying and sustained patterns of violence which gave the conflict much of its character. In the next chapter I will look at the theory relating to civil wars and argue that recent innovations focussing on the explanatory value of micro-level violence in these conflicts present an opportunity to disentangle and reinterpret, at least some aspects, of the Irish Civil War.

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[49] Neeson, *The Civil War in Ireland*, p.321.
[50] Hopkinson, *Green Against Green*, p.xii; Garvin, *1922*, p.116.

Chapter 3

Civil War Theory

3.1
Introduction

'how civil wars are fought ought to be as consequential as to why they are fought'[51]

In his book *The International Dimensions of Internal Conflict* Michael Browne argues that owing to the post-World War II emphasis on adherence to the rules of the international system, and the resulting decline in inter-state conflicts, civil war has become 'the most pervasive form of armed conflict in the world today'.[52] David Armitage estimates that since the end of the Cold War there have been an average of twenty civil wars ongoing in the world at any one time each year, a ten-fold increase on the average for the previous century and a half.[53] Empirical evidence suggests that occurrence of civil war is directly related to extensive poverty with economic prosperity shown to significantly lessen the risk of conflict.[54] With its disproportionate preponderance in economically challenged areas, its capacity for destruction, and an estimated annual cost in 2008 of at least $123 billion, it is not difficult to understand why civil war has been described as 'development in reverse'.[55]

However, while the significant increase in the number of civil wars has translated into a concomitant increase in academic interest there is a feeling amongst scholars that research is still somewhat lagging.[56] The literature on civil wars highlights some of the practical difficulties involved in studying this type of conflict. For example, while there is much common ground

[51] Laia Balcells; Stathis N. Kalyvas, 'Does Warfare Matter? Severity, Duration, and Outcomes of Civil Wars' in *Journal of Conflict Resolution*, Vol. 58, No.8 (2014), p.1391.
[52] M.E. Browne, *The International Dimensions of Internal Conflict* (Massachusetts, 1996), p.ix. See also James D. Fearon; David D. Laitin, 'Ethnicity, Insurgency, and Civil War' in *The American Political Science Review*, Vol. 97, No. 1 (Feb., 2003), p.75. Fearon and Laitin argue that between 1945-1999 civil wars have outnumbered inter-state wars by more than six-to-one, with casualty figures of over five-to-one.
[53] David Armitage, *Civil Wars: A History of Ideas* (Yale, 2017), pp 5-6.
[54] Centre for the Study of Civil War, Annual Report 2012, p.4 available at https://www.prio.org/Programmes/Extensions/Centre-for-the-Study-of-Civil-War/Annual-Reports/?xitem=4&handler=Programme
[55] Armitage, *Civil Wars: A History of Ideas*, pp 5-6. D. Maher, *Civil War and Uncivil Development* (Manchester, 2018), p.39; Stergios Skaperdas; et al, *The Costs of Violence* (World Bank, 2009), p.16.
[56] Armitage, *Civil Wars: A History of Ideas*, p.7. Armitage states that 'civil war has remained undertheorized and resistant to generalisation'. See also Bill Kissane, *Nations Torn Asunder: The Challenge of Civil War* (Oxford, 2016), p.109. Kissane states 'Although they are ubiquitous in human history, little of a systematic nature was written about civil wars before the 1990s'. On p.15 he also states 'historical literature on civil war is fragmentary…long…seen as appendixes of other conflicts'. See also Lars-Erik Cederman; Manuel Vogt, 'Dynamics and Logics of Civil War' in *Journal of Conflict Resolution*, Vol. 61, no.9 (2017) pp 1992-1993.

among scholars regarding the various elements which are intrinsic to civil war there is less consensus over how exactly those elements should be correctly formulated.[57] In the absence of an academic consensus The Correlates of War project's definition, which defines civil war as one which 'involve[s] the government of the state against a non-state entity [and] must involve sustained combat…involving organized armed forces, resulting in a minimum of 1,000 battle-related combatant fatalities within a twelve month period' is often applied.[58] While the Irish Civil War would most likely fall within its parameters, the lack of absolute clarity about the numbers killed and the fact that combat was sporadic and irregular might cast some doubt upon this assumption.[59] Indeed Sambanis alludes to this last potential discrepancy highlighting the difficulty in distinguishing the 'end of a civil war from the beginning of a period of politicide, terrorism, or other form of violence'.[60] That notwithstanding, the Irish Civil War was between the Provisional Government, a temporary administration set up to rule the country until the new state could formally come into being, and republican forces opposed to the newly formed state; it was fought by two militarily organised groups with current estimates surpassing the casualty threshold of 1000 battle related deaths within the specified timeframe.[61] The fighting which characterised the conflict was also largely irregular in that the strategically weaker side, the IRA, refused to match the National Army instead relying on harassment, surprise and stealth for much of the conflict.

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[57] Armitage, *Civil Wars: A History of Ideas*, pp 196-232; See also Cederman; Vogt, 'Dynamics and Logics of Civil War', pp 1993-1995; See also Nicholas Sambanis, 'What is Civil War? Conceptual and Empirical Complexities of an Operational Definition' in *The Journal of Conflict Resolution*, Vol. 48, No. 6 (Dec' 2004), pp 814-815. See also Bill Kissane; Nick Sitter, 'Ideas in Conflict' The Nationalism Literature and the Comparative Study of Civil War' in *Nationalism and Ethnic Politics*, Vol.19, No.1 (2013) p.40. They argue that the standard definition must include at least a 5% casualty rate on both sides.

[58] The Correlates of War Project, *Intra-State Wars Codebook* (2007), available at http://cow.dss.ucdavis.edu/data-sets/COW-war

[59] Armitage, *Civil Wars: A History of Ideas*, p.219. Armitage argues that the Irish Civil War would not qualify as a civil war using The Correlates of War definition and he uses Hopkinson's death toll figures (*Green Against Green* (pp 272-273)) to justify this decision. However recent research shows these figures to be very conservative with multiple sources exceeding the 1000 death threshold.

[60] Sambanis, 'What is Civil War?', p. 816.

[61] See Eunan O'Halpin interview with John Dorney (2012), available at http://www.theirishstory.com/2012/02/10/eunan-o-halpin-on-the-dead-of-the-irish-revolution/#.WpaFkOciHIW Michael Laffan estimates the number to be around 1500, available at http://historyhub.ie/the-irish-civil-war

[61] Hopkinson, *Green Against Green*, p.273. Currency conversion courtesy of Central Statistics Office inflation converter available at http://www.cso.ie/en/interactivezone/visualisationtools/cpiinflationcalculator/#

3.2
Traditional Theories of Civil War

Civil war theory to date has tended to focus on identifying the causes of civil war in an effort to identify a predictive element. Constructivists argue that cultural differences inherent in modern societies are important in understanding outbreaks of civil conflict. Of particular interest are those marginalised groups who suffer limited access to state resources and reward systems as a result of cultural divergence. Fearon and Laitin argue that 'economic modernization and the development of the modern state make upward social mobility possible, but contingent on sharing the culture of the group that dominates state or society. When state or society poses ascriptive barriers to upward mobility for minority groups, they may develop separatist nationalist movements', with research indicating that the greater the cultural differences between the minority group and the dominant group then the greater the likelihood of rupture.[62]

Cultural factors touch upon what Collier and Hoeffler have described as 'greed and grievance' explanations. They contend that civil war occurrence is more likely when there is a positive cost-benefit relationship, particularly in cases where finance is available and the prospects for economic benefits are propitious.[63] Constructivism also addresses what Kissane calls the 'the more dynamic aspects of civil war: how actors frame conflicts [and] the role of elite behaviour'.[64] While civil conflict can often be a violent manifestation of deep-seated cultural tensions Brown argues that it can sometimes be nothing more than a result of decisions made by 'desperate and opportunistic politicians in times of political and economic turmoil'.[65] As S.R. David points out, '[r]emaining in power is a leader's paramount interest' and civil wars are sometimes just a means to perpetuate this power cycle.[66] It has been argued, however, that this explanation fails to explain why groups engage in civil conflict on behalf of unscrupulous leaders if it doesn't accord with their own specific interests.[67]

In the context of Ireland's civil war constructivist theories illuminate some of the ways in which the conflict was perhaps driven by cultural differences and individual agency. Gavin Foster has argued that the civil war 'fueled, and was fueled by, deeper social, material and

[62] Fearon; Laitin, 'Ethnicity, Insurgency, and Civil War', p.78.
[63] Paul Collier; Anke Hoeffler, 'Greed and Grievance in Civil War' in *Oxford Economic Papers*, Vol. 56 (2004), pp 587-588.
[64] Kissane; Sitter, 'Ideas in Conflict', p.46.
[65] Browne, *International Dimensions of Internal Conflict*, p.18.
[66] S.R. David, 'Internal War: Causes and Cures' in *World Politics*, Vol. xlix, No.4 (July, 1997), pp 564-565.
[67] J.D. Fearon; D.D. Laitin, 'Violence and the Social Construction of Ethnic Identity' in *International Organization*, Vol. 54, No. 4 (Autumn, 2000), p.854.

sociocultural tensions…throughout Irish society'.[68] At the root of this division were competing visions of who and what the newly independent state should represent. Foster argued anti-Treaty republicans were, on one hand, 'profoundly preoccupied with issues and grievances that had…social and economic…implications', in particular the domination of state resources and patronage by the new government.[69] As historian Tom Garvin has noted, '[v]arious observers saw the Civil War as about jobs rather than principles'.[70] On the other hand the new government depicted republicans as 'criminal riff-raff', opportunists who used the veneer of politics and ideology to pursue material interests.[71] As one historian has noted of the civil war period in Ireland, 'theft was more commented upon than killing, reflecting the mores of the time'.[72]

Structural theories attempt to illuminate what Kissane terms 'the causes rather than the causers of civil war', the existing pre-conditions which make civil war more likely to occur.[73] This is reflected in the increasing body of social science literature which has recently sought to establish a predictive element to outbreaks of civil conflict using large-scale statistical studies. This area of inquiry has gained particular traction in recent years among social scientists and economists eager to explore the relationship between civil conflict and economic development in newly formed states.

Michael Browne cites a number of structural factors which contribute to the likelihood of civil war, foremost of which include weak states and ethnic geography.[74] In the case of weak states significant historical events, the re-drawing of boundaries in Eastern Europe after World War II or the twentieth-century process of decolonisation for example, meant that many states came into being which possessed neither the legitimacy nor the homogeneity required to construct effective political institutions. Weak states suffer from a number of issues: a lack of effective independent governance; a lack of an effective military apparatus to discourage armed challenges in a legitimate manner; a lack of an effective opposition which can crystallise diverse opinion into a cohesive opposition.[75] Aggravating these issues are factors such as poverty and ethnic and religious incongruity. Ann Hironaka argues that taken together this constitutes a

[68] G.M. Foster, *The Irish Civil War and Society: Politics, Class and Conflict* (Basingstoke, 2015), p.2.
[69] Ibid., p.52.
[70] Garvin, *1922*, p.153.
[71] Foster, *The Irish Civil War and Society*, pp 38-39.
[72] Garvin, *1922*, p.101.
[73] Bill Kissane, *Nations Torn Asunder* (Oxford, 2016), p.109.
[74] Browne, *International Dimensions of Internal Conflict*, p.13.
[75] Ann Hironaka, *Neverending Wars: The International Community, Weak States and the Perpetuation of Civil War* (London, 2005), pp 53-79; See also Paul Collier; Anke Hoeffler, 'On Economic Causes of Civil War' in *Oxford Economic Papers*, Vol. 50, No. 4 (Oct., 1998), pp 571-572. Collier & Hoeffler estimate that polarised societies have a 50% more chance of civil conflict than a highly homogenous or highly fractionalised one.

'fundamental disorganization of many recently independent states [which] is the key to understanding contemporary civil conflict'.[76] In the case of ethnic geography those states with significant ethnic minorities are considered to be more pre-disposed to civil conflict than those with a more ethnically homogenous composition although this is not always the case.[77]

In applying structural theory to the Irish Civil War it should be noted that there is little evidence that ethnic geography played any significant part in causing conflict. However, the relative weakness of the new state meant that it was vulnerable to challenges in the period preceding the conflict. A significant section of Irish society viewed the new government as without legitimacy and it did not yet possess an effective coercive apparatus. As Kevin O'Higgins, Minister of Justice in the new government, later recalled, they were 'simply eight young men…standing amid the ruins of one administration, with the foundations of another not yet laid, and with wild men screaming through the keyhole'.[78] While the inchoate nature of the new state made it vulnerable, the supremacy of the military apparatus on the republican side, and the relegation of its political leaders to a backseat role, meant that the possibility of a political solution always remained remote.

Finally, neo-realist theories of civil conflict highlight its relationship with issues of rational self-interest at sub-state level. Of key importance here is the concept of the security dilemma which, while originally formulated to explain international conflicts, has been adapted in recent years towards explaining intra-state wars.[79] In its application to civil conflict the absence of effective centralised control means that groups strengthen their defensive capabilities in order to deter rival groups from aggressive action. As this is often indistinguishable from offensive build-ups it then provokes a reaction in opposing groups with the sequence continuing until one group decides that pre-emptive action is necessary to safeguard its integrity. As Posen argues 'what one does to enhance one's own security causes reactions that, in the end, can make one less secure'.[80]

In applying neo-realist conceptions of civil conflict to the Irish Civil War it is apparent that a security dilemma had begun to develop soon after the ratification of the Anglo-Irish Treaty in January 1922. This was illustrated by the tensions which became evident when pro-

[76] Hironaka, *Neverending Wars*, p.53.
[77] Browne, *International Dimensions of Internal Conflict*, p.16.
[78] Charles Townshend, 'The Meaning of Irish Freedom: Constitutionalism in the Irish Free-State' in David Eastwood (ed.), *Transactions of the Royal Historical Society, Sixth Series: Vol. viii* (Cambridge, 1998), p.63.
[79] Esther Visser; Isabelle Duyvesteyn, 'The Irrelevance of the Security Dilemma for Civil Wars' in *Civil Wars*, Vol xvi, No.1 (2014), p.65.
[80] Barry Posen, 'The Security Dilemma and Ethnic Conflict' in *Survival*, Vol. xxxv, No. 1 (Spring 1993), p.28.

treaty and anti-treaty forces began to confront each other while filling the vacuum left by evacuating British forces. It was perhaps most visible at Limerick in March 1922 when an outbreak of fighting was only averted by a hastily convened compromise which left the new state aware of the need to build up a military strength in key areas.[81] This dilemma was again evident during the occupation of the Four Courts buildings in Dublin in April 1922 when the aggressive actions of republicans brought home to the new government the 'realisation…that [they] were in for a long struggle and [they] began to look around for an army', precipitating a more militarised outlook which made conflict increasingly likely.[82]

[81] Hopkinson *Green Against Green*, p.67.
[82] Michael Hopkinson, 'Civil War and Aftermath: 1922-1924' in J.R. Hill (ed.), *A New History of Ireland VII: Ireland, 1921-1984* (Oxford, 2010), p.34.

3.3
Explaining Violence

Traditional theoretical conceptions of civil war have tended to focus on identifying factors relating to the onset of conflict, intent on developing predictive frameworks to curtail further outbreaks of such wars. However, in recent times there has been a shift away from this towards developing explanatory frameworks which identify and explain some of the seemingly unique characteristics of civil wars by highlighting the confluence between patterns of micro-violence inherent in these conflicts and factors which sustain, drive and prolong them.

The use of violence as a tool of analysis and explanation is, if more in theory than practice, an idea not entirely without historical precedent. Hannah Arendt has argued that the 'enormous role violence has always played in human affairs' has been largely overlooked.'[83] Charles Tilly posited the presence of political violence 'at a given time [as] one of the best signs we have of what is going on in a country's political life'.[84] As long ago as 1970 Cornelius Lammers had recognised the explanatory value of such acts:

> *The key issue…is no longer the obsolescence of the assumption that violence is always due to irrational tendencies in man and to atavistic forces in society. The main problem is when and how political violence occurs as a tool in the hands of political actors, when and how it gets out of hand, and if, when, and how it also erupts as unintended outbursts.*[85]

There exists then a tradition in calling for violent acts to be used as a method of analysis one that, in recent times, has gained traction in the area of civil war studies. As Gemma Clark argues, the 'particularly brutal violence unleashed by civil wars is beginning to enjoy conceptual autonomy in the historiography and to be examined and explained…in its own right'.[86]

Foremost in this area has been the work of Stathis Kalyvas who has identified a mixed method of inquiry using forms and instances of violence as tools of analysis. While traditional theories of political violence have tended to focus on its aggregated nature, highlighting its utility at the organisational level, Kalyvas has argued that these approaches contained limited explanatory value for civil conflicts.[87] Challenging popular conceptions which saw civil war

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[83] Hannah Arendt, *On Violence* (New York, 1970), p.8.
[84] Charles Tilly, 'Collective Violence in European Perspective' CRSO Working Paper 178 (June, 1978) available online https://deepblue.lib.umich.edu/bitstream/handle/2027.42/50953/178.pdf
[85] C.J. Lammers, 'Political Violence' in *Administrative Science Quarterly*, Vol. 15, No. 4 (Dec, 1970), p.499.
[86] G.M. Clark, 'Fire, boycott, threat and harm: social and political violence within the local community. A study of three Munster counties during the Irish Civil War, 1922–23', Doctoral Thesis (2010), p.iii.
[87] Diego Muro-Ruiz, 'State of the Art: The Logic of Violence' in *Politics*, Vol. 22, No.2 (2002), pp 113-116; Kalyvas, *Logic of Violence*, p.6.

violence as indiscriminate and arbitrary he instead suggested it had a rationale and coherence which, if observed at the micro-level, could help explain why such conflicts are often considered so brutal. Using data from the Greek Civil War 1946-1949 Kalyvas empirically tested the relationship between violent acts and various contingent variables with his research indicating that actors employed strategies of violence to further their specific needs of safety and security.[88] Kalyvas argued that acts of betrayal, denunciation and defection by national and local level actors utilised the same violent acts to satisfy different motives.[89] What was often depicted as senseless macro-level violence upon closer examination, constituted the resolution of local feuds and historical grievances through opportunistic violence. While these acts were often obscured by the use of catch-all descriptive labels such as ideology, religion and culture Kalyvas concluded that they merely served to obscure the fact that at its core 'civil war offers irresistible opportunities to harm every day enemies'.[90]

Kalyvas has expanded upon his analysis to examine whether the nature of a particular civil war's violence also endogenously influences that conflict's characteristics. He argued that by testing selected variables against what he terms 'technology of rebellion', or the relative military capacity of each side, then it is possible to better understand the implications with regard to the severity, duration, civilian victimization and outcome of a conflict.[91] These studies demonstrate the potential that the study of micro-level violence has for expanding the understanding of civil conflicts beyond the traditional horizon of onset. As Kalyvas and Balcells argue, 'how civil wars are fought ought to be as consequential as to why they are fought' and it is this premise which will undergird the analysis of the Irish Civil War in Kerry which is the subject of this paper.[92]

This study will diverge somewhat from Kalyvas' methodology however, and will not seek to replicate the results of his study. Kalyvas' pioneering work utilised complex statistical analysis of datasets to determine the relationships between violent acts and various independent variables, using extensive first-hand interviews to contextualise his conclusions. This study will, instead, by necessity use descriptive statistics to establish patterns, with qualitative analysis further contextualising them where possible. The reasons are three-fold; firstly, this study does not have access to the same sort of datasets that Kalyvas had; secondly, the focus of

[88] Kalyvas, *Logic of Violence*, p.203.
[89] Ibid., pp 388-390.
[90] Ibid., p.389.
[91] Ibid.
[92] Ibid.

this study will be different, analysing instead patterns of violence perpetrated by, and against, both sets of combatants. Unlike most other civil conflicts, the Irish Civil War did not represent any particular physical danger to civilians who were but a tiny percentage of the victims.[93]; lastly, the data accumulated during this study is not suitable, either in volume or detail, for the type of complex statistical testing that underpinned Kalyvas' study. Nonetheless, Kalyvas' innovative mode of analysis and explanation highlights the possibilities and opportunities for reinterpreting other civil conflicts. In the next chapter I will look at the IRA and in particular the influence its willingness to fight 'ugly' had on the course and character of the conflict.

[93] Stathis Kalyvas, 'Warfare in Civil Wars' in Isabelle Duyvesteyn; Jan Angstrom (ed.) *Rethinking the Nature of War* (London, 2005), p.94.

Chapter 4

A Clean Fight - The IRA

4.1
Introduction

Wars have invariably been accompanied by atrocities…the fragile tissue of war conventions and rules of combat is…frequently and viciously broken on all sides.[94]

This chapter will begin from the point that, as an irregular force, it is not particularly useful to examine the IRA's violent killings in the same constitutional and juridical context as the analysis of the National Army that will follow in the next chapter. Instead, it is proposed that the IRA's employment of violence during the conflict in Kerry, and its accompanying influence on the character of the war, can be more usefully analysed through the concept of a 'clean fight'. It is necessary then to begin by defining what the concept of a 'clean fight' is and by demonstrating its fluid nature across time and space. A clean fight is a contested concept making it difficult to identify and quantify, seemingly illustrated by the lack of academic work in this area. This notwithstanding it will be argued that conceptions of a clean fight best get their form from the societies on which violence is perpetrated and from the combatants and victims themselves.

Matthew Stafford was born in Sutton in 1854. Growing up in Dublin in the aftermath of the Famine, and through the periods of the Land troubles in the 1880s and the Home Rule campaigns of the 1900s, it was perhaps not unusual that he held a nationalist outlook being closely aligned with all of the important separatist groups of his era. When fighting broke out in Easter Week, 1916 Stafford immediately closed his business and put himself on standby to join in the fighting. Amidst much confusion, Stafford remained at home waiting for news of where to join up, news he would later claim, never came.

After independence was achieved Stafford turned to the political arena to express his nationalist outlook. He was a member of the Dublin County Council, a founding member of Fianna Fáil and he served as a Senator from 1937 to 1948.[95] During a Dáil debate in 1945, then Taoiseach, Eamon de Valera described Stafford in the following terms:

[94] Christopher Browning, *Ordinary Men* (New York, 1998) pp 159-160.
[95] *Irish Times*, 13 June 1950, p.5.

> *He is the longest link we have going back to the Fenian days. He has been in every national movement since then… one thing* [is] *certain — he can be depended upon to know good from evil and to know what is good nationally from what is bad nationally.*[96]

Matt Stafford was a committed nationalist, a principled man, a man guided by clear notions of right and wrong, a man who, according to Eamon de Valera, knew what was morally acceptable and what wasn't.

During an interview to assess his eligibility for a military pension in 1935, however, Stafford was described as a 'very unsatisfactory witness' and his application rejected.[97] If this might seem puzzling for somebody with such a long history of service in the cause of Irish nationalism then a clue lay in the moral culture of the period and, in particular, the conception of what was considered a clean fight in 1916 by somebody like Matt Stafford. Supporting testimony by his then C/O Oscar Traynor revealed what the assessors already suspected but which Stafford himself refused to admit. Instead of waiting at home as he had claimed, Stafford was in fact serving as a sniper in the city. Traynor claimed that Stafford did his work in a 'magnificent manner' inflicting heavy casualties on enemy forces.[98] Stafford saw things differently however. Despite his eligibility for a military pension hinging directly on this key piece of evidence, and with the promise of confidentiality, Stafford steadfastly refused to acknowledge his involvement stating that 'it was no credit to him or any other man to claim credit for what he did in that week, to stand behind a chimney pipe and hit soldiers'.[99] For Stafford the act of sniping was cowardly and repugnant denying, as it did for the enemy, the opportunity to fight back. It violated his conception of what was considered a clean fight.

Stafford's case is interesting for a number of reasons. It seems to confirm the presence of an unwritten, informal set of rules governing how combat should be conducted. No doubt this had great variance, influenced by time, place, personal experience and many other criteria, but it is important to note that it still resonated strongly with Stafford almost twenty years later. To define what might be considered a clean fight at a given moment in time is no doubt also fraught with many difficulties. Not least, when considering where the boundaries of a clean fight may lie, one might expect significant differences of opinion between the perpetrators and the victims of violent acts. Stafford's case is therefore interesting providing, as it does, an

[96] Dáil Debates, 'Method of Seanad Elections- Motion', 11 October 1945, Speech no.426.
[97] Irish Military Archive, MSPC, WMSP34REF2609, p.27.
[98] Ibid.
[99] Ibid.

insight into the concept of a clean fight from the side of a perpetrator who felt that his own actions violated acceptable norms.

The idea that military violence was something to be checked and regulated has a long history. Just War principles, for example, had long included the key concept of *jus in bello* which attempted to regulate the manner in which war was waged. It emanated from the mid-nineteenth century onwards when states became aware of the need to 'limit the damage war causes' to individuals and society.[100] The introduction of various treaties and conventions over time led to the adaptation of measures which sought to protect combatants and civilians alike from atrocity and barbarism. *Jus in bello* embodies three principles, those of *discrimination,* demanding clear separation of combatants and non-combatants, *proportionality*, which states that in any attack the military advantage must outweigh the moral wrong, and *due care*, which demands that civilians are protected as far as possible. Importantly, any attack is only considered just or fair if it satisfies all three criteria meaning that, as judgement can only realistically be rendered in a systematic fashion after the fact, this standard is perhaps more of a retroactive judgement of events than the safeguard it aspires to be.[101]

For the purposes of this study j*us in bello* represents a lofty aspiration however, too far removed from the daily reality of the chaotic and disorganised conditions that combat occurs in. In their work which studied attitudes to violence among German soldiers during World War II Sonke Neitzel and Harald Welzer argued that there was 'no one standard as to what forms of violence constitute 'normal' warfare'. Each conflict instead generates its own 'frame of reference', a set of beliefs and attitudes which determine the forms of violence that are considered legitimate and those that are not, in essence a culture of acceptable violence.[102] As Neitzel and Welzer argue, '[t]he exercise of violence [i]s not static, but rather constantly in flux- depending on structural, personal and situational conditions.'[103]

This set of beliefs could be fluid over time. After World War One, for example, it was considered unacceptable to target civilians by aerially bombing cities and yet by World War Two most belligerents had enthusiastically adopted this strategy.[104] In 1940 the RAF could discipline an officer for 'not untying a bundle of propaganda leaflets…[as it] might have

[100] Stephen Lee, *Ethics and War: An Introduction* (Cambridge, 2012), p.62.
[101] Lee, *Ethics and War,* p.157.
[102] Sonke Neitzel; Harald Welzer, *Soldaten: On Fighting, Killing and Dying* (London, 2012), p.74.
[103] Ibid., p.93.
[104] Richard Overy, 'The Evolution of Warfare' in *International Review of the Red Cross,* Vol. xcvii, No. 900 (2015), p.969.

endangered the life of a German citizen', and yet by 1943 they were firebombing cities such as Hamburg and Dresden.[105] This process could also move in reverse. In World War I the use of poison gas on the front lines, while disapproved off, was utilised by both sides and yet by World War Two it was not used by either side despite the barbarous nature of the fighting.[106]

This culture of violence could also be fluid over space. During World War Two Soviet troops on the Eastern front angered German troops with the way they fought, faking injuries or pretending to be dead in order to attack from behind, or letting the enemy advance to point blank range before unleashing lethal barrages of fire. German troops regarded this type of behaviour as a 'massive violation of the customs of warfare…evidence of the Red Army's refusal to fight fairly'.[107] It provoked a backlash with German troops disregarding contemporary norms and killing prisoners with impunity thus escalating the barbarity on the Eastern front to levels surpassing that on the Western side. These examples are noteworthy demonstrating as they do the absence of any simple logical or chronological progression that explains patterns of acceptable violence but rather seemingly unique sets of attitudes particular to each instance and situation.

Similarly, many of the key events in the revolutionary period in Ireland were punctuated not just by an escalation of violence but, equally importantly, by debate about the manner and substance of the violence. In 1916 during the Easter Rising in Dublin the conduct of Irish rebels was at least as important as their military efficacy. If the British, and the people of Dublin themselves, were critical of the destruction wrought by the fighting then there was at least some consensus that the rebels had fought gallantly and in the proper manner prescribed by contemporary standards. As M.P. John Dillon argued in The House of Commons, 'the main body of the insurgents, their conduct was beyond reproach as fighting men…they fought a clean fight…and no act of savagery or act against the usual customs of war…has been brought home to any leader or any organised body of insurgents.'[108] Townshend argued that the 1916 leaders revelled in the 'escapist glamour of traditional warfare' and as such were compelled by the idea that violence should not just be morally justifiable but should also embody a 'moral mode of expression'.[109]

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[105] Younger, *Ireland's Civil War*, p.459.
[106] Adam Roberts, 'Land Warfare: Hague to Nuremburg' in M.E. Howard et al. (ed.) *The Laws of War: Constraints on Warfare in the Western World* (Yale, 1994), pp 128-129.
[107] Neitzel; Welzer, *Soldaten: On Fighting, Killing and Dying*, p.92.
[108] Hansard Online, House of Commons Debates, 11 May 1916, Vol.82, Col. 948.
[109] Charles Townshend, *Political Violence in Ireland: Government and Resistance Since 1848* (Oxford, 1984), p.288.

Likewise, when militant Irish nationalists resumed a campaign of violence against British rule during the War of Independence (1919-1921) new frames of reference would define the conflict. On 21 January 1919 a group of Irish Volunteers ambushed two Royal Irish Constabulary policemen, and a convoy of explosives they were escorting, at Soloheadbeg in County Tipperary, killing the police officers in the process. One of the participants, Dan Breen, later claimed that the group had 'resolved not merely to capture the gelignite but also to shoot down the escort'.[110] While doubts surround Breen's claim it was in fact the first time the Volunteers had killed police officers since Easter 1916.[111] The group's actions were widely condemned but it nonetheless set a precedent with Royal Irish Constabulary officers increasingly viewed as an instrument of suppression in Ireland and thus legitimate targets.[112]

During the War of Independence fluid expressions of violence became characterised by the increasing prevalence of execution and assassination as the preferred methods of warfare. On 21 November 1920, for example, in a series of pre-planned operations that became known as 'Bloody Sunday' groups of Irish nationalists entered the living quarters of nineteen men, many of whom were suspected of being part of a British intelligence network operating in Dublin. While the assassination of British security forces on duty had become routine by this time these killings, off-duty and in places of domicile, was a new departure. As Anne Dolan has argued '[i]t was one thing to gun down a man in cold blood in the street. It was quite another to barge into his bedroom, to shoot him where he lay, in front of his wife, within hearing of his child'.[113]

These cases demonstrate, in some small way, the fluid evolution of violence during the revolutionary period. In 1916 sniping could be considered a shameful act by somebody like Matt Stafford and yet just four short years later it would be the act of entering an enemy's bedroom and killing him that would be debated when considering where the limits of a clean fight lay. During the Irish Civil War conceptions of what was acceptable violence took on a different dimension in a conflict which saw former comrades, friends and sometimes even family pitted against each other. The intimate nature of the conflict generated specific frames of reference peculiar to this 'war between brothers', ones which were not necessarily

[110] Dan Breen, *My Fight for Irish Freedom* (Cork, 1981), p.31.
[111] Joost Augusteijn, *From Public Defiance to Guerrilla Warfare* (Dublin, 1996), p.87.
[112] *Irish Times*, 28 January 1919, p.2. The Archbishop of Cashel condemned the killings at the pulpit saying 'We all…look with horror on the deed, and express our deep sense of…outrage'; Valiulis, *Portrait of a Revolutionary*, p.38.
[113] Anne Dolan, 'Killing and Bloody Sunday, November 1920' in *The Historical Journal*, Vol. xlix, No.3 (2006), p.794.

reconcilable with what had gone before in the recent past.[114] Violent acts, which had been intrinsic to the War of Independence, were viewed differently when committed against fellow countrymen and former friends. In the next section I will outline some of the categories of killings that it is felt violated contemporary frames of reference before offering an analysis of the instances, patterns of, and reactions to, such violence.

[114] Dáil Debates, 28 April 1922, Vol. S2, No.6, Speech no.73. See also Valiulis, *Portrait of a Revolutionary*, p.162. Valiulis argues that the intimate nature of the civil war made it 'worse [than the War of Independence]- more brutal and more savage'.

4.2
Overview of Violence

The troops in Kerry have had to fight against every ugly form of warfare which the Irregulars could think of.[115]

From the killing of Edward Sheehy on 30 June 1922, to that of Michael Behan on 25 April 1923, the IRA killed seventy National Army soldiers in Kerry during the civil war. As we can see from Fig.5 below, the early part of the war represented the period of greatest success for the IRA, with August accounting for 34% of the total dead alone. By 27 October the cumulative number had reached forty-six, or 66% of all the National Army soldiers that the IRA would kill for the entire conflict. After that, with the exception of March 1923, the death toll for each month would be in low single digits as the IRA's campaign of resistance faltered in the face of the National Army's ruthless prosecution of the conflict. Figures also show that

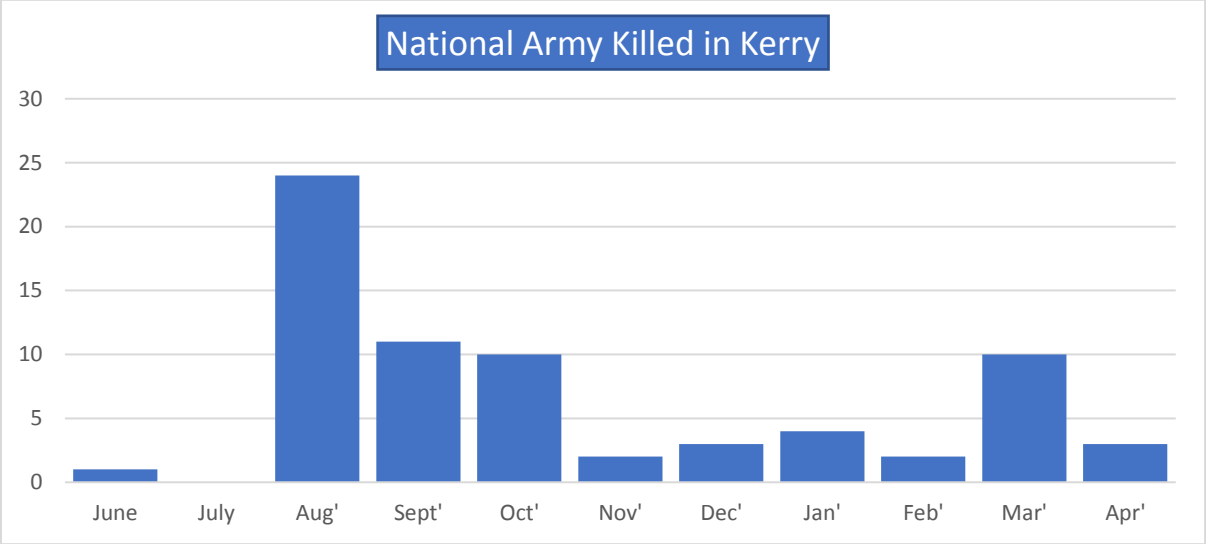

Fig.5 – Total National Army Deaths by IRA by Month (June 1922- April 1923)

over 70% of those killed by the IRA were *killed in action*. They were on duty and involved in engagements with the enemy or on sweeps, round-ups or searches. They were responding to actions already in progress or returning to base. At the time of their deaths these men constituted the physical force manifestation of the National Army's presence in Kerry and were engaged in traditional military activity dedicated to countering and neutralising the IRA.

However, if these figures might be taken as indicative of a conflict fought in a dignified manner then a closer examination suggests this not to be the case. For example, research indicates that around 54% of the National Army soldiers killed by the IRA in Kerry died during

[115] Dáil Debates, Vol.3, No.3, 17 April 1923, Speech no.45.

ambushes, often shot at point blank range without any warning or chance to defend themselves. It will be demonstrated that ambushes aroused much controversy and resentment among the army and public alike during the conflict, with the army frequently responding through reprisals and executions. A significant number of those killed by the IRA, some 20%, also died during the performance of what will be called *secondary duties*. These men were escorting food convoys, doing guard duty, repairing roads, tasks that, in the absence of a functioning system of civil administration, had fallen on the army and which Minister of Defence Richard Mulcahy called 'standing in the gap'.[116] These tasks left the army vulnerable to attack and the IRA were mindful to exploit the opportunities they afforded them to target troops.[117] A further 9% of soldiers killed by the IRA were killed when they were *off-duty*. These men were not performing any military function at the time of their death and were, for the most part, unarmed and unprepared for what came. If the killing of soldiers performing secondary duties would prove contentious then the killing of those who were off-duty was even more difficult to justify.

If one further examines these types of killings over the course of the war then it becomes apparent that, if the IRA used controversial tactics to target the National Army then it did so from the outset and not from some cumulation of grievance that built as the conflict progressed.

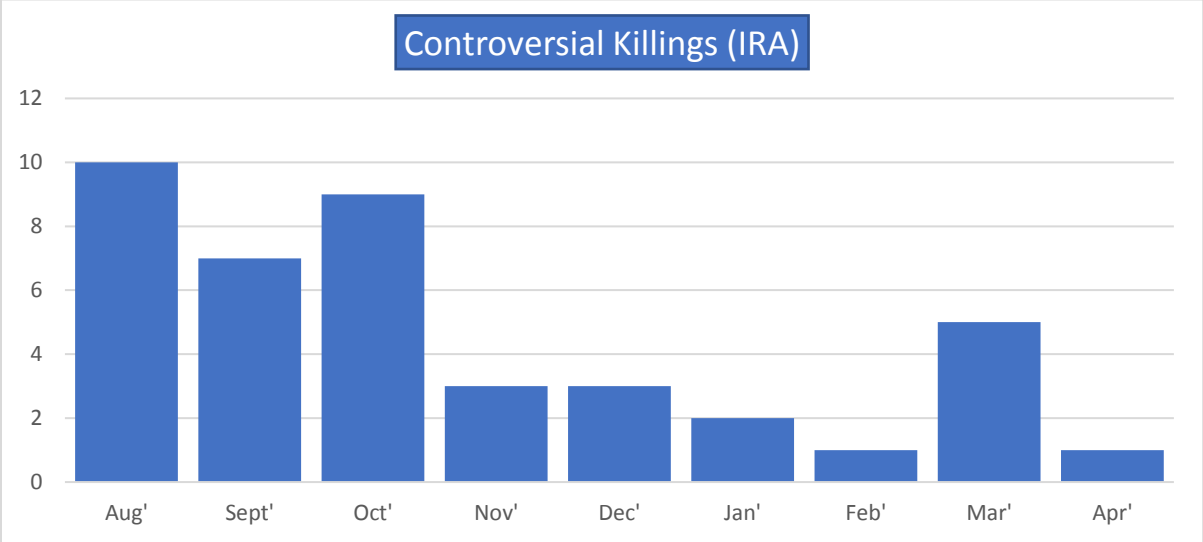

Fig.6 – Total Controversial Killings of National Army by IRA by Month (Aug' 1922- April 1923)

August 1922 represented the month when hostilities began in earnest in the county and, as we can see from Fig.6 above, within this first month the IRA had already ambushed and killed a

[116] Dáil Debates, 'Precedence for Ministerial Business', 27 September 1922, Speech no. 83.
[117] UCD Archive, Moss Twomey Papers, P69/25, 22 January 1923, pp 12-13, Note to Adjutant 1st Southern Division from Chief-of-Staff. IRA Chief-of-Staff Liam Lynch had issued the following order 'Enemy should be kept constantly employed guarding and repairing communications. As soon as he repairs roads they should be again destroyed, as the fact of having to repair them offer opportunities for attack on the forces engaged'.

significant number of soldiers in controversial circumstances. The months of August through October represented the period when the IRA consistently committed the greatest number of controversial killings with 63% of the total that would occur during the civil war already having occurred by October. This might have reflected the National Army's relatively weak presence in the county at this time or it may have suggested a certain level of restraint on the part of the National Army. In October 1922 Brigadier Paddy O'Daly of the Kerry Command had declared that the National Army were 'not out to take life or destroy property…it is our desire…to act with as little severity as possible'.[118] While the figures would seem to support O'Daly's statement at that time it was not a situation that was to last.

[118] *Irish Independent*, 5 October 1922, p.9.

4.3
'Kerry, The Plague Spot'[119]

As has already been noted, of the seventy soldiers killed by the IRA in Kerry some thirty-eight, or 54%, were killed in ambushes making the conflict in what one contemporary newspaper described as, a 'ruthless… campaign of ambushes'.[120] Ambushes, described incidents where troops were surprised by attackers from concealed positions, where no challenge was made, no warning was given, where fire was opened suddenly and without mercy or consideration or where booby-traps were planted to cause maximum destruction. In this section they will be further differentiated into those groups who were ambushed while on duty and those who were ambushed while performing secondary duties or even off duty. In contrast to engagements ambushes often provoked anger and outrage among those who fell victim to them.[121] Commenting on the IRA's methods during the civil war Eoin Neeson has argued

> '*When…attacked and ambushed by guerrillas who faded away when one's comrades were dead and mutilated from bullets, bombs and booby-traps, a natural hatred of the men who gave a bullet in the back…is understandable.*'[122]

When the Government introduced the Public Safety Resolution in September 1922 Minister of Defence Richard Mulcahy argued in the Dáil that the measure was necessary to prevent members of the National Army from exacting retribution against the IRA who it was felt were fighting in an unscrupulous manner.[123] Mulcahy was referring to mounting anger at the methods used by the IRA, among them a recent spate of deadly ambushes where troops had been killed in controversial circumstances.

In one such incident, at Tunduff, County Laois on 28 July 1922, two senior National Army officers had been killed, and a number seriously wounded, when a large party of IRA had opened fire from a concealed position at a distance of less than five yards without warning or challenge. At the inquest the IRA were accused of 'wilful murder'.[124] In another incident in Swinford, County Mayo in August 1922 National Army troops were again ambushed and killed

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[119] *Belfast Newsletter*, 28 September 1922, p.5; *Belfast Newsletter*, 30 Aug 1922, p.5.
[120] *The Manchester Guardian*, 31 August 1922, p.7. For information regarding these types of killings see Appendix 1.
[121] *Irish Independent* 7 August 1922, p.5.When the National Army lost nine men at Tralee during its initial incursion into Kerry in early August 1922 the only death which sparked any controversy was the killing of an unarmed Red Cross man, shot while rendering aid.
[122] Neeson, *The Irish Civil War*, p.288.
[123] Valiulis, *Portrait of a Revolutionary*, p.177.
[124] *Southern Star*, 19 August 1922, p.5.

without warning, with the IRA this time quickly surrendering and pleading for mercy when reinforcements quickly reached the scene.[125]

Incidents such as these prompted, then President, William Cosgrave to consider empowering troops to summarily shoot anybody found engaged in ambushes, while Minister of Defence Richard Mulcahy denounced the IRA's penchant for 'fighting in…an ugly fashion'.[126] It was ironic that Mulcahy, the former Chief-of-Staff of the IRA, who had been responsible for organising and overseeing many such attacks on Crown Forces during the War of Independence, held such strong feelings, a point made clear to him in the Dáil by opposition member Patrick McCartan.[127] It is possible that Mulcahy was trying to ease the passage of the Public Safety Resolution legislation by publicly voicing concerns that had been circulating in the army about the IRA's methods of fighting.[128] However, he may also just have been genuinely incensed at the IRA's methods for prosecuting the conflict. That his concerns found cross-party support in the Dáil suggested that the latter may well have been the case. Party colleague Darrell Figgis stated that if the army was to request 'that in a case of ambush no quarter…be given, I say here…I would be with any such decision'.[129] Opposition leader Thomas Johnson, a frequent critic of the army, agreed, 'I have the uttermost detestation of the street ambushes above everything else that is happening in this country'.[130]

And yet, despite this, ambushes would form the backbone of the IRA's campaign in Kerry going a long way to defining the type of conflict that it would be. Indeed, the first extra-judicial killing of the conflict in Kerry allegedly occurred as a reaction to such an ambush near Killarney when two National Army soldiers were killed and seven others injured. Contemporary accounts suggested that the ambush caused 'violent excitement' among the dead soldiers' comrades resulting in an IRA prisoner, seventeen-year-old Bartholomew Murphy, being badly beaten and shot dead in reprisal.[131]

In many of the cases soldiers who were killed in ambushes were at least engaged in military activity. Daniel Hannon and John Martin were travelling in a military convoy through

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[125] *Freeman's Journal*, 5 August 1922, p.5.
[126] Valiulis, *Portrait of a Revolutionary*, p.165; Dáil Debates, 'Precedence for Ministerial Business', 27 September 1922, Speech no.85.
[127] Dáil Debates, 'Precedence for Ministerial Business', 27 September 1922, Speech no.141.
[128] Irish Military Archive, *An tOglác*, Vol. iv (no.9), 5 August 1922, p.4. In a piece in their journal the army had complained of the way the IRA were fighting, *'The Irregulars have deliberately and diabolically murdered officers and men of the Army- their own fellow-countrymen, and not a foreign enemy'.*
[129] Dáil Debates, 'Precedence for Ministerial Business', 27 September 1922, Speech no.86.
[130] Dáil Debates, 'Military Executions', 17 November 1922, Speech no.146.
[131] Macardle, *Tragedies of Kerry*, p.8.

Brennan's Glen near Killarney on 27 September when they were ambushed by the IRA. Reports indicated that the attackers 'swept the lorries with heavy fire' from machine guns and rifles, at close range, from both sides of the road and without any warning. The two soldiers were killed almost immediately.[132] John Browne and James Byrne, killed on 13 October 1922, were travelling through the north of the county when their vehicle was forced to stop at a barricade near Duagh on the Listowel/Abbeyfeale road. Reports indicated a similar scenario with '[f]ire…opened on the party from behind a stone hedge at a range of about 3 yards'.[133] The results were also similar with both men killed before they had a chance to react.

If the proximity, the suddenness and the firepower used in these types of ambushes suggested a certain level of brutality then the constant nature of such attacks demonstrated the extent to which this brutality was a constant feature of the conflict. Younger argued that the IRA in Kerry were 'relentless setters of snares for their enemies' and it was not unusual for National Soldiers to be ambushed repeatedly while on duty in Kerry.[134] In August 1922 Gen. Eoin O'Duffy's car had been ambushed at three different points while he travelled through the county.[135] In one of the more notable examples, on 22 August 1922 Captain James Burke was killed as he led a party of troops from Castlemaine to Tralee which was ambushed at five different points along just a twenty-five kilometre route. The ambushes varied in intensity and duration with the fatal attack that killed Burke lasting two-and-a-half-hours, while the third and fourth had lasted just five and fifteen minutes respectively. Burke was killed in what would be the second attack, shot without warning 'from…a concealed position'.[136] Later that evening as the patrol neared its intended destination at Ballymullen Barracks in Tralee a second soldier was killed at Ballyseedy, again by a concealed attacker, with reports indicating that the convoy arrived exhausted having had to 'fight strenuously for their lives' all the way.[137]

These cases, and many others, demonstrated the difficult circumstances that National Army soldiers operated in with an examination of ambush incidents suggesting that in almost 90% of the cases where it could be identified, soldiers were killed without any warning or challenge being issued. The army was resentful of such tactics, with its own publication, *An-*

[132] *Freeman's Journal*, 2 October 1922, p.5.
[133] Irish Military Archive, MSPC WC2129, p.46.
[134] Younger, *Ireland's Civil War*, p.453.
[135] *Evening Herald*, 23 August 1922, p.2; See also *Irish Times* 16 October 1922, p.7.
[136] *Irish Examiner*, 31 August 1922, p.9.
[137] Ibid.

tOglác, citing ambushes as evidence of what it called the IRA's 'unchivalrous' behaviour.[138] In December the National Army Kerry Command put a stay on prisoners sentenced to be executed with the caveat that if any ambushing of troops occurred the sentences 'would be carried out forthwith'.[139] As we have already seen ambushes also led to reprisals. In the case of the of Capt. James Burke it sealed the fate of Burke's killer, John Galvin, tortured and executed by Burke's former comrades.[140] In perhaps the most notorious of these ambushes at Knocknagoshel in March 1923, discussed in detail in the next chapter, five soldiers were killed by the IRA with the army's response both swift and savage occasioning the deaths of seventeen IRA men and seemingly confirming that the 'troops…found this kind of fighting [ambushing] more difficult [to accept] than any other'.[141]

The press, although heavily censored by the government, was also critical of these types of attacks. Early in the conflict the *Irish Independent* reported on the difficulties that it felt National Army soldiers faced in maintaining discipline in the face of the IRA's tactics:

> *Numerous ambushes are reported from Munster districts and, though the attacks in all cases were surprise ones, the soldiers of the National Forces seem to have sustained them with great gallantry and steadiness.*[142]

In the case of Captain James Burke's killing the press reported that his death was 'deeply deplored' while the *Freeman's Journal* reported that 'the entire county was horrified by the…[killings] at Knocknagoshel'.[143]

If it seemed that criticism of the IRA's tactic of ambushing was widespread then its reliance upon this method of waging war suggested that the IRA themselves were content to fight in this manner. Reflecting the uncompromising attitude within the IRA at this time the O/C of Kerry No.2 Brigade, John Joe Rice, felt that half-measures had no place in the conflict, 'be prepared to cut all their throats or leave them alone, and go home'.[144] It is possible to confirm that at least twenty-one National Army soldiers died in Kerry in this manner, ambushed

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[138] Irish Military Archive, *An-tOglác*, Vol. IV, No.11 (Dublin, 1922), p.1; See also Vol. IV, No.12, p.2. They published a number of articles early in the conflict which countered IRA claims that they were 'fighting as fairly as they fight bravely' likening them to an 'ostrich [with]… its head in the sand'.
[139] *Irish Times*, 23 December 1922, p.2.
[140] Irish Military Archive, MSPC 2RBSD157; Irish Military Archive CW/OPS/08/02/01 Letter from Gen. WRE Murphy to GHQ Commander in Chief, 1 October 1922; As previously discussed, the killing of Bartholomew Murphy, the first recorded extra-judicial killing in Kerry, was a reaction to one such ambush. There are many more examples.
[141] *The Manchester Guardian*, 30 August 1922.
[142] *Irish Independent*, 30 August 1922, p.5.
[143] *Cork Examiner*, 31 August 1922, p.9; *Freeman's Journal*, 19 March 1923, p.6.
[144] O'Malley; Horgan, *The Men Will Talk to Me*, p.282.

while on duty, but afforded no opportunity to surrender and given little chance to defend themselves.[145]

The second grouping of soldiers to be examined here were those killed while performing *secondary duties*. In almost every instance they too belonged to the cohort who were killed during ambushes but with the added element that they were not engaged in traditional military activity at the time of their death.[146] One of the more frequent instances when this occurred was during the escorting of food convoys. The destruction by the IRA of much of the county's railway infrastructure meant that foodstuffs were often transported by motor lorry or by horse and cart making them susceptible to hijacking as they made their way through remote, hostile areas. Such was the frequency of IRA attacks that for the duration of the civil war Kerry experienced intermittent periods of food shortages, with hunger and distress a widespread and serious problem. It was reported that 'scarcely a day passe[d] that people [we]re not 'held up' on the roads and their goods taken from them'.[147] Travelling by convoy through Kerry was a hazardous task not just for the soldiers, as this account demonstrates:

> *…the drivers are becoming phlegmatic and view the possibility of an ambush with resignation, ready to jump for the nearest cover as soon as the first shot is fired. A few, by the twitching of their mouth, and the restlessness of their eyes, which shift from one commanding hill to another, betray agitation.*[148]

The army's first such casualty in Kerry was Captain Brian Houlihan, shot whilst escorting a food convoy near Castleisland on 6 August 1922. Houlihan was a native of Kerry and had been seriously injured and disfigured during the War of Independence. Despite this he had volunteered to serve in Kerry with the Dublin Guards and the esteem in which Houlihan was held was illustrated by the fact the National Army subsequently renamed its auxiliary barracks at the workhouse in Tralee in his memory. During the course of the conflict a total of four soldiers would be killed, ambushed whilst accompanying food convoys.

The army was also tasked with providing security for vital installations and infrastructure in the county. The IRA's campaign throughout the south-west had placed a

[145] This is a conservative figure where there exists little doubt as to the circumstances. However, with all of the cases examined during this research the likelihood is that the figure is considerably higher.
[146] From this group only Patrick Harding, killed in Tralee on 2 August, was not the victim of an ambush. In cases where the killing of soldiers falls into two of the categories examined then they are discussed within in the category which it is felt best defines their death.
[147] *Irish Times*, 30 September 1922, p.6; *Freeman's Journal*, 2 October 1922, p.6; *Irish Independent*, 21 October 1922, p.5; *Irish Times*, 30 September 1922, p.1.
[148] *Irish Times*, 16 October 1922, p.7.

special onus on disrupting the general rhythm of daily life by destroying bridges and roads and other key infrastructure precipitating a military proclamation in early August 1922 ordering troops to 'fire on any persons' caught engaging in such acts.[149] On 29 September the first fatality of a soldier performing guard duty occurred in Kerry when Edward Noone was killed at the court house in Rathmore in the south-west of the county. Illustrating the vulnerability inherent in work that made them visible, static targets, Noone was passing the time in conversation with three off-duty colleagues when they were suddenly fired upon at close range and without warning. Reports indicated that the IRA attacked using 'rifle and machine gun fire which was opened from all sides'.[150] Noone was killed outright while the three others were seriously wounded.

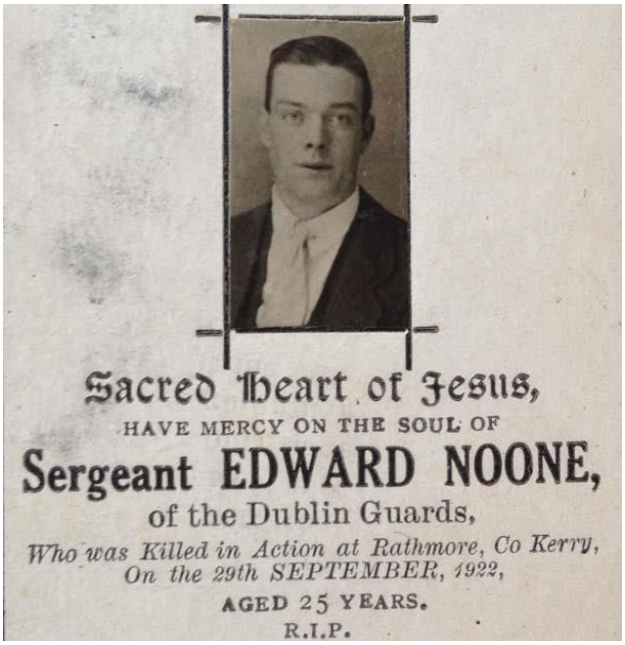

Fig.7- Mass Card of Edward Noone (Courtesy of medals.ie)

In another incident on 4 November troops were ambushed as they went to open a set of recently repaired lock-gates which provided access to Tralee and which had been sabotaged by the IRA just days before. Patrick Conroy and two colleagues were proceeding on foot to the gates at Blennerville when they were fired on by two snipers concealed in a nearby building. Conroy was shot in the abdomen, and died soon after, while another soldier succumbed later.[151] Providing guard duty was not confined to physical infrastructure however and in what would turn out to be the last such killing during the conflict Lieutenant Michael Behan was shot dead on 25 April 1923 at Scartaglin as he accompanied two Civic Guards to settle a civil dispute in Currow. On the journey back to barracks the group were ambushed and 'subjected to a heavy fusillade from machine guns and rifles'.[152] Behan's death was the last of five such killings of soldiers who died while performing guard duty during the conflict in Kerry.

[149] *Kerry People*, 12 August 1922, p.1.
[150] *Freeman's Journal*, 2 October 1922, p.5.
[151] Irish Military Archive, MSPC W2D440, p.20.
[152] *Evening Herald*, 27 April 1923, p.1.


GUARDING A BANK

The front door of the National Bank at Listowel, guarded by National troops with sandbag defences. Listowel has only just established communications with the outside world. (Photo by T. Moore.

Fig.8- National Army Troops on Guard Duty in Kerry (Courtesy of Freemans Journal, 6 September 1922)

However possibly the most controversial incidents involving soldiers performing secondary duties were the killing of Red Cross military personnel in Kerry. While it might have been expected that individuals bearing Red Cross insignia would not be targeted, not least because they treated the injured from both sides, this turned out not to be the case in Kerry. The first such death was that of Patrick Harding, shot on 2 August 1922 during the initial National Army incursion into Kerry. Harding and a colleague were removing an injured colleague on a stretcher from Rock Street in Tralee when they were fired upon by a machine-gunner. Both were displaying their Red Cross markings, both were seriously injured, with Harding dying immediately.

On 14 September 1922 Pte. John Lydon of the Medical Corps was accompanying patients being transferred to Limerick by ferry from Tralee. They were travelling by motor car through Blennerville, near Tralee, when they were ambushed by the IRA on an exposed road. Lydon was shot in the abdomen and died soon after.[153] The targeting of Red Cross men was a constant feature throughout the conflict in Kerry with most of the major confrontations between the two sides notable for reports of such incidents.[154] Such was the regularity of this type of attack that one contemporary newspaper dubbed it the 'Republican Hobby in County Kerry'.[155]

[153] *Connacht Tribune*, 30 September 1922, p.13.
[154] Irish Military Archive CW/OPS/08/07; *Freeman's Journal*, 27 September 192, p.5; *Freeman's Journal*, 24 February 1923, p.7; Irish Military Archive, CW/OPS/08/03, 22 February 1922; *Irish Independent*, 8 March 1923, p.5; *Freeman's Journal*, 8 March 1923, p.4; *Irish Examiner*, 26 April 1923, p.5.
[155] *Belfast Newsletter*, 25 September 1922, p.5.

In total fourteen soldiers, or one in every five of the total number killed by the IRA during the conflict, were killed whilst they were performing secondary duties. While the lack of first-hand reports of combatants' experience of the war in Kerry make it difficult to ascertain exactly how these types of killing was interpreted by those most likely to fall victim there was at least some indication of where the hierarchy stood on the matter. Minister of Defence Richard Mulcahy argued that the 'troops in Kerry…had to fight against every ugly form of warfare which the [IRA] could think of' adding that 'of the 69 of our men killed in that area, 17 lost their lives guarding food convoys…'.[156] While Mulcahy's figures would appear inaccurate his comments seem to confirm that the army did indeed view these type of deaths differently than those incurred during traditional military activity.

This view was echoed in the press with The *Freeman's Journal* dubbing these incidents an 'outrage' and reporting that the National Army would be justified in reinstating the suspended policy of official executions.[157] Indeed in one of the few open breaches of IRA discipline during the conflict part of an IRA column refused to attack a food convoy in September 1922, instead turning its guns on its comrades.[158] While the motivation for the refusal was most likely a concern for potentially damaging propaganda it nonetheless suggested that some of the IRA saw food convoys as outside the scope of legitimate targeting.

The killing of Red Cross men was likewise condemned in many quarters. As has already been noted, of the nine soldiers killed during the first thrust into Kerry by the National Army, only Red Cross man Patrick Harding's killing received any condemnation with the official Army report at the time labelling his killing a 'cowardly' and 'despicable act'.[159] Niall Harrington, fighting with the National Army in Tralee beside Harding, soberly described the act as 'not in accord with the rules of the Geneva Convention' arguing that it precipitated later abuses of the Red Cross flag during the conflict.[160] Press reports on the incident indicated the pervasiveness of such attacks stating that '[c]omplaint is general of the frequent abuse of the Red Cross…the two ambulance workers who were shot in Tralee…were deliberately fired at.'[161]

[156] Dáil Debates, Vol.3, No.3, 17 April 1923, Speech no.45.
[157] *Freeman's Journal*, 4 January 1923, p.8.
[158] *Freeman's Journal*, 8 September 1922, p.5.
[159] *Irish Independent*,7 August 1922.
[160] Harrington, *Kerry Landing*, p.135.
[161] *Irish Examiner*, 16 August 1922, p.3.

Hardings killing was also one of the few examples that produced first-hand accounts from both sides, however, and as such it provides an insight into the chaotic and confusing nature of combat during the conflict. One of the IRA fighters present that day on Rock Street in Tralee, John O'Connor, later confirmed that the IRA did not share the National Army's views on the sanctity of medical orderlies, admitting that they 'fired at everything…Red Cross and all.'[162] His statement also suggested, however, that the National Army was in part to blame for the dangers that Red Cross men would find themselves in, recalling

> *There were Red Cross fellows, 4 to each stretcher and they were drawing men around the corner. There was a man with a white coat who began to pick up a rifle. I fired a shot over his head. We kept a close eye on stretcher bearers there and I had the Lewis gun trained on them when a bunch of armed men rushed around with a stretcher, so I gave them a whole pan.*[163]

O'Connor's account suggested that, on this occasion, the National Army deliberately used the Red Cross as a cover, an issue which National Army soldiers themselves would later confirm occurred during the conflict.[164] It also demonstrated, however, that in combat conditions the line between right and wrong could quickly become blurred with actions open to any number of retrospective interpretations.

The final category to be examined here were those National Army soldiers who were killed whilst *off-duty*, men who were unarmed and posed little physical threat in military terms at the time of their deaths.[165] The cases of Red Cross men Cecil Fitzgerald and Joseph O'Meara, who were killed in Killarney on 17 August, represented two particularly salient examples of this sort of killing. The two men had visited a religious site on the island of Innisfallen in Killarney on a day off. Reports indicated that upon reaching the island the men were fired upon from close range and without warning.[166] Fitzgerald was killed immediately, while O'Meara was badly wounded and died a few hours later. The two men, aged sixteen and twenty-one, although not on duty, had been wearing their Red Cross emblems when the incident occurred. While it may seem surprising that soldiers would engage in leisure activity in a conflict area their behaviour was not unique. When stationed in County Tipperary with the National Army John Pinkman recalled visiting comrades in Kerry and spending weekends socialising and

[162] O'Malley; Horgan, *The Men Will Talk to Me*, p.236.
[163] O'Malley; Horgan, *The Men Will Talk to Me*, p.250.
[164] Harrington, *Kerry Landing*, p.135.
[165] Of the six men killed while off-duty, four were the victims of ambushes.
[166] *Irish Examiner*, 21 August 1922, p.5.

sightseeing there. When he was later transferred to Kerry however, he was quickly made aware of the off-duty dangers by colleagues: 'look out for the padjoes…[t]he countryside around here is full of them'.[167] The deaths of the two men were the first of six such killings that would occur in the county during the conflict.

In another notable case, on 9 September the town of Kenmare in the south of the county was attacked by a large force of IRA. The town was garrisoned by a small group of around fifty National Army soldiers under the command of popular local brothers Brigadier Thomas O'Connor and his brother Captain John O'Connor. The attack began in the early morning when the O'Connor brothers were sleeping in their beds having just returned from being out on patrol the previous night. Contemporary reports indicated that in the initial stages of the attack a small party of IRA entered the house where the O'Connor brothers were sleeping and confronted them in their bedrooms. Both men were 'taken by surprise…[and] shot dead in their bedrooms'.[168] Eye-witnesses alleged that Thomas O'Connor pleaded for his life, '[w]ould you not give a man a chance?', before being shot in the head at close range.[169]

Fig.9- Brigadier Thomas O'Connor
(Courtesy of *The Green Divide*)

The sense of grievance which the killing of off-duty soldiers precipitated was summed up in a statement by the mother of Michael Rock, killed on 25 January 1923 near Cahirciveen: '[t]hey killed my poor boy when he was going to barracks unarmed and not able to defend himself'.[170] In the case of the killing of the Red Cross men in Killarney it occasioned headlines in the press such as 'Killarney Horror', with large numbers of sympathisers attending the funerals.[171] Illustrating the intimate nature of the conflict, Brigadier Thomas O'Connor, discussed above, had led the funeral cortege of the Red Cross men in Killarney and would himself be dead just a few weeks later.[172] In a pastoral letter read out at masses across the county the Bishop of Kerry branded the killings 'revolting' adding that 'no language can be strong

[167] J.A. Pinkman, *In the Legion of the Vanguard* (Cork, 1998), pp 186-189.
[168] *Irish Examiner*, 16 September 1922, p.7.
[169] Younger, *Ireland's Civil War*, pp 458-460.
[170] Irish Military Archive, MSPC W3D198, p.13.
[171] *Evening Herald*, 19 August 1922, p.1.
[172] *Irish Examiner*, 27 September, p.3.

enough to denounce this atrocious crime'.[173] If this could be seen as evidence that there was revulsion in the county at these type of killings then it was by no means universal. Newspapers also reported that the Bishop's intervention led to a number of incidents across Kerry where congregations interrupted the reading of the letter at masses, or walked out in protest, suggesting that the IRA's tactics had support in, at least, some quarters.[174]

In the case of the O'Connor killings, dragged from their beds and executed, it caused resentment locally against the IRA, chief being the fact that 'the brothers were not given a chance to surrender, but were shot in cold blood'.[175] The nature of the killings also caused unease among some of the IRA present at Kenmare. Vice O/C of Kerry No.2 IRA Tom McEllistrim was 'upset by what had happened' and sympathised with the O'Connor's relatives afterwards.[176] Niall Harrington, fighting in the National Army at the time, dubbed the killings a 'foul deed' and argued that it sullied what would otherwise have been a successful operation by the IRA.[177] The press reported that the O'Connor's deaths were 'deeply deplored in the district'.[178] In total six members of the National Army were killed in this manner, unarmed and unprepared for their violent deaths. Chief-of-Staff of the IRA General Liam Lynch ordered a halt to such actions recognising the damaging effect killings like this had on the IRA's popularity noting, '[w]e cannot expose certain enemy acts if our troops shoot their troops in this manner'.[179] The next section will go beyond the situational targeting of soldiers by the IRA to examine the influence that the use of certain ammunitions had on the character of the conflict.

[173] *Irish Independent*, 30 August 1922, p.6.
[174] *Westmeath Independent*, 7 October 1922, p.3.
[175] Martin Moore, *The Call to Arms: Tom McEllistrim and the Fight for Freedom in Kerry* (Kerry, 2016), p.9.
[176] Younger, *Ireland's Civil War*, p.460; O'Malley; Horgan, *The Men Will Talk to Me*, p.164. Bertie Scully V/C 6th Batt. Kerry No.1 also claimed that other senior IRA officers 'regretted that very much about Scarteen [O'Connor] and his brother'; Moore, *The Call to Arms*, p.9.
[177] Harrington, *Kerry Landing*, pp 139-140.
[178] *Irish Independent*, 14 September 1922, p.5.
[179] UCD Archive, Moss Twomey Papers, P69/25 (217), 17 September 1922, Letter from O/C 1st Southern Division to Chief-of-Staff Kerry Brigade Area.

4.4
Expanding Bullets

The murderous use of those expanding or soft-nosed bullets deprives users…of ordinary belligerent rights, and reduces them to the degraded rank of savage malefactors.[180]

Expanding bullets had originally been developed by the British in the 19th century by reversing the normal characteristics of traditional bullets and making the base the strongest point instead of the nose. This made the bullets expand or fragment upon impact, precipitating larger wound channels which were harder to treat and more lethal. As a result they had been outlawed in the Declaration of St. Petersburg in 1868 because of the 'superfluous injury and unnecessary suffering' they caused.[181] This ban was reaffirmed in the Hague Declaration of 1899 which forbade the use of 'bullets which expand or flatten easily in the human body.'[182] When examining some of the controversial ways in which National Army soldiers were killed in Kerry it should also be noted that situational factors were not the only consideration. Also relevant were the 14% of soldiers who were killed using controversial weapons and ammunition, specifically landmines and expanding bullets. While the use of landmines will be examined in the next chapter, this section will look at the use of expanding bullets which, it will be argued, were a feature of the conflict in Kerry and which provided another clue as to the character of the war.

Fig.10- Expanding Bullets (Courtesy of *Freeman's Journal*)

[180] Irish Military Archive, *An tOglác*, Vol. iv (no.9), 5 August 1922, p.4.
[181] J.F. Berry, 'Hollow Point Bullets: How History Has Hijacked Their Use in Combat and Why It is Time to Re-examine the 1899 Hague Declaration concerning Expanding Bullets', in *Military Law Review* (2010: Winter) Vol. ccvi, pp 103-104.
[182] Robin Coupland; Dominique Loye, 'The 1899 Hague Declaration Concerning Expanding Bullets' at www.icrc.org

During the revolutionary period in Ireland from 1916 to 1921 expanding bullets were used by both sides although there did appear to be an awareness of the moral implications of using such ammunition. When the Irish Volunteers landed guns at Howth in July 1914 for example, they discovered that much of the accompanying ammunition was of the expanding variety. Mindful that these types of bullets contravened 'international law…on humanitarian grounds' republican armourers altered them with the blunt shape of each bullet painstakingly planed down into a more acceptable 'pencil' shape.[183] During 1916 when Volunteers attempted to manufacture their own bullets they found that brass moulds often expanded when overheated leaving sharp, jagged edges on their bullets. Again, there was an awareness of potentially negative implications and each bullet was filed down 'lest it…be said that [they] fired dum-dum'.[184]

During the civil war the use of such bullets was no less controversial. As the conflict became more widespread in 1922, so too did incidents involving the use of expanding bullets. On 24 July a train carrying National Army troops was ambushed by the IRA at Killurin, County Wexford. Two soldiers were killed in the attack, with the coroner later condemning the use of what he described as 'rhinoceros ammunition'.[185] In Abbeyleix, Co. Laois on 28 July a party of National Army troops were ambushed with three men killed after being shot with expanding bullets. At the subsequent inquest an ordnance expert identified the bullets as those used for the hunting of 'alligators and big game'.[186] The inquest paid tribute to 'the extraordinary forbearance [the remaining soldiers] showed…in refraining from shooting those…persons [responsible].'[187]

In Kerry it was possible to ascertain that at least five soldiers were killed by the IRA using expanding bullets, although there were many more instances of them being used. The first confirmed incident when this type of ammunition was used to kill National Army soldiers was the death of Brian Houlihan on 6 August 1922. It has already been discussed Houlihan was a popular officer and he was killed while escorting a food convoy near Castleisland. To add to the sense of grievance in the case Houlihan died when he was shot through the arm and kidneys with expanding bullets.[188]

[183] Irish Military Archive, BMH WS 175, J.J. Styles, p.3.
[184] Ibid.
[185] *Irish Independent*, 3 August 1922, p.6.
[186] Ibid.
[187] Ibid.
[188] Irish Military Archive, MSPC W2D74, p.11.

During the IRA's attack on Kenmare on 9 September 1922 expanding bullets were used against the National Army with reports indicating that 'some very ugly wounds were inflicted' during the course of the fighting.[189] In an incident which graphically illustrated the damage that this type of ammunition could cause, two National Army soldiers were killed in an ambush at Duagh in the north-west of the Kerry on 13 October. Sergeant John Browne and Private James Byrne of the Dublin Guards were in a convoy which was ambushed at a barricade with both men shot dead with expanding bullets. Records indicated that Byrne's body was transported to Dublin for burial but due to an administrative error, and the extensive injuries he suffered, identification had not been possible. As a result the army had placed a notice in the National press requesting anybody with information that could help identify him to come forward:

Fig.11- Capt. Brian Houlihan
(Courtesy of *Freeman's Journal*)

> *Hundreds of people visited the mortuary for identification purposes, but as the man had been shot by poisonous or explosive bullets and was practically beyond recognition (his face was swollen twice its ordinary size and was quite black) identification was quite impossible.*[190]

As a result of this difficulty Byrne was buried before his relatives could be informed. The case caused significant controversy, and was the subject of a number of questions in parliament, illustrating in stark terms the physical damage that such ammunition inflicted.

As early as 4 August 1922 expanding bullets had been the subject of discussion at cabinet level with Michael Collins arguing that 'everything possible…be done in the way of propaganda towards showing up the terrible consequences of using these bullets'.[191] Not long after, in an article entitled 'The Way of Dishonour', the National Army publication *An-tOglác* criticised the IRA for their use of such ammunition:

[189] *Irish Examiner*, 18 September 1922, p.5.
[190] Irish Military Archive, MSPC WC2129, p.29.
[191] UCD Archives, Mulcahy Papers, P7B-43, p.10, Memo from GHQ to Chief of General Staff.

It is now regarded as a point of honour amongst civilised nations that the use of expanding or explosive bullets is abhorrent and inhuman, and practiced only by savage or semi-barbaric people.[192]

In a statement that illustrated official attitudes the government issued a notice on 6 August warning that anyone found using this ammunition was guilty of 'war crimes' and would forfeit the 'privileged' treatment normally afforded prisoners.[193] During the inquest into the ambush that occurred at Abbeyleix in County Laois government representatives had pressed for a verdict of 'wilful' murder to reflect the nature of the case: 'Even if ordinary ammunition were used the people who shot the…officers…were guilty of murder' but it was argued that the use of expanding bullets had added an extra element of brutality to the case.[194]

Attitudes amongst soldiers themselves towards the use of such ammunition was reflected in their reaction to such incidents. Valiulis has argued that, in the context of the civil war, 'it was difficult…to curb men who were attacked with exploding bullets'.[195] She cited a case where soldiers had declined to accept the surrender of IRA men after learning that they had been shooting expanding bullets. Instead they had ordered them to

...fight it out [,] at the same time exchanging ammunition. They were allowed select positions in an open field, at 120 yards distance. They were provided with two rifles and 100 rounds of ordinary service ammunition, and at a distance of 120 yards they were opposed by the officer in charge of the National Troops: together with one other volunteer armed with 100 rounds of ammunition, consisting of the expanding bullets previously held by the Irregulars. After a short fight, lasting a few minutes, the two Irregulars were killed.[196]

The Press was also critical. As can be seen in Fig.10 on page 45, the *Freeman's Journal* reported the use of expanding bullets under the headline 'Diabolical Ammunition' before detailing the controversial and deadly aspects of their use.[197] Indeed when reporting on the seizure of IRA

[192] Irish Military Archives, *An tOglác*, Vol. iv (no.9), 5 August 1922, p.4.
[193] *Anglo-Celt*, 12 August 1922, p.8; *Irish Times*, 7 August 1922, p.6; See also Irish Military Archive, *An tOglác*, Vol. iv (no.9), 5 August 1922, p.4. At one inquest it was reported that '[t]he murderous use of those expanding…bullets deprives users of them of ordinary belligerents rights'.
[194] *Irish Times*, *3* August 1922, p.6.
[195] Valiulis, *Portrait of a Revolutionary*, p.167.
[196] UCD Archive, Mulcahy Papers, P7/B/43, pp 8-10.
[197] *Freeman's Journal*, 4 August 1922, p.3.

arms dumps throughout the period of the conflict the press listed expanding bullets as a separate item indicating, again, that they were perceived quite differently than regular bullets.[198]

While it has been difficult to discern attitudes amongst the IRA with regard to the use of this type of ammunition a letter from General D.L. Robinson of the 1st Southern Division IRA suggested that they were at least aware of the implications of their use. Robinson admitted that the IRA had captured a lot of this type of bullet during its occupation of Kenmare in September 1922, and were using it against the National Army, however he attempted to shift the blame, inexplicably attributing it to 'a devilish plot on the part of the English'.[199] During the ambush at Abbeyleix mentioned earlier National Army soldiers reported that arrested IRA men had attempted to quietly discard 'expanding rifle bullet and flat nosed bullets' after being captured suggesting that they too were cognisant of the significance of being found in possession of this type of bullet.[200]

[198] *Freeman's Journal*, 21 November 1922, p.5; See also *Belfast Newsletter*, 23 August 1922, p.7; *Leinster Express*, 18 November 1922, p.3.
[199] UCD Archive, Mulcahy Papers, P7/B/86, p.111.
[200] *Irish Times*, *3* August 1922, p.6.

4.5
Conclusion

The conflict in Kerry was one in which ambushes were the main method of fighting by the IRA with more than half of National Army deaths at the hands of the IRA coming this way. These incidents often involved the shooting of soldiers at point blank range, usually without warning or challenge and with overwhelming firepower and devastating results. While many ambushes targeted soldiers performing military tasks there was also a significant number which did not. The IRA also used weaponry such as landmines and expanding bullets which meant that soldiers were often not just killed but also mutilated beyond recognition or literally blown to pieces.

If these descriptions might read like a checklist on how best to fight a guerrilla war then it's probably because they were, carried out by men who had gained considerable experience and expertise in this type of fighting during the Anglo-Irish War of Independence. However, the civil war was not against an external enemy but rather a fratricidal conflict between former friends, comrades and even family. As Kalyvas has argued '[m]ore than anything else, intimacy is the attribute that sets interstate war apart from civil war'.[201] While it is true that there was some irony in Richard Mulcahy's criticisms of the IRA's methods of fighting the conflict, coming as they did from a man who had been instrumental in employing many of the same tactics during the War of Independence, he was not alone in his opposition. His views were shared across the political sphere and received much sympathy across society. It was also apparent from the reactions of soldiers themselves that such attacks provoked bitterness, resentment and, crucially, reprisals.

If ambushing had been the only controversial tactic employed by the IRA during the civil war in Kerry then the idea that circumstance and military imperative compelled the IRA to fight in this manner would foster more gravitas. However, this was not the case. In the first instance, the IRA did not confine its ambushing to soldiers involved in traditional military activity. It targeted soldiers who were performing secondary duties, men who treated the injured from both sides, men whose duties were integral to the relief of starvation among the local population. It targeted soldiers who were off-duty and unarmed, shooting men in their beds, men who were socialising, men who were relaxing during free-time. They were also prepared

[201] Kalyvas, *Logic of Violence*, p.333.

to target soldiers using controversial weaponry, killing one in every seven soldiers in an inhumane manner.

All this would suggest that there was substance to Richard Mulcahy's insistence that the IRA used 'ugly' tactics to prosecute the war in Kerry. Michael Hopkinson has argued that 'the methods used against the [National Army]…would have tested the control and restraint of any army', much less one which, as will be seen in the next chapter, suffered from poor discipline anyway.[202] Such tactics were also a feature of the war from the outset and not something that organically occurred as the conflict intensified. That this aspect of the IRA's campaign was most evident in the early part of the war, when it was in the ascendancy in the county, also suggests that it was a deliberate policy from the start and not a reaction to any declining military outlook. If the IRA were guilty of violating contemporary norms, of not fighting a 'clean fight', then they were guilty of it from the outset thus contradicting any notion that the conflict in Kerry descended into a bitter conflict.

However, these interpretations should be balanced against alternative explanations for the passage of the conflict in Kerry. It could be argued that the IRA's prosecution of the conflict in Kerry was one which simply made the best use its of resources and manpower and utilised the tactics which gave it the greatest chance of success. Having conceded the urban areas to wage a guerrilla campaign, ambushes had to be a major component of any strategy the IRA employed. Furthermore, the absence of any system of imprisoning captured National Army soldiers meant that killing or wounding them was the only means of neutralising their threat. In the few instances where army soldiers were actually taken prisoner they were released unharmed. It could also be argued that soldiers performing secondary duties were also legitimate targets as their work furthered the government's and army's interests in the county. Likewise, the use of expanding bullets may simply have been a question of necessity with shortages of ammunition a constant problem for the IRA during the conflict. It may all have even just come down to something much simpler, that is, the very essence of organised armed conflict: wars are by nature ruthless, violent and inhumane at a fundamental level and perhaps the civil war in Kerry did no more than generate, what Dower calls, 'the normal war hate that simply [comes] from direct confrontation'.[203]

Just as plausible too, was the possibility that the sense of outrage and injustice expressed by the government, the army and various other sections of society, was simply part of an

[202] Hopkinson, *Green Against Green*, p.240.
[203] John Dower, *War Without Mercy: Race and Power in the Pacific War* (New York, 1993) p.35.

orchestrated propaganda campaign to undermine the IRA's legitimacy in waging war. Michael Collins' memo to cabinet regarding the use of expanding bullets clearly demonstrated an awareness on behalf of the government and the army with exploiting potentially controversial issues for advantage. Liam Lynch's order to stop such killings after the deaths of the O'Connor brothers at Kenmare because of the propaganda value to the National Army demonstrated that the IRA were cognisant of this aspect of the conflict too.[204] Similarly, the national press, tightly controlled by government censorship throughout the war, was also usually compliant, with official army bulletins frequently reproduced in national and local papers without any reference to the source. Viewed in these terms criticisms of the IRA's tactics may have been as much about justifying the National Army's own prosecution of the war, and discrediting the IRA's, as they were anything to do with a genuine concern about the IRA's methods for fighting the conflict in Kerry.

In conclusion it should be stated that it is difficult to arrive at any definitive verdict regarding the IRA's tactics during the civil war in Kerry. While they may have simply amounted to a pragmatic approach on the IRA's part, given its resources and capability, there remains a feeling that they did in many ways cause genuine resentment and bitterness on the ground and at an official level. It is important to note that the remaining group of National Army troops that died in Kerry died during engagements where there was an element of chance and some sense of dignity. These deaths, in contrast, caused little controversy with reports instead usually highlighting the gallantry, the courage or the sacrifice of the soldiers who died. All of this would suggest that there existed genuinely held beliefs that the manner in which somebody died, and by extension how somebody killed, was important. If this was so then the IRA's methods of prosecuting the conflict in Kerry conflicted with those beliefs, and it did so regularly and for significant sections of contemporary Irish society.

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[204] UCD Archive, Moss Twomey Papers, P69/25 (217), 17 September 1922, Letter from O/C 1st Southern Division to Chief-of-Staff Kerry Brigade Area.

Chapter 5

Indiscipline and The National Army

5.1
Defining Discipline

The sterner the discipline the better the soldier, the better the army.[205]

This chapter will examine the National Army's role in the production of violence during the conflict in Kerry. It will begin by looking at how indiscipline was evident in the National Army resulting in, among other things, the killing of a significant number of its own men in circumstances ranging from tragic accidents to sinister murders. It will then look at how this further manifested itself in patterns of extra-judicial killing by the National Army which became its primary method of prosecuting the conflict. It will conclude by demonstrating that these patterns did not end with the conflict but continued well after.

In his study of the Union Army during the American Civil War S.J. Ramold argued that there were two types of discipline necessary for an army to be an effective fighting force: battlefield discipline, consisting of a 'willingness to enter battle, risk one's life and kill the enemy', and camp discipline, the 'willingness to obey orders, subordinate oneself to military practice and custom, and accommodate the needs of the group over the wishes of the individual'.[206] Ramold argued that this balance was not always evident in the Union Army, an army which 'seldom obeyed the rules yet performed well on the battlefield…an army that justified its actions in the name of…law and order but often descended into near chaos'.[207] The same might be said to apply to the National Army during the Irish Civil War. While problems of battlefield discipline were rare, camp discipline would be an issue throughout the conflict, with evidence suggesting a force that also had difficulty obeying the rules and frequently 'descended into near chaos'.

In a country with no functioning police force or official system for administering justice, and where significant parts of the country were nominally still under the control of local anti-

[205] Stephen Graham, *A Private in the Guards* (London, 1919), pp 1-2.
[206] S.J. Ramold, *Baring the Iron Hand: Discipline in the Union Army* (Illinois, 2010), p.3.
[207] Ramold, *Baring the Iron Hand*, p.7; See also Shelby Foote, *The Civil War: A Narrative- Fort Sumter to Perryville* (New York, 1986), p.100. Foote argues that in the early part of the war General G.B. McClellan imposed a system of 'rigid discipline' to transform the Union army from a 'whipped mob into a hot-blooded army that seemed never to have known the taste of defeat'.

treaty IRA units, the National Army faced a considerable challenge in establishing itself in the early months of 1922. The new army would have to be built up from almost nothing. Its ranks would be filled by men, many of whom had little or no experience of serving in a conventional army and staffed by men with little experience of command or of enforcing discipline. It would be the new state's first attempt at producing an apparatus of coercion and it would come into existence without time for any of the rigorous training vital to a new army.

Fig.12- National Army assumes control of Beggars Bush Barracks (Courtesy of R.T.E.)

It was in this uncertain climate that the first body of National Army soldiers marched through Dublin on 1 February 1922 to take over Beggars Bush barracks from evacuating British forces.[208] This kickstarted a recruitment drive which saw the army expand its number to 3,500 by April 1922.[209] In July the Dáil authorised a further expansion of the army to 35,000 men and by the end of the civil war it had swelled to over 50,000.[210] At the end of August organisational structure was enhanced with the creation of additional regional commands with the South-Western Command replaced by the Cork and Kerry Commands.

[208] *Irish Independent* 2 February 1922, p.3; This force consisted of remnants of the Dublin Brigade Active Service Unit of the IRA and Michael Collins' Squad which had declared themselves loyal to the new government.
[209] J.P. Duggan, *A History of the Irish Army* Dublin, 1991), p.75.
[210] Peter Cottrell, *The Irish Civil War: 1922-1923* (Oxford, 2008), p.23.

It quickly became apparent, however, that standards in and around the new force were problematic. Speaking in the Dáil in September 1922 Cathal O'Shannon highlighted some of the issues facing the state:

> *No one in Ireland knows if an Army officer is entitled to arrest or shoot. No one knows if the…civil authorities, or…the Army is in charge… Complaints have been made by friendly foreign visitors who have travelled through Ireland…and who have seen the condition of barracks…and the lack of discipline.*[211]

The army's problems were also complicated by the presence of an unsavoury element within its ranks. Just two years later, at an inquiry set up to investigate an alleged mutiny within the army, Minister of Defence Richard Mulcahy admitted that a

> *criminal element found its way into the Army…Old soldiers, experienced in every kind of military wrong-doing, were placed under the command of officers necessarily inexperienced and the resulting state of discipline is not to be wondered at*.[212]

These problems were further aggravated by a loose structure whereby officers and troops mixed freely and without formality.[213] Tom Garvin has argued that there also persisted strong links with the IRA with information 'commonly flow[ing] between the lines'.[214] Issues of drunkenness and disobedience were not uncommon and there were allegations of troops threatening or assaulting officers if discipline was enforced too exactingly.[215]

[211] Dáil Debates, 'Statement by the President', 11 Sept' 1922, Speech no.76.
[212] Hopkinson, *Green Against Green*, p.137.
[213] Harrington, *Kerry Landings*, p.72.
[214] Garvin, *1922*, p.116.
[215] Paul McMahon, *British Spies & Irish Rebels: British Intelligence and Ireland 1916- 1945* (Woodbridge, 2008), p.90. See also Pinkman, *In the Legion of the Vanguard*, p.87.

5.2
Amicicide - Killing One's Own

In Kerry problems of indiscipline in the National Army were evident almost from the outset too. As early as October 1922 the C/O of the Kerry Command General Murphy reported: '[t]reachery is rampant in Kerry No.1 Brigade [National Army]…I cannot trust any officer or man of the lot', threatening to shoot soldiers if they were not removed from his command.[216] While Murphy was referring to suspicions that soldiers were selling ammunition, and indeed even their posts, to the enemy these were not isolated issues of indiscipline in his command. It was not unusual, for example, for soldiers on duty in Kerry to simply 'down tools' without permission and to go off socialising or eating.[217] Reports of soldiers consuming alcohol while on duty were commonplace, with one IRA man in Kerry describing them as 'sodden with drink'.[218] There were allegations of soldiers intimidating and assaulting civilians.[219] There were persistent rumours of ill-treatment and torture of prisoners by soldiers, with one National Army soldier later admitting that prisoners' 'roars could be heard all over the barracks' during interrogations.[220]

Similarly instructive of the indiscipline in the National Army in Kerry during the civil war was the manner in which a significant number of soldiers were killed by their own hand or that of their comrades. As can be seen from Fig.13 on the next page these types of killings were a constant feature of the conflict, although they did ebb and flow in intensity. And while they traversed the spectrum from tragic accidents to wilful killings, they had at their core a lack of discipline that sometimes seemed to border on the absurd.

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[216] Irish Military Archive, CW/OPS/08/02/01, Letter from Gen. W.R.E Murphy to GHQ, Oct' 1 1922.
[217] Younger, *Ireland's Civil War*, p.425. Younger alleges that during the reoccupation of Kenmare in September 1922 the National Army, on reaching the town, ignored orders and 'went out drinking and visiting their friends'; See also Harrington, *Kerry Landing*, p.120.
[218] O'Malley; Horgan, *The Men Will Talk to Me*, p.328; See also Pinkman, *In the Legion of the Vanguard*, pp 191-192; See also U.C.D Archive, P17A-199, p.49 & 54.
[219] Irish Military Archive, MSPC W2D494, pp 8-11. One officer in the National Army, a Lt. Dunne, refused to speak with a local priest firing a shot over his head to scare him off; See also *Irish Independent*, 14 September 1922, p.5. Soldiers were suspected of assaulting local female IRA sympathisers in Killarney and 'painting them green'.
[220] O'Malley; Horgan, *The Men Will Talk to Me*, p.104. Ibid.,268. The gaol at the workhouse in Tralee was dubbed the 'Slaughter House' on account of the mistreatment of prisoners there; Ibid., pp 124-125. IRA man Greg Ashe claimed that soldiers tortured Robert McCarthy for three days before giving him an 'awful death' on 25 March 1923. See also Pinkman, *In the Legion of the Vanguard*, p.193. Pinkman served with the National Army in Kerry during the civil war and remembered the military police in Ballymullen Barracks regularly beating National Army prisoners. Eventually he left the army to 'distance [him]self from the shame of what was happening at Ballymu[llen]'.

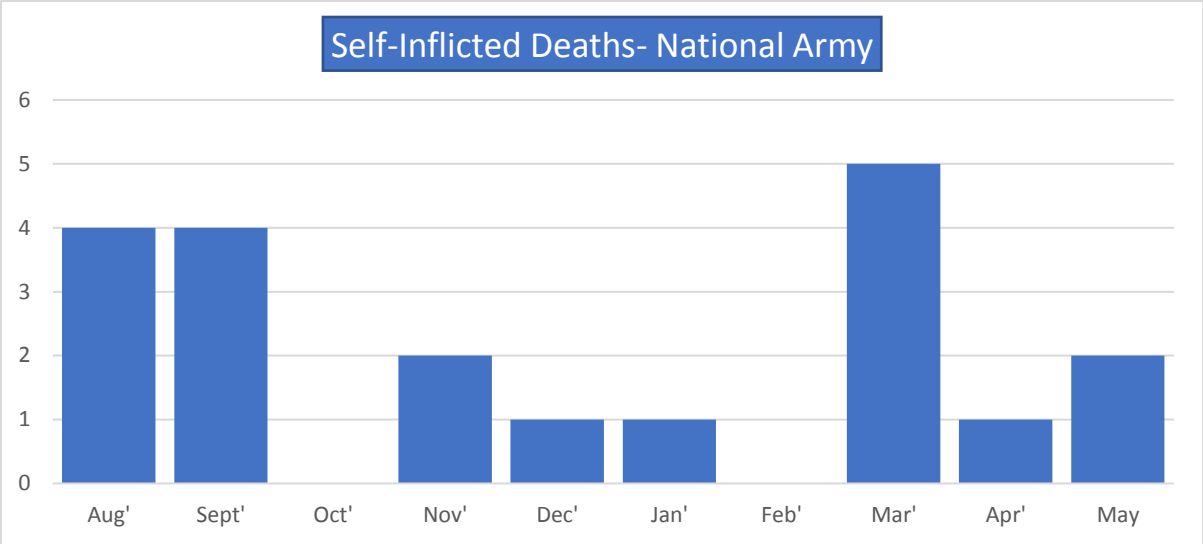

Fig.13- Self-Inflicted Deaths National Army by Month

One of the more common instances in which soldiers were killed in this manner was through an insouciant attitude that existed within the army towards the handling of explosive devices. On 23 August, for example Volunteer John Beatty died in an explosion in Tralee and while subsequent army correspondence with the dead man's relatives claimed that he had been killed in action, 'a brave…and trusted servant of his country', his commanding officer's report revealed a different version of events:

> *after posting a sentry outside the Basin View House, I came into the house where the rest of the men were - seven in all -…I saw this Vol. John Beatty coming out of the back room with a bomb in his hand, and the pin taken out, though it was only the day before I had warned that same man not to interfere with the bombs, as I had a box of them lying in an inside room, and moreover he was the only man in the post that didn't understand bombs. After I had seen the pin taken out I called on him to throw the bomb into the canal, which was only about twenty-five yards away, and, had he thrown it in, no one would be injured*.[221]

This account demonstrated the casual attitude that existed in the National Army towards lethal weapons, with explosives stored openly and within easy reach. The dead man's actions also highlighted the disregard for proper authority which existed resulting, on this occasion, in not only his own death but that of a colleague, Private Thomas Woods, present at the time of the explosion.

[221] Irish Military Archive, MSPC, WS WCL1092, pp 9-18; MSPC, WS W2D272, p.14.

Incidents such as these were not uncommon and were sometimes aggravated by secondary factors such as alcohol consumption. On 24 August, just the day after the incident involving Beatty, three National Army soldiers were killed, again in Tralee, in similar circumstances. Official reports claimed that one of the soldiers had accidentally dropped a bomb while on duty, however internal documents revealed that the dead men had been proceeding through Tralee when a soldier 'who appeared drunk came out of White's public house in Ballymullen with a bomb in his hand'.[222] One of the party, a Lt. McMahon, had attempted to take the bomb from the soldier at which point it exploded killing the two men instantly, with a third dying later from his wounds.[223]

Sometimes the aggravating factor was bravado. On 14 March 1923 Captain Michael Cleary and Lieutenant Alfred Glynn were killed near Listowel while 'experimenting' with explosives. Cleary was an experienced officer having been a commander in the East Clare Brigade IRA since 1917 and on the morning in question both men were proceeding about twenty kilometres on foot from Abbeyfeale to the village of Finuge, south-west of Listowel. At the subsequent inquest a civilian eye-witness stated that the two officers had stopped at a river bank and produced bombs

> *which they were showing to witness as well as Thomas and Moss Joy who were with them…both deceased said they would experiment on the bombs and each of them got a stone in each of their left hands and the bombs in the right. They were a few yards apart and counted 1,2,3 and when "3" was counted each of the deceased hit the bomb against the stone; the two bombs went off simultaneously accompanied with a great explosion.*[224]

The account appears to indicate that the soldiers had stopped to provide a demonstration for civilians, although at the inquest there were suggestions that they had, in fact, been planning to use the explosives to help the witnesses catch fish in the river.[225]

If the evidence would suggest a reckless attitude towards explosive devices in the National Army at this time, one that resulted in the deaths of eight of its men in Kerry during

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[222] Irish Military Archive, MSPC W2D105, p.9.
[223] *Cork Examiner*, 28 Aug' 1922, p.6; For other alcohol related deaths see also Irish Military Archive, MSPC W3D142, p.143. On 26 April Corporal John Cribbon was killed at Annascaul on the Dingle Peninsula by a Volunteer Simpson while in his bed. Records show that Simpson was drunk and woke Corporal Cribbon demanding '[c]ome on get up, I want some rations'. Simpson was spinning a loaded revolver in his hand which went off hitting Cribbon in the face and killing him instantly; See also Irish Military Archive, MSPC W2D346, p.18. Pte. Francis Mullen was shot dead by a sentry as he returned from a public house on 23 November at Lixnaw. Mullen had stolen a pony and trap and had refused to stop when called to do so.
[224] *Cork Examiner* 22 March 1923, p.6.
[225] Ibid.

the conflict, then equally revealing were the instances of soldiers being shot dead by comrades. On 24 September Private John Looney was seated at a table in barracks room in Killorglin when he was killed by a colleague who accidentally shot him in the stomach.[226] Cases such as Looney's were not unusual. Patrick Mulhall died in similar circumstances just a few months later when he was accidentally shot in the head by a colleague loading his rifle.[227] While incidents such as these often had an element of misfortune the death of soldiers like Sergeant John O'Callaghan gives an added insight into the arbitrary nature of events in Kerry at this time.

On 10 November 1922 O'Callaghan was shot by a colleague as he returned to his post just after the curfew time of 9:00 pm at Cahirciveen in the south-west of the county. At a court of enquiry witnesses gave disparate accounts of what had occurred. Sergeant Timothy Donovan, who admitted to the shooting, claimed that O'Callaghan had approached him at the National Army post and, upon being challenged to identify himself, had disarmed Donovan and pointed a rifle at him. Donovan then shot O'Callaghan with a revolver claiming self-defence. The officer in charge of the area, Commandant William Griffin, reported that the dead man had actually been brought into the post whereupon a struggle ensued and the shooting occurred. Yet another witness claimed that O'Callaghan had, in fact, been shot in a lane four hundred metres from the post having refused to halt.[228] O'Callaghan's commanding officer Lieutenant Fogarty claimed that he had been killed despite the fact that he 'was in uniform and should have been well known to the sentry', adding that O'Callaghan was a 'most temperate man'.[229] This may have suggested that there was alcohol involved, with the court's subsequent ruling that O'Callaghan's family were not entitled to compensation due to his own negligence suggesting this may well have been an element in the case.

While many of the deaths described here were undoubtedly unintentional there were others which had more sinister undertones. On 30 September 1922 Private Cornelius O'Shea was killed while on guard duty in Tralee with his subsequent pension application file alleging that O'Shea had been killed by his C/O, Commandant Eamonn Horan. Horan had allegedly accused O'Shea, a native of Kerry, of supplying ammunition to local IRA units whereupon it

[226] Irish Military Archive, MSPC W2D442, p. 24.
[227] Irish Military Archive, MSPC W2D339, p.12.
[228] Irish Military Archive, MSPC W3D169, pp 18-22.
[229] Ibid., p.19.

was decided to settle the matter by means of a fistfight. Having apparently come off second best Horan had taken out his revolver and shot O'Shea dead.[230]

On 2 March 1923 Private John Kelly was shot dead at the National Army post in Barraduff in the south-west of the county by his commanding officer Corporal Joseph Butler. Kelly had just finished guard duty and had entered the guard room requesting that his relief be sent to take over. Corporal Butler 'on seeing him took up his rifle…pointing it at him telling him to return to his post'.[231] Butler's rifle went off killing Kelly instantly with other soldiers in the garrison later giving evidence that '[t]he habit of pointing a rifle at others was a frequent occurrence in Butlers case'.[232] On 14 March Daniel Sugrue, who was employed as a tailor in the National Army, was killed in not dissimilar circumstances. Records indicate that 'an officer entered the tailor's shop and commenced to play with a revolver [and] a shot was accidentally discharged…killing him instantaneously'.[233] There were allegations however that Sugrue, a

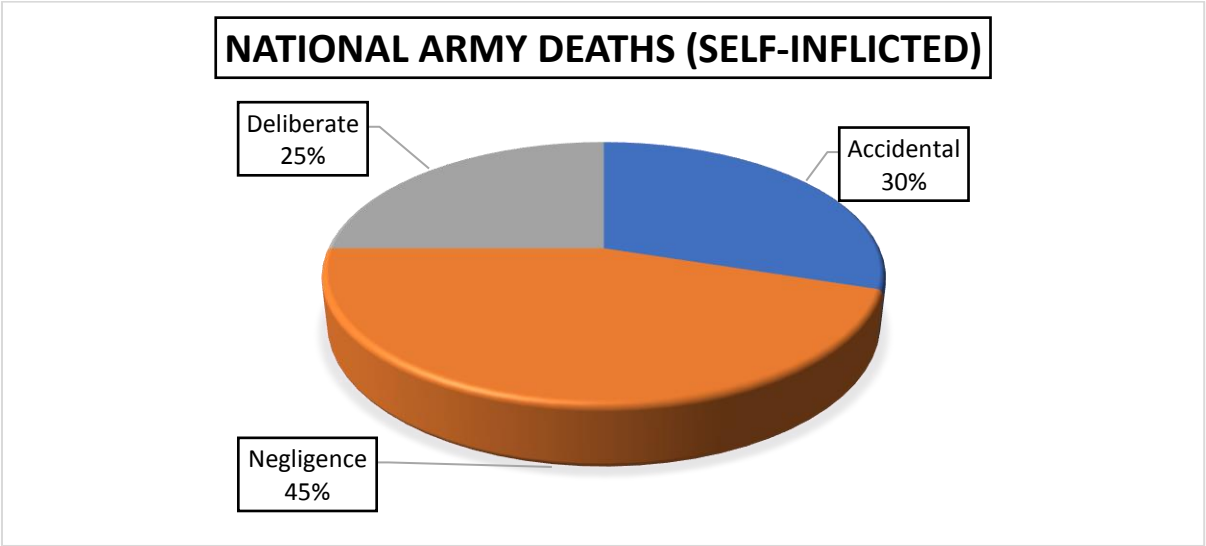

Fig.14- Self-Inflicted Deaths of National Army soldiers by categorisation

native of Kerry, had been murdered because it was suspected he had been passing information to the IRA or because he had been disclosing sensitive information to local people.[234]

[230] Irish Military Archive, MSPC W2D132, p.84; See also, MSPC W2D179, p.33. Captain Matthew McGrath was killed on 23 September at Listowel with his pension file containing a letter from his father claiming that he had evidence his son had been 'shot wilfully' by his commanding officer.
[231] Irish Military Archive MSPC 33APB30, p.22.
[232] Ibid., p.31.
[233] Irish Military Archive, MSPC W3D248, p.38.
[234] Neeson, *The Irish Civil War*, p.293; Neeson claimed that he had warned the prisoners who were killed at Countess Bridge on 7 March of what was about to befall them. See also UCDA, P69/26, p.9. It was also alleged that Sugrue was killed as he had been 'speaking to some of his friends' about incidents that were happening at the barracks in Killarney.

In total twenty men, just over 22% of the army's casualties in Kerry during the conflict, were killed by their own hand or that of a colleague, anything from tragic misfortune to apparent murder.[235] Historian Tom Garvin has argued that '[u]nlike the IRA, the…[National] Army was relatively controllable by its hierarchy'.[236] If that was so then the cases examined here would suggest that this was not always the case in Kerry, where indiscipline led to a significant number of deaths inflicted by the army on its own men, often in troubling circumstances. This state of affairs will be further examined in the next section where it will be argued that indiscipline also manifested itself in patterns of extra-judicial killing of IRA men which was one of the defining characteristics of the National Army's conduct during the conflict.

[235] C.R. Shrader, 'Friendly Fire' in G.K. Piehler; M.H Johnson (ed.), *Encyclopaedia of Military History* (London, 2013) p.565. Similarly, during the Persian Gulf War in 1991 a figure of just over 23% of U.S. casualties were attributable to 'friendly fire', the first time that the phenomenon became a 'hot public issue'.
[236] Garvin, *1922*, p.103.

5.3
Sending a Message

[Y]ou are going to make it possible for many dark deeds to be done by an Army which is not in the public eye.[237]

Extra-judicial killings encapsulate those acts of deliberate lethal force perpetrated by government officials or agents without recourse to proper legal process. Holden points out that it is one of the most common forms of state terror.[238] Melzer argues that extra-judicial killings imply a custodial element whereas those deliberately killed by government forces before reaching custody can more precisely be defined as 'targeted killings', with both categorisations inferring an intent to kill and the deliberate selection of individuals.[239] For the purposes of this study extra-judicial killings will be taken to mean both categories as the question of whether an individual was in custody at the time of their death was frequently only answerable by those who had done the killing. Ulrich Oslender has also argued that extra-judicial killings perform a dual function: not only do they eliminate opposition they also perform a 'communicative strategy that aims beyond the killings themselves to send a message to…survivors'.[240]

But even simple definitions such as these are dependent on a wider context. For example while discussing the modern issue of transnational terrorism Kretzmer asks '[a]re we talking about a 'War on Terror' to be pursued according to the laws of armed conflict, or a struggle against a particularly pernicious form of criminal activity that should be managed according to a law-enforcement model?'[241] Classification of the enemy helps determine the range of acceptable coercive actions available to state actors. If, as was often claimed, the IRA's campaign was no more than criminal enterprise then the use of executions of any type to combat it was not justifiable in any way. If, however, it was a politically motivated insurgency then there was more scope for justifying executions but only under the aegis of legislation such as the Public Safety Resolution, passed by the Dáil in September 1922, which provided for expedited executions albeit after a military court trial. Executions, in this sense, were intended to act as a deterrent, not as a means of waging war.

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[237] Dáil Debates, 'Precedence for Ministerial Business', 27 September 1922, Speech no. 54.
[238] W.N. Holden, 'A Neoliberal Landscape of Terror: Extra-judicial Killings in the Philippines' in *ACME* (2012), Vol.xi, No.1, p.147.
[239] Nils Melzer, *Targeted Killing in International Law* (Oxford, 2008), p.4.
[240] Ulrich Oslender, 'Spaces of Terror and Fear on Colombia's Pacific Coast' in Derek Gregory; Allan Pred (ed.), *Violent Geographies: Fear, Terror and Political Violence* (New York, 2007), p.121.
[241] David Kretzmer, 'Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence?' in *The European Journal of International Law*, Vol. xvi, No.2 (2005), p.174.

This section will examine the extent to which alleged extra-judicial killings carried out by the National Army in Kerry contributed to the character of the conflict.[242] It will be argued that these killings constituted a concerted policy by elements of the National Army although there were many impulsive killings too. In October 1922 the C/O of the Kerry Command General Murphy had asked GHQ to send him 'a few Oriel House agents' as the army was struggling to establish itself as 'top dog' in the county.[243] Eunan O'Halpin has argued that these men were 'doers, not organisers or analysers', intelligence operatives whose talents lay in 'clandestine assassination', and it is reasonable to assume that General Murphy was aware of the implications of requesting such help.[244] It will be demonstrated that those targeted by extra-judicial killing fit a very narrow demographic and social profile and represented some of what the army would later call, the 'most…irreconcilable opponents of the government'.[245] These killings constituted both practical and communicative strategies, eliminating those most active against the new state while sending a message to survivors. It will lastly be demonstrated that the end of the conflict did not mean the end of these types of killing, with the National Army extending its reach long past the end of the conflict.

Extra-judicial killings in Kerry during the civil war did not happen in isolation, rather they had parallels with official policies introduced by the government around the same time which made the entire process of summary execution more expedient. In an effort to combat the IRA the Dáil passed the Public Safety Resolution on 28 September 1922 giving the Army powers to inflict punishments up to and including execution for those who took up arms against the National Army. President William T. Cosgrave had argued thus for the measure:

> *If murderous attacks take place, those who persist in those murderous attacks must learn that they have got to pay the penalty for them…They must be taught that this Government is not going to suffer their soldiers to be maimed and ruined, crippled and killed...*[246]

[242] The killings are referred to here as 'alleged' extra-judicial killings as in almost all cases no investigation was carried out into their circumstances so there were no official judgements. In the few cases where investigations were conducted it will be demonstrated that they were mostly considered unsatisfactory, even by the government themselves. It will also be demonstrated that as a group these killings bore many similarities and common characteristics and it is felt that the lack of any official recognition should not preclude them from inclusion in the analysis. It should also be noted that information on these killings has largely been obtained from the National Army's own archive which, in many cases, describes the incidents in the same manner as does this paper, and without any contradiction or qualification. From here on they will simply be referred to as extra-judicial killings.
[243] Irish Military Archive, CW/OPS/08/02/01, Letter from Gen. W.R.E Murphy to GHQ, Oct' 1 1922.
[244] Eunan O'Halpin, *Defending Ireland: The Irish State and its Enemies since 1922* (Oxford, 2002), p.11.
[245] Irish Military Archive, CW/OPS/08/08, Kerry Command General Weekly Survey (14 March 1923).
[246] Dáil Debates, 'Precedence for Ministerial Business', 27 September 1922. Speech no. 49.

Offenders were subject to fines, imprisonment and/or the death penalty with the key caveat: punishment would be decided upon by a 'Military Court or Committee [which] shall include as a member thereof at least one person nominated by the Minister of Defence and certified [as] a person of legal knowledge and experience'.[247] The government envisaged a quasi-legal solution to strengthen the army's attempts to bring the country under control that would also safeguard civilian rights. Minister for Defence Richard Mulcahy argued that the measure was also necessary to maintain discipline in the army and to prevent 'unofficial executions' by officers and men outraged at the IRA's tactics.[248]

Opposition members were critical of the legislation in the Dáil branding it a 'military dictatorship' with the government accused of abdicating its responsibilities to an army unsuited to the task it was being given.[249] As opposition member Cathal O'Shannon argued:

> *A guerrilla army requires certain definite qualities that are not the qualities that go to make a good soldier in the ordinary, long established, regular, army. To a large extent…these young men…have not the training, the ability or the experience in decisions, involving big questions of law, constitutionalism and everything else.*[250]

Despite such concerns the Public Safety Resolution was passed into law greatly enhancing the power of the army. During the course of the conflict the government officially executed eighty-one prisoners under the terms of the resolution, some in controversial circumstances. Timothy Breen has argued that the resolution had a 'significant impact on the dynamic of the civil war, making it a far more ruthless and divisive affair' blurring, as it did, the lines between military and civil power.[251]

To those deputies of the Dáil who feared that the new powers would translate into a military tyranny the predominance of extra-judicial killings in Kerry as a means of tackling the IRA must have in many ways bore out those concerns. As demonstrated in Fig.15 on the next page, during the course of the conflict in Kerry forty-two IRA men were the victims of extra-judicial killings by the National Army. This figure represents almost 57% of the total number

[247] Dáil Debates, 'Precedence for Ministerial Business', 27 September 1922, Speech no.48.
[248] Valiulis, *Portrait of a Revolutionary*, p.176.
[249] Dáil Debates, 'Precedence for Ministerial Business', 27 September 1922. Speech no.54.
[250] Ibid., Speech no.60.
[251] Breen Timothy Murphy, 'The Government's Execution Policy During the Irish Civil War 1922-1923', Doctoral Thesis, Maynooth, 2010, p.1.

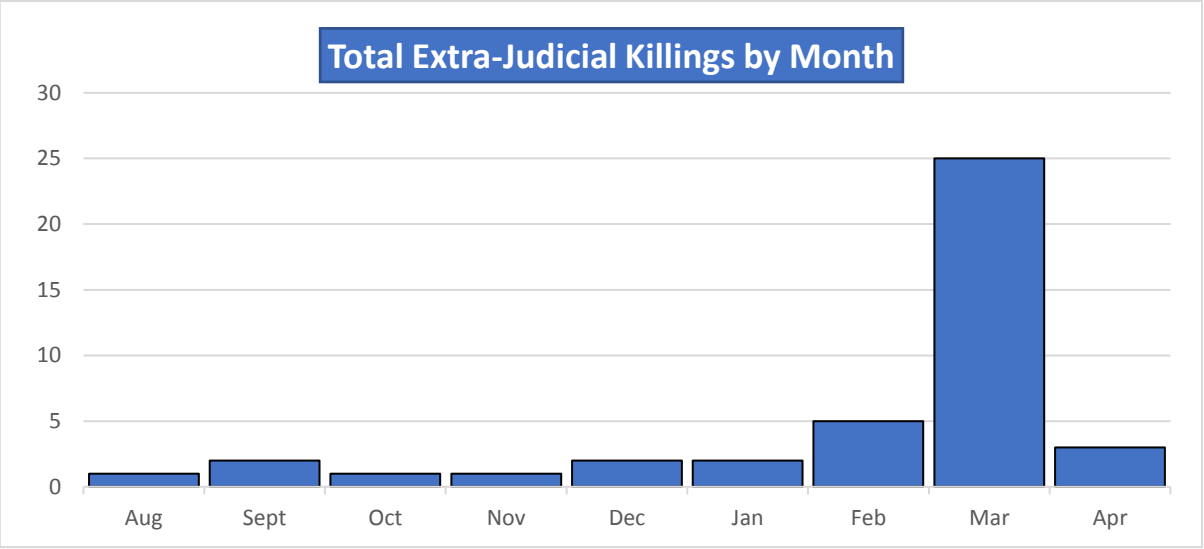

Fig.15- Extra-Judicial Killings by National Army by Month

of IRA men killed in Kerry, suggesting that extra-judicial killing was the National Army's primary method of fighting the civil war in the county. In only two of the cases did National Army soldiers have to justify their conduct in court and in only one of the cases was there a successful conviction. These were the exceptions however and in the vast majority of instances those killed were never even accorded the meagre protections the Public Safety Resolution afforded them.

5.4
Landmine Killings

While extra-judicial killing formed the bulwark of the National Army's methods for combatting the IRA in Kerry these killings did not form a monolithic group, but were instead indicative of the chaotic and arbitrary nature of the conflict. The significance, for example, of the infamous landmine killings [252] which occurred in March 1923 cannot be overstated when discussing the character of the conflict, but within the overall context of the war in Kerry they have in many ways served to obscure and overshadow patterns of extra-judicial killings already well established and in train. With this in mind analysis of extra-judicial killings in Kerry during the civil war will be examined here in two distinct groups: the seventeen IRA men who were killed by landmines in the short five-day period in March 1923 and the remaining group of twenty-five who were killed across the duration of the conflict.

As has already been briefly mentioned in Chapter 4, on 6 March 1923 five National Army soldiers were killed, and another seriously wounded, when an IRA landmine detonated in a dug-out the soldiers were searching at Knocknagoshel in the north-east of the county. While accounts vary there was at least consensus that the primary target was Lt. Patrick O'Connor, a native of Kerry who had recently joined the National Army and who was among the group who had been lured to the scene by reports of an IRA arms dump.[253] Subsequent sources posited anything from a pre-existing local feud to alleged mistreatment of IRA prisoners by O'Connor as the origin of the incident, but, whatever the reason, the result would be the biggest loss of life by the National Army in Kerry in a single day since the guerrilla phase of the war had begun. The wounds suffered by the lone survivor Joseph O'Brien, as detailed in his military service pension application, indicated the devastating nature of the attack:

Loss of both lower Limbs.

> *<u>Right Leg</u>. - Scar Terminal, adherent, bone badly covered, skin adherent and red but not tender over end of bone. Stump 4" long, 2 long scars of burn on outer aspect R buttock. Many small shrapnel wounds on front of R thigh*

[252] These incidents will be examined in this chapter but, as a brief outline of events, on 6 March 1923 five National Army soldiers were killed at Knocknagoshel when an IRA landmine exploded during a search. It transpired that the men had been deliberately lured to the spot and killed. There followed three similar incidents within five days where groups of IRA prisoners were killed by landmine explosions having apparently been brought out to clear IRA barricades blocking roads. Strong evidence later emerged suggesting these incidents had been staged and were in fact reprisal killings by the National Army. These four incidents, are referred to as the 'landmine killings' or 'landmine atrocities'.

[253] O'Malley; Horgan, *The Men Will Talk to Me*, p.100.

<u>Left Leg</u>. – Scar terminal, adherent to bone over centre. Stump 4" from knee joint…

Complains of :- *Defective vision both eyes – Left being worst. Tears running over cheek from R eye. Scar running diagonally beneath R. eye on to nose and dragging down inner end of lower lid, resulting in epiphora. Powder marks and small scars on face. Double cataract."*[254]

While O'Brien was hospitalised for over a year before being discharged his colleagues were less fortunate, 'blown to atoms' with body matter dispersed over a wide area.[255] The callous nature of the attack meant that it was probably inevitable that the National Army would retaliate but the speed and ferocity of the response was still probably beyond anything that may have been envisaged at the time.

In response to what had occurred at Knocknagoshel, C/O Kerry Command General Paddy O'Daly issued an order later that day that 'in future all mines…be lifted and all dumps cleared by [IRA] prisoners'.[256] Early the next morning on 7 March the first of two such incidents that would happen that day occurred at Ballyseedy Woods near Tralee. Amid reports of a blocked road members of the National Army removed nine prisoners from the barracks in Tralee to clear an obstruction. During the course of this work a landmine detonated killing eight of the prisoners and seriously wounding the last, Stephen Fuller. Blown clear of the blast Fuller escaped and went into hiding. His wounds, recorded a decade after the incident, are also worth recounting:

Dr. Shanahan certifies that he attended applicant after the explosion and found him in a dugout in a mountain. He was suffering from severe shock. All his back was burned with gunpowder and dozens of small pieces of grit were embedded under the skin…Dr. Dunn, Peamount Sanitorium, certifies that applicant is suffering from profound neurasthenia. X-rays also reveal the presence of several fine foreign bodies embedded in the musculature of his back. The combined conditions leave him a complete and permanent invalid.[257]

[254] Irish Military Archive, MSPC W4P66, p. 28.
[255] *Irish Independent*, 8 March 1923, p.8.
[256] *Freeman's Journal*, 8 March 1923, p.4.
[257] Irish Military Archive, MSPC WDP6809.

Fuller's fellow prisoners were also not so fortunate. The *Freeman's Journal* reported that 'limbs and flesh, with pieces of…clothing, were found adhering to trees and strewn along the roads and fields over a hundred yards from the…explosions'.[258]

That same morning in the south of the county near Killarney a National Army patrol reported a blocked road at Countess Bridge. In an almost identical sequence of events soldiers retrieved five prisoners from the local army barracks at the Great Southern Hotel and set them to clearing the obstruction. Again, during the work a mine exploded, this time killing four of

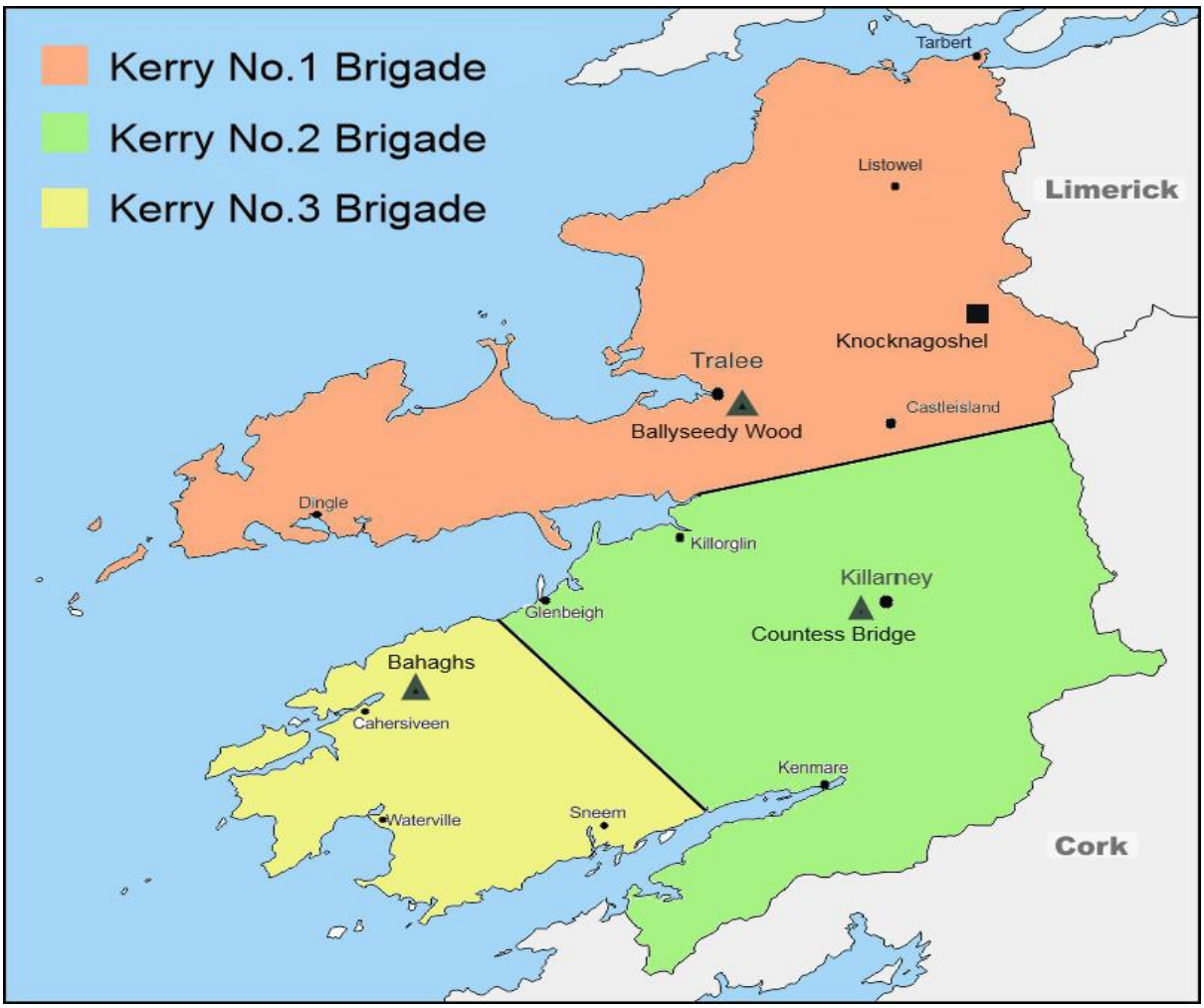

Fig.16- Map of Kerry showing locations of landmine atrocities across IRA Brigade Areas

the five prisoners, with one, Tadg Coffey escaping. Five days later in the south-west of the county at Bahaghs, just outside Cahirciveen, the final landmine incident occurred. Again, a party of National Army soldiers reported a barricade blocking a road and five prisoners were

[258] *Freeman's Journal*, 9 March 1923, p.5.

again taken from the local army barracks to clear the obstruction. The result was similar, with a concealed landmine exploding during work. This time, however, there were no survivors.

Almost immediately rumours began to circulate of reprisals and cover-ups. It was alleged at Ballyseedy that the prisoners had been tied together with their backs to the landmine before it had been detonated. Stephen Fuller's injuries recounted above, almost exclusively to his back, were consistent with this. At Countess Bridge it was claimed that many of the prisoners had only been stunned by the explosion and were subsequently finished off in a hail of machine-gun fire.[259] At Bahaghs it was reported that nothing had been left to chance and that the prisoners had been shot and killed before their dead bodies had been placed upon the mine. Whatever the truth, at the end of the five days seventeen prisoners were dead, killed in brutal and controversial circumstances. The incidents had what the *Freeman's Journal* described as a 'terribly depressing effect' in the county while the *Southern Star* reported that they had 'created consternation amongst the people'.[260] If there was dismay amongst the public in Kerry then the same could hardly be said for the National Army. Internal reports struck an upbeat tone with the morale of the IRA in Kerry enthusiastically reported as 'sinking to a low level'. The report hailed what it called the new 'spirit of determination now being displayed by Government forces'.[261]

The National Army would later claim that the landmine incidents were a tragic series of events, with those killed random and unwitting victims of the IRA's own tactics. However, closer examination of the demographic and social profiles of the IRA men killed in the landmine incidents contradicts this claim highlighting, as it does, some striking similarities between the victims.[262] The men all came from a rather particular cohort. They were of peak physical age, at an average of just under twenty-four years, with James Walsh the oldest at thirty-two and William Reardon the youngest at just nineteen. Few of the men were attached with records indicating that only John O'Connor and Patrick Buckley were married. They were experienced nationalists having


"We have loved him in life, let us not forget him in death, until we have conducted him with our prayers, into the eternal abode of bliss."—St. Ambrose

IN LOVING MEMORY OF

DAN DONOGHUE, A. S. U.

LACKA, KILCUMMIN,

4th Battalion Kerry No. 2 Brigade (Irish Republican Army),

Who was Killed at the Countesses Bridge, Killarney, in the struggle for Irish Independence, on

7th MARCH, 1923.

AGED 21 YEARS

TO GOD AND IRELAND TRUE.

Fig.17 - Mass Card of Daniel Donoghue (Courtesy of Irish Military Archive)

[259] Irish Military Archive, MSPC 1RB2497, p.5.
[260] *Freeman's Journal*, 19 March 1923, p.6; *Southern Star*, 10 March 1923, p.5.
[261] Irish Military Archive, CW/OPS/08/06, General Weekly Returns Week Ending 27 March 1923.
[262] See Appendix 2 for details of the group killed in the landmine atrocities

all served considerable spells in various physical force organisations. Subsequent documentation certified by the Military Service Registration Board in support of their families pension applications indicated that this group had accumulated an average of just under four and a half years recognised service each.[263] Moreover the group contained men such as Patrick Hartnett and Daniel Donoghue who, at twenty-four and twenty-one years old respectively, had already more than seven years service each.[264] It included men who had fought in the War of Independence and who had been part of the columns who had gone to fight at Limerick in July 1922.

With regard to the economic backgrounds of the men the overwhelming profile was that of farmer and agricultural worker. Over three-quarters of the group were the sons of farmers, with most of them eldest sons and over half of them working the family farm. This was in contrast to figures for the rest of the county which saw just over 7% being farmers sons, of which just a further 18% worked the family farm.[265] This occupation afforded the group flexibility and discretion meaning that they could be absented for extended periods without suspicion being aroused. It also meant that family or members of their local community could fill their role, something not possible in conventional employment.

While giving evidence in 1936 to an army advisory committee on compensation on behalf of Tadg Coffey, one of the two landmine atrocity survivors, IRA commanders hinted at this very issue: 'only for being a farmer's son he could not have done the job at all'.[266] Alluding to the characteristics it was felt men like this possessed O/C of Kerry No.2 Brigade John Joe Rice glowingly described one unit in his brigade as, 'all of them farmers' sons who could think for themselves…you could count on them all to be able to look after themselves'.[267] Where it could be determined they were also, almost without exception, all members of their respective

[263] Military service pensions were awarded on the basis of active service in any of a number of specified nationalist movements. Applications were vetted by the Military Service Registration Board who required that corroborated evidence be produced by designated referees appointed in each area. If there was any doubt the board tended to err on the side of caution.
[264] Irish Military Archive, MSPC DP9533; Ibid., DP739.
[265] Central Statistics Office of Ireland, Census 1926 Reports; National Archives of Ireland, Census Reports 1911. These figures are based on estimates calculated from population changes between the two census dates for Co. Kerry (Average simple annual decrease of 0.0047%) which are then applied to occupational statistics.
[266] Irish Military Archive, MSPC34REF23009, p.11. The group were referring to Coffey's Truce period activities as a republican police officer but the example holds true for service in other periods when being a farmer's son afforded a level of flexibility that other occupations did not.
[267] O'Malley; Horgan, *The Men Will Talk to Me*, p.299; UCD Archives, Moss Twomey Papers, P69/25 (p.64). Humphrey Murphy, O/C of Kerry No.1 was less effusive in his assessment of this cohort of men however, describing inactivity in the Ballylongford Bttn. in his brigade area as down to 'farmers' sons who…have now got into the mood that the rifles will be useful yet for showing to their children as the concrete examples of the deeds of their fathers in the great war'.

battalion or brigade active service units (ASU).[268] Just two of the group who were ASU members did not work the family farms. Jeremiah O'Donoghue, killed at Countess Bridge, was an attendant in the local mental hospital in Killarney while Michael Courtney, killed at Bahaghs, worked as a labourer at the Waterville Cabling company. Records indicate, however, that both men left their employment just prior to joining their respective ASUs suggesting that farming was one of the very few occupations compatible with service on ASUs.[269] The remaining members of the group were John O'Connor and James Walsh, both killed at Ballyseedy. O'Connor was a marine engineer and had been arrested at Fenit Harbour on suspicion of helping in the importation of arms and ammunition for the IRA.[270] Walsh worked as an accountant in Tralee. These two men were the only members of the group employed in something other than farming at the time of their deaths and also the only two who were not members of an active service unit.

If the social characteristics of the IRA men killed in the landmine atrocities suggest a particular cohort then an examination of the communities they came from would also seem to support this argument. The case of George O'Shea, killed at Ballyseedy, is informative. O'Shea lived at house No.1 in Fahavane, a small rural village of just seven houses about ten kilometres north-east of Tralee. He was twenty-five years old and, like many in this group, the eldest son

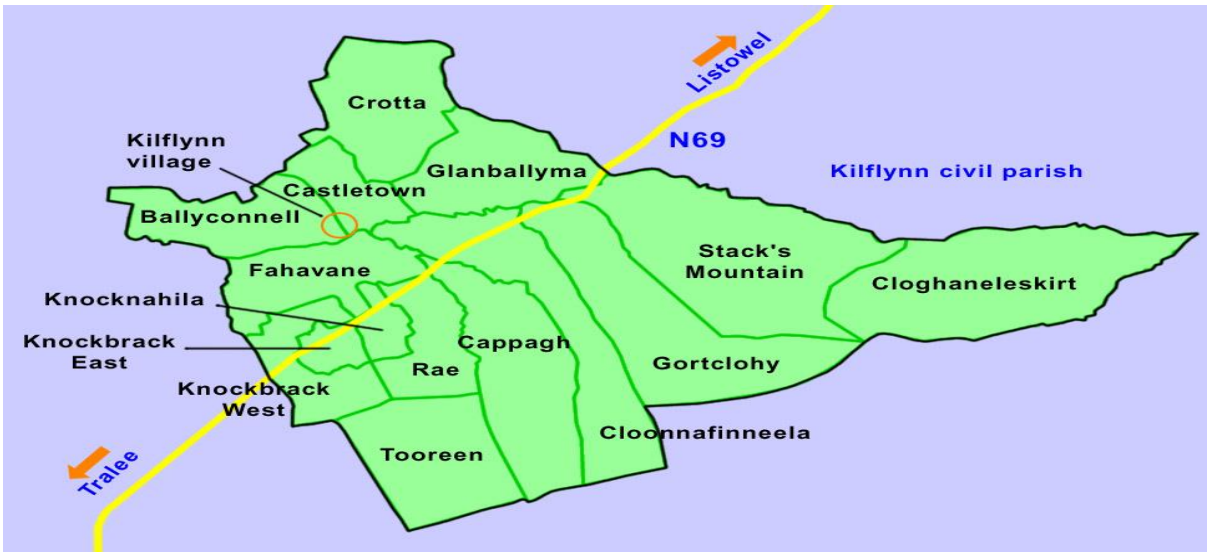

Fig.18 - Townland of Kilflynn Co. Kerry (Courtesy of Wikipedia)

of a farmer. He was the Kilflynn Company Captain in 1923, and a member of the Kerry No.1 Brig. 2nd. Battalion ASU. O'Shea's younger brother Daniel was also in the IRA and served as

[268] Irish Military Archive, MSPC DP4098. Evidence was determinable in thirteen of the seventeen cases.
[269] Irish Military Archive, MSPC 2RB584, p.6; DP2261, p.26.
[270] Irish Military Archive MSPC W2RB149, p.8.

the Kilflynn Coy. Adjutant. Just one year younger than George, and also the eldest son of a farmer, John Shanahan was O'Shea's next-door neighbour living at house No.2. Shanahan was also in the Kilflynn Company and served as its quartermaster.[271] At house No.5 lived the Fullers. Stephen Fuller, the only survivor at Ballyseedy, was two years younger than George O'Shea and served as the Company 1st lieut. His younger brother John Fuller served as 2nd lieut. Timothy Tuomey, who would also be killed at Ballyseedy, lived in the neighbouring townland of Gortclohy and served in the same company as the O'Sheas and the Fullers.[272] As well as being comrades most of the victims were friends and neighbours having grown up together with all the shared experiences that entailed. They came from small, rural farming communities for the most part, steeped in nationalist physical force activity and resistance. While George O'Shea's case is illustrative of the way that the IRA victims of the landmine explosions were deeply embedded in their respective communities, sharing bloodlines and close bonds with family and neighbours, it was in no way unique.

Fig.19- Kilflynn Company (IRA), Active Service Unit 1922 (Courtesy of The Volunteer website). Backrow- 2nd from left Stephen Fuller, 4th from left Timothy Tuomey (injured and killed at Ballyseedy landmine atrocity); Front row 3rd from left Daniel O'Shea (brother of George O'Shea also killed at Ballyseedy), 4th from left Timothy 'Aeroplane' Lyons

Examination of the social backgrounds of all those killed in the landmine incidents reveals similar patterns of family and community networks. Many came from small rural townlands, places like Fahaduff, Radrinagh and Islandboy where the number of houses often did not exceed single digits. In almost all cases the dead men had siblings, friends and neighbours who belonged to the same local company and ASU. James Walsh's older brother

[271] O'Malley; Horgan, *The Men Will Talk to Me*, p.101. It was stated that John Shanahan was also selected to go to Ballyseedy on the night of the landmine atrocities but was too badly injured after a brutal interrogation.
[272] Census of Ireland, 1911; Irish Military Archive, MSPC RO/90.

Jeremiah ran the family holding and was a member of the same Churchill Coy., while his younger brother Daniel was interned in the Curragh. His younger sister Mary was married to John Dunne a seasoned IRA man who fought during the War of Independence and who was frequently on the run during the civil war period.[273] William Reardon's brother Peter had been arrested in November 1922 and had languished for four months in Tralee gaol without charge or trial. At 2am on the morning of 7 March he had been ordered out of bed to clear a barricade. The order was cancelled and only later would he realise that he had just narrowly missed becoming one of the victims of the Ballyseedy landmine explosion that same morning.[274] The IRA men killed by the three landmine explosions came from backgrounds rich in the traditions of republicanism and of armed resistance and they could count on the active and moral support of their families and the small, tight-knit communities from which they came. They were immersed in the struggle against the National Army just as many of them had been immersed in the struggle against British rule. They were in many ways the lifeblood of the IRA in Kerry.

Further analysis of the backgrounds of these men also reveals that they were drawn from a select group of units, ones which were to the fore of the fighting in the county during the civil war. When Humphrey Murphy, the O/C of Kerry No.1 Brigade (IRA) called a brigade council meeting around November 1922 to discuss the worsening situation in his area two of the men later killed at Ballyseedy, Patrick Hartnett and George O'Shea, had been the only ones to turn up.[275] Of the nine men killed and injured at Ballyseedy three were members of the Kerry No.1 Brigade 3rd. Batt. Kilflynn Coy. while another three were from the Kerry No.1 7th. Batt. Castleisland Coy. The 3rd Batt. Kilflynn Coy. area comprised one of the more active areas in the Kerry Command. It had seen its numbers reduced by around a third during the Truce period but those who remained were some of the most dedicated and persistent fighters in the county. It included men such as Timothy 'Aeroplane' Lyons who, according to contemporary reports, had enjoyed an 'adventurous career' as the leader of a prominent column.[276] Lyons would be among five men killed just a few weeks later at Clash Caves when the National Army cornered his column. Another three of his men, also captured at Clash Caves, would be executed a week later on 25 April as a result of having reneged on an earlier undertaking to give up their militant activities.[277]

[273] Irish Military Archive, MSPC MSP34REF4060.
[274] Irish Military Archive, MSPC DP3844, p.131.
[275] UCD Archive, Moss Twomey Papers, P69/25, p.64.
[276] Irish Military Archive, MSPC RO/91, p.116; UCD Archive, Mulcahy Papers, P7B/49.
[277] *Cork Examiner*, 26 April 1923, p.5; See also Irish Military Archive, MSPC DP5905; DP3164.

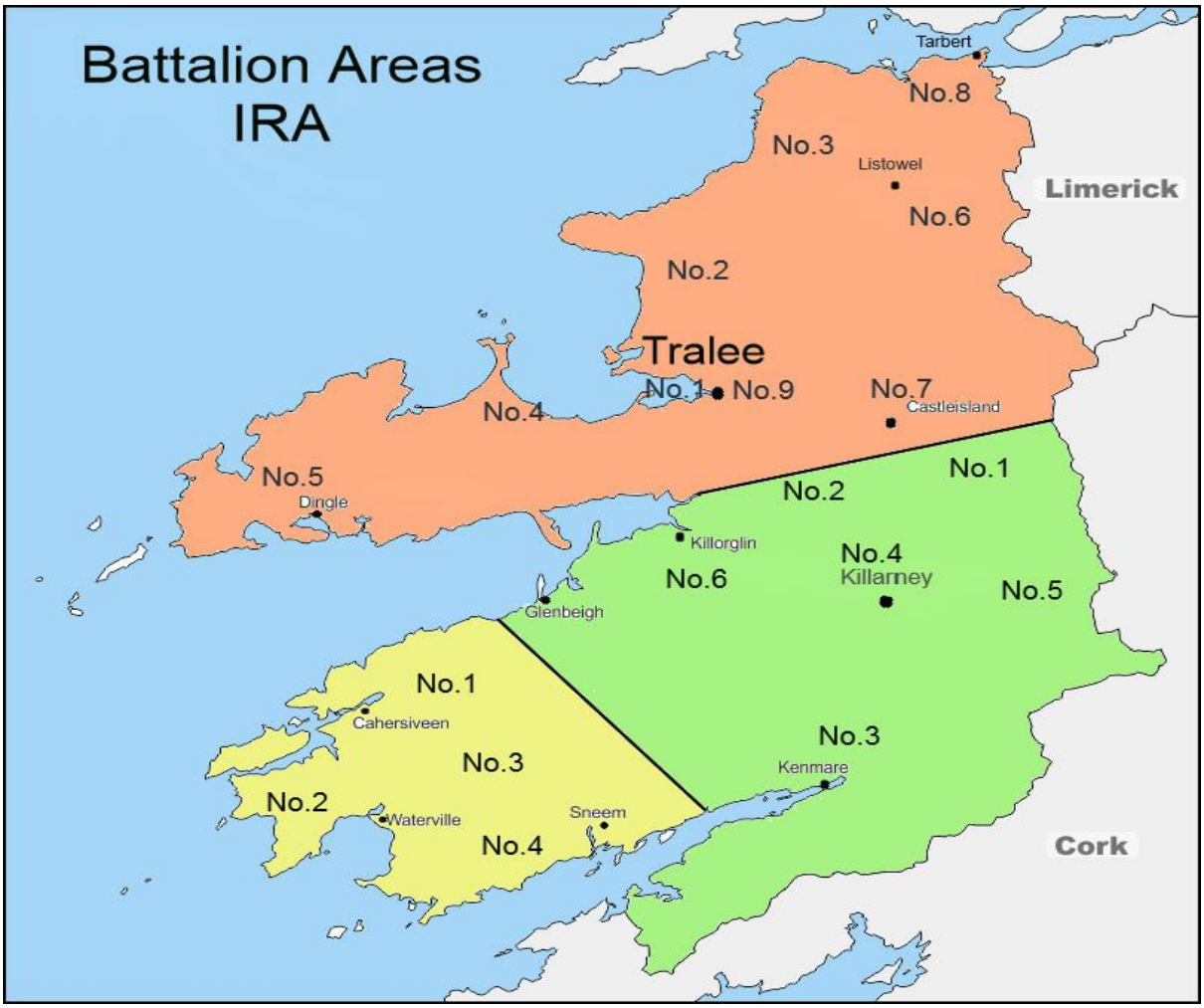

Fig.20- IRA Battalion Areas as of 1 July 1922[278]

Similarly, the 7th. Batt. Castleisland Company area had also been the scene of some of the most 'spectacular engagement[s] of the war' during the initial incursions by the National Army in August 1922 and it had subsequently been the scene of many fatal ambushes by the IRA.[279] The area was also a vital railway artery in the county and the rail infrastructure was subjected to constant sabotage and destruction by local IRA units for the duration of the conflict. Niall Harrington, who served with the National Army in Kerry during the period, alleged that it was the discovery by officers of the Castleisland Coy. that information on their movements was being supplied to the National Army which had led to the controversial killing of the five National Army soldiers at Knocknagoshel that triggered the entire sequence of events.[280]

[278] Irish Military Archive, MSPC RO/88-101A; RO/102-110; Kerry III Brigade Area.
[279] *Connacht Tribune*, 12 August 1922, p.8; The National Army had lost a total of five soldiers in various incidents and ambushes in the Castleisland area during the conflict.
[280] Niall Harrington, *Kerry Landing*, pp 147-148.

Likewise, all of the men killed or injured at Countess Bridge were drawn from the Kerry No.2 Brigade 4th Battalion. This area was heavily involved in ambushes and it wasn't uncommon for National Army convoys to be repeatedly attacked when making for Killarney from Tralee or Farranfore. To the north of Killarney the Battalion area included Brennan's Glen, a notorious ambush point where four soldiers would be killed during the conflict and at least another nine wounded.[281] To the east it included the Lissivigeen Coy. area, where three of the four men killed at Countess Bridge came from. This area bordered villages like Headford and Barraduff, considered extremely dangerous postings by the National Army on account of the frequency and daring of ambushes and sniping incidents. O/C of Kerry No.2 Brigade John-Joe Rice would remark after the war, '[t]here were wild *garsúins* around Headford'.[282] However, the exception to this pattern was the men who were killed at Bahaghs near Cahirciveen on 12 March. Again, these men were drawn from a small number of units, the 1st. and 3rd. Battalions Kerry No.3 Brigade, but this area had been criticised throughout the conflict for a perceived reluctance to act, with few operations conducted in this area. It should be noted however that a landmine incident occurred in each of the three IRA Brigade areas and, as such, the last incident, occurring as it did five days after the others, may have been as much about sending a message to each Brigade Area of the IRA as it was about eliminating hard-line resistance in that area.

In the aftermath of the landmine atrocities the National Army claimed that the men had been 'picked at random'.[283] If this indeed was the case then it has been demonstrated that they came from a very narrow and particular cohort, men who the National Army would later describe as its 'most inveterate and irreconcilable opponents'.[284] To accept that these particular men were randomly chosen is to also accept that the National Army inadvertently and unwittingly did, in these five days, what it had been unable to do for the previous seven months, that is, militarily suppress the IRA in the county and break their morale. And it is also to accept this in spite of the many conflicting accounts that would subsequently emerge. Voices on both sides of the civil war divide would consistently claim that the mine atrocities were deliberate reprisals.[285] A number of serious discrepancies also arose in the evidence given to the enquiries

[281] UCD Archive, P7B/117, p.63; See also Irish Military Archive MSPC 2D68; W2D278; 2D412; 2D245.
[282] O'Malley; Horgan, *The Men Will Talk to Me*, p.313. The term '*garsúins'* is local slang meaning 'lads' or 'fellas'
[283] National Archive of Ireland, Records of the Department of Justice, 2008/152/27. Evidence of Lt. P. Kavanagh.
[284] Irish Military Archive, CW/OPS/08/08.
[285] The Military Service Pension applications made by the families of those killed in the mine explosions, without exception, claim that the victims were deliberately and purposefully killed either by explosions or, by first being shot then mutilated by explosion. See also Niall Harrington, *Kerry Landing*, pp 148-149. Harrington, who served with the National Army in Kerry, claimed that the reprisals were 'deliberately planned by a clique of…Dublin Guards' with the mines 'constructed in Tralee under the supervision of two senior Dublin Guards'.

that were held to investigate events, leading to a police report in 1924 which concluded that the original Court of Enquiry could 'scarcely be regarded as having…much value'.[286]

As well as the issues highlighted in the police report (which included conflicting testimony, superficial interrogation and non-collection of evidence) research would also indicate that, despite reports that many National Army soldiers were also injured in the explosions, not a single claim was submitted to the Military Service Pensions Collection in the subsequent years. To take one example, Lt. Joseph Murtagh, allegedly injured at Ballyseedy, had in fact been gravely wounded on 29 June 1922 in Dublin. Murtagh had spent twelve weeks in hospital with records indicating he was then transferred to Kerry but restricted to 'light duties'.[287] Despite apparently receiving 'serious injuries' at Ballyseedy his military service pension application file shows that the only claim he ever submitted was for his injuries in Dublin with no mention ever made of any injury received in Kerry.[288] The Military Service Pensions Boards were nothing if not thorough in their investigation of pensions claims and the absence of a single claim from any of the National Army soldiers allegedly injured during the landmine atrocities is, in itself, revealing. While the National Army would also claim at the time that landmines had become 'the principal weapon of war of the Irregulars' the incident at Knocknagoshel was, in fact, the only time that the National Army lost men to landmines in Kerry.[289]

In conclusion, much of the evidence presented supports the contention that the three landmine atrocities discussed here were in fact reprisals for the killing of five National Army soldiers at Knocknagoshel. Records show that all of the victims had been imprisoned before 6 March so there is no suggestion that they were targeted killings. Instead it appeared that the National Army had availed of the situation to eliminate men already in custody and who were seen as a serious threat to its continued presence in Kerry. As IRA officer John Cunan would later say ''[i]t was done pure and simple to stop our activities'.[290] In the weeks after the landmine atrocities resistance in the county collapsed as the IRA, diminished and demoralised, lost the capability and the will to fight.

[286] National Archive of Ireland, Dept. of Justice Files, 2008/152/27.
[287] Irish Military Archive, MSPC, W4P272, p.32.
[288] *Freeman's Journal*, 9 March 1923, p.5.
[289] UCD Archive, Mulcahy Papers, P7B/47-50.
[290] Irish Military Archive, MSPC 2RB154, p.18.

5.5
Extra-Judicial Killing Throughout the Conflict

The 'Barricade' and the 'Attempting to Escape' will probably appear in the press as a temporary cover for more foul murders of Prisoners.[291]

If the landmine killings of March 1923 can also be seen in the context of a communicative strategy conducted through the medium of extra-judicial killing, then it was only an intense manifestation of a pattern that existed for the duration of the conflict and beyond. Fig.21 below shows the chronology of extra-judicial killings in Kerry during the civil war, but not including the three landmine incidents already discussed, consisting of twenty-five such killings committed by state forces. To put it in perspective, the total number of IRA deaths resulting from engagements in Kerry was twenty-one meaning that, even excluding the

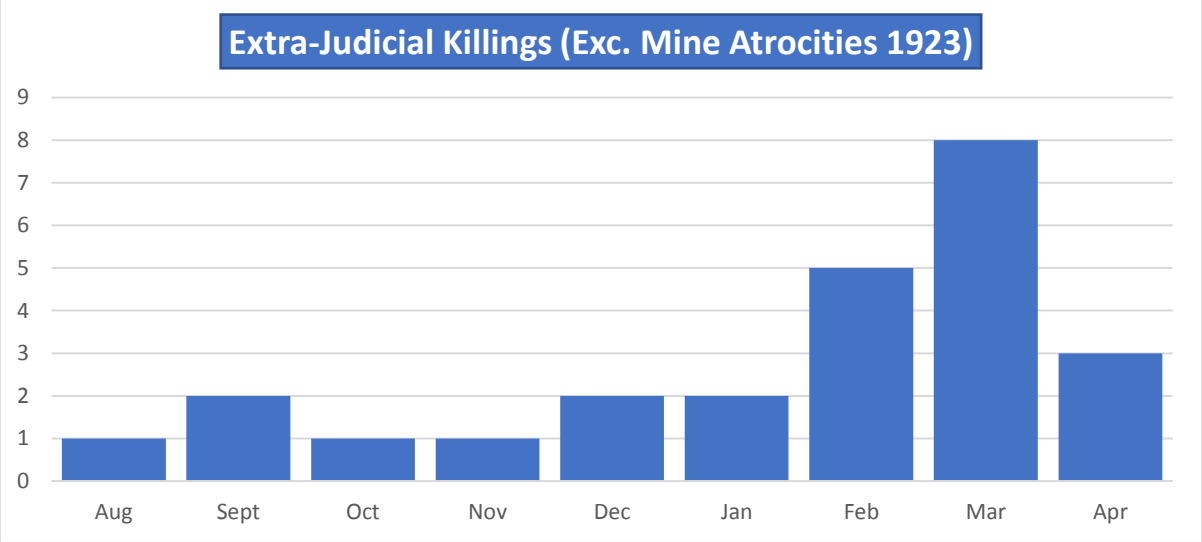

Fig.21 -Extra-judicial killings of IRA by National Army Aug' 1922- Apr' 1923 (excluding those killed in mine atrocities)

landmine atrocities, extra-judicial killing was still the main component of the National Army's strategy in the county for the duration of the conflict. In the early months casualties were low, but persistent, never rising above just a couple of killings per month. However, in the new year when the army began to aggressively pursue the IRA in the county the number of incidents rose sharply.

An examination of the profile of this group reveals similarities to the seventeen men killed by landmines in March 1923. They had an average age of just over 26 years and, while it included outliers such as Bartholomew Murphy, who was just seventeen when he was killed,

[291] UCD Archives, Moss Twomey Papers, P69/26, p.9. IRA report on 'Murder of Republican Prisoners in Kerry' (undated but sometime between 8-12 March 1923).

or Patrick Lynch who was forty years old, the group generally comprised young men in their early to mid-twenties.[292] Just three of the group were known to be married and they had an average of just under five years of service each in various nationalist organisations such as the Volunteers, Na Fianna and the IRA. These men were no 'Trucileers', the disparaging name given to those who joined the IRA during the truce period in 1921 when it was 'less dangerous and more glamorous' to do so. Again though, there was variation in the group with men such as Frank Grady and Jeremiah Casey the least experienced, with three years of service, while others, like John Linnane for example, had been a member of the Irish Volunteers as far back as 1914 before later joining the IRA during the War of Independence. This group too were in the prime of their life with, for the most part, little in the way of distractions taking from the time and effort they could devote to their IRA activities.

In examining the circumstances of this cohort of IRA men one of the more salient factors was that they were overwhelmingly prisoners of the National Army when they were killed. Their deaths were frequently reported using phrases such as 'shot while trying to escape' or 'killed while prisoner during an ambush on troops', terms that Westermann argues are used to provide a 'veneer of procedural legality that [serves] as both a euphemism and a justification for murder'.[293] Even early in the conflict there was an awareness of the dangers of being apprehended by the National Army. One senior IRA officer in Kerry noted

> *We all feel that if you once definitely reach your prison when captured you stand a reasonable chance of retaining your life as I imagine the senior officers are well disciplined, but in many cases the junior officers or the men, who appear to be most indisciplined, merely take the law into their own hands and do you in.*[294]

IRA man John O'Connor claimed that during the civil war in Kerry National Army officers felt that killing prisoners 'as if they were attempting to escape' was a favourable alternative to executions which might have 'serious political repercussions'.[295] Of the twenty-five killings to

[292] See Appendix 3 for more information on this group
[293] E.B. Westermann, 'Shot While Trying to Escape': Procedural Legality and State Sanctioned Killing in Nazi Germany' in *Dapim: Studies on the Holocaust*, Vol. xxxii, No.2 (2018), p. 94; See also Sönke Neitzel; Harald Welzer, *Soldaten: On Fighting, Killing and Dying* (London, 2012), p.332. See also Irish Military Archive, MSPC, 2RBSD17, p.5. Peter Brown O/C of Scartaglin Battalion, Kerry No. III Brigade (IRA) noted 'The suggestion was made that he tried to escape. But we in Kerry know too well what that meant'. See also UCD Archive, Moss Twomey Papers, P69/26, p.9. 'The 'Barricade' and the 'Attempting to Escape' will probably appear in the press as a temporary cover for more foul murders of prisoners.'
[294] UCD Archive, Mulcahy Papers, P7/B/86, pp110-111.
[295] O'Malley; Horgan, *The Men Will Talk to Me*, p.233.

be examined in this section over 70% were killed whilst prisoner.[296] It will be demonstrated that these incidents broadly fell into three categories with the heaviest preponderance on the final category, that of 'shot in cold blood' which is taken to mean those shot with no mitigating factor even offered by the National Army.[297]

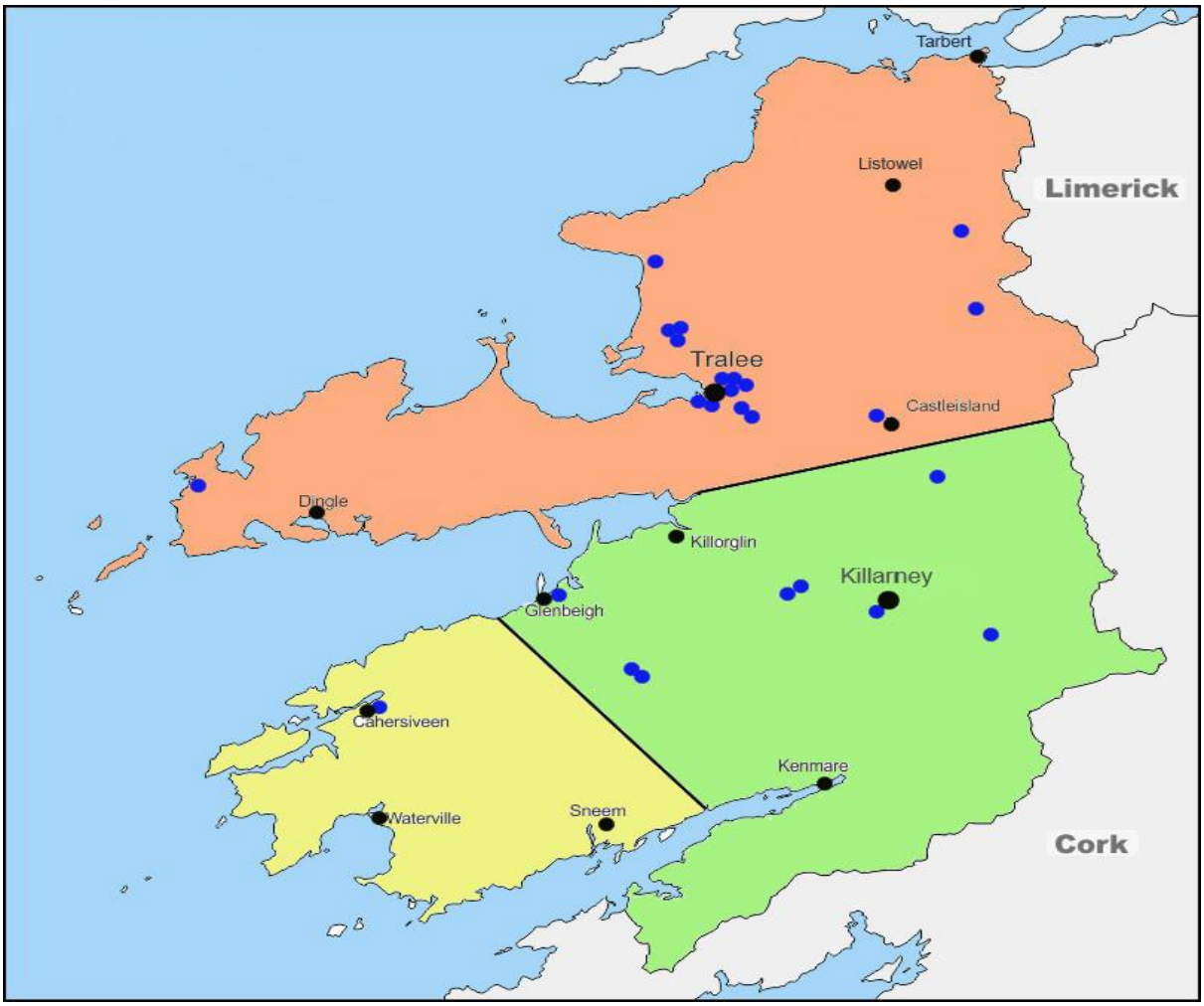

Fig.22- Locations of Extra-Judicial Killings (Not Including Those Killed in Landmine Atrocities March 1923)

Four of the killings examined here were *shot trying to escape*. On 4 December 1922 official records claimed that Patrick Lynch was killed, near Cahirciveen in the south of the county, while trying to escape from a search, although in her book *Tragedies in Kerry* Dorothy Macardle claimed that Lynch had been had been found at home during a National Army raid, taken out, and shot.[298] On 20 February 1923 Thomas O'Sullivan was killed while being arrested

[296] If one includes the seventeen men killed in the landmine explosions in March 1923, then of the overall total of forty-two extra-judicial killings in Kerry, just under 83% were killed while they were in the custody of the National Army.
[297] See Appendix 3 for more information on this group.
[298] Irish Military Archive, CW/OPS/08/02; Macardle, *Tragedies of Kerry*, pp 24-25.

between Dingle and Ballyferriter. While newspaper reports claimed that he had attempted to escape and was killed in the struggle, his relatives' military service pension application claimed that he was 'shot dead on the roadside'.[299] The final one of these incidents discussed here, that of James Walsh killed on 27 March 1923 at Scartaglin, fits the same pattern. Walsh had been arrested four days earlier but had been taken along as a hostage by a National Army patrol. It was alleged that Walsh had tried to escape during an attack although it was subsequently claimed that he was separated from other prisoners, taken away, and shot dead.[300]

The case of James Walsh straddles the next category of extra-judicial killings, namely those who were *killed while in the custody of National Army soldiers who were ambushed*. It was not unusual for the National Army to take prisoners from the local barracks with them when they went on patrol and while no official reason was offered for this practice it might be assumed that they were to act as hostages for protection in the case of attack. In this instance it is unclear whether Walsh was to be used as a hostage in case of ambush, or whether he was taken to be killed away from witnesses, but what is apparent is that during the conflict in Kerry prisoners were often taken from where they were held and into the custody of the National Army without any official permission or justification and frequently with lethal consequences. The previous section which dealt with the mine atrocities illustrates some striking examples of this particular aspect of the conflict but there were many others.

The earliest documented extra-judicial killing in Kerry, that of Bartholomew Murphy on 27 September 1922, illustrates the point. Murphy had been arrested and was being held prisoner in Killarney and the army claimed that he had died in a crossfire when National Army troops he was travelling with had been ambushed at Brennan's Glen on the road between Tralee and Killarney. Two National Army troops, Private Daniel Hannan and Private John Martin, had also been killed in the attack and a further seven had been wounded.[301] No explanation as to why a prisoner might have been escorting troops out on patrol was sought and none was offered. The claim that Murphy had been killed in the crossfire was contradicted by a later account which alleged he had been executed afterwards as a reprisal but the case demonstrated the normalcy of the army's practice of taking IRA prisoners along on patrols as hostages.[302]

Murphy's was not the only killing of this kind. On 16 January 1923 Eugene Fitzgerald was arrested near Ballyheige in the North-East of the county. Official reports stated that the

[299] *Cork Examiner*, 22 February 1923, p.4; Irish Military Archive, MSPC, 2RB687, p.7.
[300] Irish Military Archive, MSPC 2RBSD17, p.5.
[301] UCD Archive, Mulcahy Papers, P/7/B/117, p.63.
[302] Dorothy Macardle, *Tragedies of Kerry* (Dublin, 1924), p.8.

arresting troops were subsequently fired upon and that Fitzgerald was killed in the exchange.[303] Macardle has argued, however, that Fitzgerald had actually been tortured and shot by troops during an interrogation before being left to die.[304] On 8 March James Taylor was allegedly killed when the party of soldiers he was travelling with as prisoner were fired upon at Ballyseedy Wood. Likewise, Daniel Robert McCarthy was killed on 25 March when the soldiers transferring him from Dingle to Tralee were allegedly fired upon. This version of events was bitterly disputed with claims that McCarthy had been captured while on active service, beaten, tortured and then shot dead.[305]

While almost all these cases involved IRA prisoners killed while in the custody of the National Army, it should be noted that they were a small, if not insignificant, number accounting for about a third of all unlawful killings in the group examined here. Perhaps more characteristic was the 68% of *killings in cold-blood* in which no effort was even made to justify the National Army's actions. The first victim of an extra-judicial killing that occurred after the passing of the Public Safety Resolution, John Galvin, was killed on 30 September 1922. Galvin had been implicated in the killing of Captain James Burke a month earlier during an ambush at Castlemaine but had been released after signing a form of undertaking promising to desist from any further militant activity.[306] Burke had been popular amongst his men and was described by his commanding officer Major Gen. Michael Brennan as 'an exceptionally good officer'.[307] Despite his earlier pledge Galvin was subsequently captured fighting with the IRA at Killorglin on 27 September, and by Burke's former comrades in the 1st Western Division, and he was imprisoned for three days before being moved. It was alleged that Galvin was tortured and beaten while imprisoned, sustaining a broken arm in the process, before being shot dead and his body thrown in a ditch. No official explanation was forthcoming.[308]

Galvin's killing highlighted fault-lines within the Kerry Command. Colonel Horan, threatened to resign over the incident unless 'a full inquiry [wa]s conducted…and the honour of the National Army…vindicated…Incidents of this kind only serve to incite public opinion against the Army'.[309] However General Murphy, C/O Kerry Command, was unsympathetic

[303] Irish Military Archive, CW/OPS/08/02.
[304] Macardle, *Tragedies of Kerry*, pp 11-12.
[305] Irish Military Archive MSPC, 2RB917, p.7. O'Malley; Horgan, *The Men Will Talk to Me*, pp 124-125. Greg Ashe claimed that McCarthy was given 'an awful death', first being stoned, then dragged behind a lorry before finally being shot.
[306] *Cork Examiner* 5 October 1922, p.5; Irish Military Archive, CW/OPS/08/02/01 Section 1, Letter from Gen. WRE Murphy to Richard Mulcahy, 1 October 1922.
[307] Irish Military Archive, MSPC WCL823, p.8.
[308] Macardle, *Tragedies of Kerry*, pp 8-9; Irish Military Archive, MSPC 2RBSD157, pp 12-16.
[309] Irish Military Archive, CW/OPS/08/02/01, Section 1, 30 September 1922.

branding Galvin a 'scoundrel' and 'the terror of the countryside' indicating that, even at this stage, there was a tacit acceptance of incidents of this kind at the highest level.

Other examples of killings of this kind abounded. John Fleming, for example, was abducted and killed on 28 March 1923 with records indicating that he was imprisoned in the workhouse in Tralee before being taken out, beaten and shot dead on an isolated road. In a further twist his body was buried in an unmarked grave and his remains only returned to his family some fifteen months later.[310] Frank Grady was shot dead on 11 March 1923 at Glenbeigh in front of witnesses by a National Army officer. Grady was a prisoner at the time and, according to reports, a Lt. Lyons became incensed during a verbal altercation with him before drawing his pistol and shooting him twice in the head at point blank range.[311] On 24 February John Conway was shot dead while a prisoner at Union Barracks Tralee. It was initially reported that Conway was killed 'trying to escape' but a subsequent inquiry concluded that he had in fact been shot in cold-blood by a Captain Patrick Byrne. However, despite this being one of only two times that the National Army was forced to account for its actions, the inquiry found Byrne guilty of murdering Conway but not culpable for his actions. The army had arranged for his examination by a Dr. O'Connell Donnellan who had managed to conclude that Byrne 'was insane and not accountable for his actions on and about the 24th day of February 1923'.[312] Byrne received no sanction, was demobilised with full pension rights a year later and went on to work in civilian employment thereafter with no further episodes reported.

Finally, on the morning of 24 March Daniel Murphy was arrested at his home in Knocknagoshel. Murphy was a blacksmith and his record shows that he had been involved in the production of ammunition for local IRA units. A local priest, Father Boyle, had witnessed the arrest and had elicited assurances from the officers in charge, a Lieut. Gaffney and Commandant Culhane, that Murphy would be treated properly. However, records indicate that Murphy was instead marched to the site of the mine explosion at Knocknagoshel and shot dead. In documents supporting his Military Service Pension application it was alleged that information had been anonymously supplied that implicated Murphy in the manufacture and placing of the mine that had killed the National Army soldiers on 6 March at this site.[313]

[310] Irish Military Archive, MSPC DP3527, pp 7-37. See also *Kerry News*, 2 June 1924, p.3; See also O'Malley; Horgan, *The Men Will Talk to Me*, p.268. John O'Connor (IRA) claimed that Fleming was in fact shot before being buried alive.
[311] Irish Military Archive MSPC 2RBSD80, p.5; Macardle, *Tragedies of Kerry*, pp 33-35.
[312] Irish Military Archive, MSPC W24B185, p.2.
[313] Irish Military Archive, MSPC DP8249, p.41.

5.6
Beyond the End

The end of the civil war on 24 May 1923 did not mean the end of extra-judicial killings in Kerry however. On 29 May Jeremiah O'Leary was arrested in Castleisland and brought to the local barracks. He was shot dead while in custody, again, with little offered by way of explanation. O'Leary was O/C of the Castleisland 7th Batt. which had been involved in the mine atrocities at Knocknagoshel and Ballyseedy and was possibly the IRA officer Niall Harrington said had gone 'against the advice of his comrades [and] insisted on lur[ing] the [National Army] intelligence officer to death by trip mine'.[314] In another incident on 4 December 1923 the home of David O'Connor, Coy. Engineer for Kerry No.1, 1st Batt., was raided by National Army soldiers. Despite being fired upon O'Connor escaped later stating that the raid was done 'for the purpose of murdering me'.[315] The raid had been lead by Lieutenant Gaffney, the officer implicated in the killings of Daniel Murphy on 24 March and James Walsh on 27 March, and who was stationed at the National Army intelligence post in Castleisland which had developed a reputation for the mistreatment of prisoners. It was also claimed by colleagues that Gaffney drank heavily while on duty, with soldiers often concerned he was too 'drunk to command…properly'.[316]

Just a couple of days after the incident at O'Connor's home Lt. Gaffney would be at the centre of another, much larger, controversy. On 6 December 1923 Thomas Brosnan was shot dead on the road side just outside Scartaglin, a small town about three kilometres south of Castleisland. Brosnan was just nineteen years of age but already had more than five years service in the Irish Volunteers and the IRA, and was intelligence officer for the Scartaglin Coy. 1st. Batt. Kerry No.2 Brigade. Brosnan was also the son of a blacksmith with his commanding officer later noting that, among other things, he too was 'a skilled man in the manufacture of landmines'.[317] Brosnan's killing, and the circumstances around it, would demonstrate that army indiscipline and extra-judicial killing in Kerry continued long after the civil war had officially ceased.

Testimony from witnesses, and the dead man's father Cornelius Brosnan, indicated that on the day in question Lieutenant Gaffney and a number of National Army soldiers had been hanging around public houses in the town consuming alcohol. At around 7 o'clock in the

[314] Niall Harrington, *Kerry Landings*, p.148.
[315] Irish Military Archive, MSPC MSP34REF5378, p.27.
[316] Pinkman, *In the Legion of the Vanguard*, pp 191-192.
[317] Irish Military Archive, MSPC DP836, p.12.

evening Cornelius Brosnan stated that he was approached in his public house at No.9 by two of the soldiers who asked the whereabouts of his son. On hearing that he was at his grandmother's house, No.12, the soldiers asked Cornelius Brosnan to accompany them there where they found him, amongst others, in the company of a police officer. The soldiers requested that Thomas Brosnan leave with them and return to his father's public house. After spending some time there the soldiers requested that Thomas Brosnan leave with him in order to have a private conversation, which he did. After a period of time had elapsed Cornelius Brosnan became concerned for his son and after, searching unsuccessfully for him, he reported it to the local police who began to search for him along with Cornelius Brosnan. At just before 8 o'clock Brosnan stated that he found his sons body on the main Scartaglin to Castleisland road, face down and with six bullets fired into him.

This case is illustrative because Cornelius Brosnan saw nothing unusual in groups of National Army soldiers hanging around the town, frequenting public houses and consuming alcohol, all the time while openly brandishing weapons. He later testified, 'I was not frightened when I saw these men coming in, as I am quite accustomed to that kind of thing'.[318] For their part the National Army soldiers did not feel uncomfortable targeting individuals, even in front of witnesses, and made little effort to conceal their presence or identities. Cornelius Brosnan stated that a number of the soldiers involved were known to him so one must assume that they would have been known to other witnesses in the town also. The sense of impunity went further than civilian witnesses as evidenced by the soldiers' initial apprehending of the victim in the presence of a police officer.

Probably the most unusual aspect of this case however, was that it resulted in the swift arrest and prosecution of those involved, with Lt. Gaffney and a number of soldiers charged with the unlawful killing of Thomas Brosnan. Gaffney was sentenced to death by hanging, a sentence that was carried out on 13 March 1924. The only other participant to receive a meaningful sentence, however, was Private Dennis Leen, also sentenced to death for complicity, although this was reduced after Gaffney claimed full responsibility just before execution.[319] While the conclusion of this case might suggest that the practice of extra-judicial killings which the army employed in Kerry throughout the conflict was finally being ended it is not entirely clear if this was actually the case. Tadhg Coffey, who survived the mine atrocity at Countess Bridge in Killarney, albeit with serious injuries, claimed that even in 1925 he was

[318] *Freeman's Journal*, 19 December 1923, p.5.
[319] *The Kerryman*, 15 March 1924, p.12.

still being targeted by the army, saying 'they wanted…to do away with me, the troops had orders to get me and not to bring me in'.[320]

[320] Irish Military Archive MSPC MSP34REF23009, p.17.

5.7

Conclusion

This section has examined the National Army's exercise of violence during the civil war in Kerry highlighting a number of factors which it is felt contributed to the character of the conflict. Firstly, what emerges from the evidence is an often chaotic and arbitrary atmosphere which resulted in no small manner from the indisciplined way in which the National Army operated and conducted itself. The army was constituted in an informal manner with what appeared to be much individual discretion and latitude afforded to soldiers during the course of their duty. This manifested itself in the first instance in a significant number of violent killings of the army's men by their own hand or that of colleagues. These killings ranged from tragic accidents to more sinister killings with a lax and nonchalant attitude towards lethal weapons often exacerbated by secondary factors such as alcohol consumption and bravado. In patterns that would endure the conflict very few of these killings resulted in investigations or disciplinary action of any kind.

In the second part of this chapter the question of the National Army's prosecution of the conflict against the IRA was examined and in particular the presence of a significant number of extra-judicial killings of IRA men. The analysis revealed some notable patterns, with this form of killing being the primary method of waging war for the army in Kerry. In the case of the landmine killings it was demonstrated, for example, that the IRA men who were targeted in these incidents were almost without exception, experienced and seasoned fighters representing some of the most stubborn and persistent opponents of the National Army in the county. While the army would claim that the men's involvement in these incidents was random, and their deaths unintentional, there was considerable circumstantial evidence to suggest that these killings were deliberate. The men killed had a very particular profile. They came, almost exclusively, from rural, farming backgrounds and from small tight-knit communities steeped in traditions of physical force resistance. In most cases the victims were neighbours and had grown up together and fought with some of the most active IRA units in Kerry. They were, almost without exception, members of active service units. They were the backbone of the IRA in their respective areas with the manner and timing of their deaths coinciding with the collapse of IRA resistance in the county. The evidence suggests that the landmine killings at Ballyseedy Woods, Countess Bridge and Bahaghs were opportunistic, but calculated, acts on the part of the National Army with the purpose of eliminating resistance while sending a message to all others opposed to them politically or militarily.

These notorious incidents have also served another important purpose however. They have been instrumental in obscuring equally revealing patterns of extra-judicial killings which existed throughout the conflict in Kerry and for its entire duration, patterns which demonstrate that the landmine killings were not some aberrant episode. These killings went under the cover of IRA men shot 'trying to escape' or shot accidentally while accompanying patrols or in many cases, shot with no explanation at all. While some of these killings occurred behind closed doors or on lonely roads, a significant number of impulsive spur-of-the-moment killings happened in full view of witnesses. In many cases the National Army felt no need to hide its actions. This violence also occurred against the backdrop of serious allegations of the abuse and torture of prisoners by a network of intelligence men specifically dedicated to this purpose.

As briefly mentioned earlier, one of the more telling aspects of the atmosphere in which the conflict was fought was the lack of oversight or accountability of the National Army, as evidenced by the absence of any meaningful system of investigation in cases of alleged wrongdoing. Despite strong suspicions, and in many cases overwhelming evidence, of complicity in the extra-judicial killing of forty-two IRA men during the conflict in Kerry, evidence would suggest that in just two cases members of the army were charged with any criminal wrongdoing, with only the case of Lt. Gaffney resulting in any punishment. Where investigations were carried out, they were conducted and overseen by officers from the very area in which the incidents occurred, and with predictable results. The conviction and execution of a sole individual was also problematic as it was suggestive of the actions of an individual acting on their own initiative with neither the explicit authority nor the tacit permission of senior officers. But as this chapter has shown extra-judicial killings were the main means by which the National Army confronted the IRA in Kerry. They were a key component of a ruthless policy which sent an unambiguous message to the IRA in Kerry, and beyond, that any opposition to the National Army would be brutally suppressed.

Chapter 6

Conclusion

The primary purpose of this paper has been to disentangle some aspects of the historiography of the Irish Civil War, in particular to determine to what degree it conformed to minimalist historiographical tropes that viewed it as an overexaggerated conflict or whether it did in fact conform to the viewpoint that posited it as brutal and ruthless. It has done so through a systematic analysis of the violent killings which constituted the conflict in County Kerry, one of the more active areas, in the process establishing some first principles regarding the events under study. In setting out its arguments and analysis it has also attempted to bring some small sense of order and understanding to the 'chaos' that Michael Hopkinson has so rightly says, still surrounds the conflict.[321]

Key to underpinning the analysis contained in this paper was the theoretical literature pertaining to civil war and the particular forms and intensities of violence that these conflicts precipitate. As has been argued, violence is under-theorised with scholars tending to look past its explanatory value to instead focus on the outcomes of its action. One consequence has been that civil war literature has tended to be situated in the area of onset taxed with establishing a predictive element to these types of conflicts. If such theoretical foundations held little appeal for the conflict under study here, then the emergence of an innovative way of examining civil war violence which advocated the explanatory value of micro-level violent acts suggested an alternative way of analysing the Irish Civil War. As Stathis Kalyvas has argued 'how civil wars are fought ought to be as consequential as to why they are fought'.[322]

With this in mind this paper has attempted to gain a better understanding of the civil war and its legacy through the analysis of patterns, instances and methods of violence that the conflict encompassed in the county of Kerry. Of particular interest were those practices which it felt violated or transgressed contemporary juridical or societal norms and might be felt to have influenced the character and substance of the conflict. In the first instance the contribution of the IRA's methods of prosecuting the war were examined with the evidence suggesting that a significant majority, some 58%, of the National Army soldiers killed in Kerry died in, what was argued were, controversial circumstances. It was established that IRA's main method of

[321] Hopkinson, *Green Against Green*, p.xi.
[322] Balcells; Kalyvas, 'Does Warfare Matter?, p.1391.

prosecuting the conflict was through the tactic of ambushing, lying in wait in concealed positions and opening fire with overwhelming firepower. While this would account for the vast majority of its controversial killings the IRA was also prepared to target soldiers performing auxiliary tasks, such as repairing roads and guarding banks, and they were prepared to target soldiers who were off-duty. They were also prepared to kill soldiers using inhumane ammunitions such as landmines and exploding bullets inflicting devastating and horrific injuries in the process.

However, also of significant interest was the chronological timeframe within which these contentious killings occurred. As has already been discussed, if the IRA were guilty of using controversial tactics for prosecuting the conflict in Kerry then they were guilty from early on when they were in the ascendancy in the county and most likely imagined a positive military outlook. The implementation of these tactics was not at this time an act of desperation or any reaction to a declining military outlook. Neither could it be said to be a reaction to any ruthless methods of fighting by the National Army.

If one takes the first confirmed extra-judicial killing by the National Army in Kerry as a starting point, that of Bartholemew Murphy on 27 September 1922, then the IRA had already killed sixteen National Army soldiers in controversial circumstances by this time, just under 40% of what would be the final total. They had by this time killed soldiers in ambushes, they had killed Red Cross men, they had killed soldiers performing secondary duties, off-duty soldiers and they had killed soldiers with exploding bullets and all before a single National Army extra-judicial killing. If one examines the chronological development of the IRA's controversial killings alongside the National Army's extra-judicial killings in Fig.23 on the next page then it becomes apparent that the early months of the conflict, the time when they were at their strongest, was also the time when the IRA were at their most ruthless. This would suggest that the IRA were the initial drivers of the conflict in Kerry, they dictated the early interactions with the National Army and they made it clear their intention to fight the conflict by the most effective means regardless of how this conformed to contemporary perceptions.

In contrast this was the period when the National Army was at its most vulnerable in the county. As we saw in Chapter 5, it was around this time that the C/O of the Kerry Command Gen. Murphy requested 'Oriel House' men to be sent to Kerry, men whose expertise lay in clandestine assassination and undercover operations, suggesting that it may have already been apparent to the army hierarchy in the county that the war was not going to be won by traditional military means. This development coincided with a shift in the balance of power in Kerry as

the army became dependent on extra-judicial killing as its primary method of conducting the war. This research has shown that of the seventy-four IRA men killed in Kerry during the conflict forty-two, or almost 57%, were the victims of extra-judicial killings. Viewed within

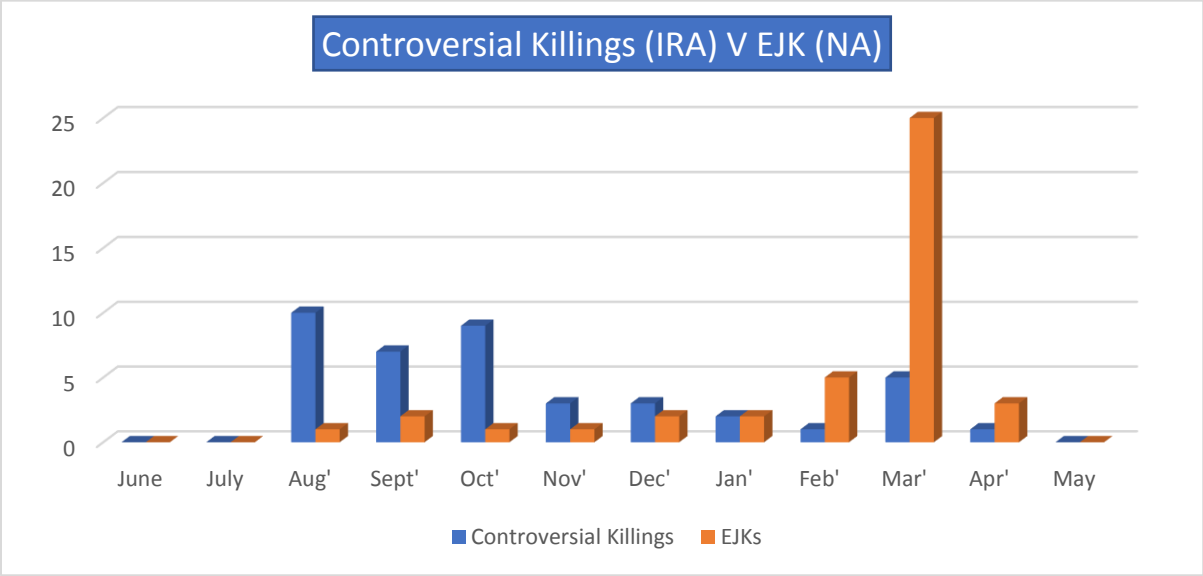

Fig.23- Controversial IRA killings V National Army extra-judicial killings by month

the context of the conflict this figure is almost identical to the percentage of IRA killings which were controversial, suggesting an almost identical balance of abuses on both sides. It is also almost three times the amount of comparable IRA casualties that Hart estimates occurred in Cork during the civil war.[323] However, like the IRA's prosecution of the conflict, these figures for the National Army disguised particular patterns and instances of killings that say more about the conflict than bare numbers can.

As has already been discussed in Chapter 5, William Holden argues that extra-judicial killings are the most common form of state terror and if this is so then the National Army's campaign during the civil war period in Kerry was largely one of terror. The National Army abducted, tortured and murdered IRA men. It committed revenge killings, it shot men dead on isolated roads and in hay barns, while they were in custody and in prison, and it did all this without fear of any sanction or accountability. Some of those killings, such as the landmine killings, exhibited a degree of planning and organisation. Others, such as the killings of Frank Grady or William Harrington, were impulsive reactions and were indicative of the indiscipline that festered in the National Army during the conflict and which saw it kill significant numbers of its own men too.

[323] Peter Hart, *The I.R.A. and its Enemies: Violence and Community in Cork 1916-1923* (Oxford, 1998), p.120.

As the landmine killings in March 1923 also demonstrated the National Army were prepared to escalate the conflict above and beyond any means that the IRA might employ. Equally revealing was the fact that the National Army was prepared to kill IRA men even when in full public view. Murders like that of John Kevins and Thomas Brosnan were public manifestations of what was happening across Kerry throughout the conflict but the final landmine killings at Bahaghs near Cahirciveen on 12 March 1923 were particularly instructive of the atmosphere of impunity that existed. Despite the fact that the first two landmine incidents on 7 March at Ballyseedy and Countess Bridge had been widely reported in the press, and had caused much controversy and disquiet across Kerry, the National Army had little qualms about staging another, identical, incident five days later.

If it would appear then that both sides employed ruthless methods to prosecute the conflict, with an ebb and flow that reflected their ascendancy within the dynamic of the conflict, what then of how this was perceived by the opposing sides and the general public? While it was perhaps not surprising that the IRA would be the subject of efforts to depict its violent resistance in a negative light it is informative that this criticism was, almost without exception, always based around the notion that the IRA was fighting 'ugly'. While this was perhaps to be expected at an official level where the political and military hierarchies were fully cognisant of the value of negative propaganda on perceptions of the conflict, it was also apparent in the emotional responses of National Army soldiers to the killings of comrades like Captain James Burke and Daniel Hannon, or the soldiers blown up at Knocknagoshel. These killings induced visceral responses in the National Army resulting in revenge killings which were a feature of the conflict. This perception also existed at times in the IRA itself with the killing of the O'Connor brothers at Kenmare, for example, occasioning a deep sense of regret and remorse amongst some of those IRA present.

On the other side the National Army's methods for fighting the conflict were also deeply unpopular amongst the IRA and public alike in Kerry. The killing of IRA men by landmines in March 1923 had led to violent scenes outside Ballymullen Barracks when the bodies were returned to relatives. There was also an awareness on the part of the IRA that being taken into custody by the National Army was quite often a prelude to being tortured and killed with O/C of Kerry No.2 John Joe Rice admitting that '[a]ny…of us who was cornered fought it out for no one expected to get off with his life'.[324] The treatment meted out to IRA prisoners was a source of concern and embarrassment for some in the National Army with John Pinkman

[324] O'Malley; Horgan, *The Men Will Talk to Me*, p.287.

eventually leaving the army 'to distance himself from the shame' of what was happening to prisoners while another, William Bailey, contacted the Minister of Defence Richard Mulcahy to complain about what was happening.[325] Opposition leader Thomas Johnson would later argue

> *there has been a great deal of cruelty and a great deal of terrorism applied to prisoners in the charge of the military in that county, and my information is that the effect of these acts…has been to alienate to a very great extent indeed the people of that district.*[326]

If Johnson was correct then this sense of alienation would linger for some time. In 2013 a monument commemorating the National Army soldiers killed at Knocknagoshel was erected by the state but within six months it had been vandalised, with Sinn Fein T.D. for North Kerry Martin Ferris stating '[w]hat happened in Kerry over 90 years ago left a lasting legacy of bitterness and people still have very strong feelings, but that is no excuse for this'.[327] In 2017, and after having been repaired, the monument was completely destroyed.[328]

But if all this would seem to support the contention that the Irish Civil War was in fact a bitter and ruthless affair what then of the persistent narrative that sees it as overblown and overexaggerated? There are a number of factors which might be articulated to support this viewpoint all of which are of substance. In the first instance the relatively low death toll of the conflict is instructive. In total only one hundred and sixty-four combatants died during the conflict in Kerry, ninety National Army soldiers and seventy-four IRA men. Spread out across the entire span of the war this represents one death about every two days, a modest amount when compared to similar contemporary conflicts.[329]

The Irish Civil War, as it was fought in Kerry, was also almost completely devoid of any physical violence against non-combatants and civilians. While there was much evidence of theft and destruction of property, threats and intimidation, to name but a few instances, there were just six incidents where civilians were killed throughout the conflict, with two of those, the deaths of Nora O'Leary on 20 October 1922 and Michael Cronin on 11 November 1922, the result of accidental shootings in their home by armed IRA men they were sheltering.[330] The

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[325] Pinkman, *In the Legion of the Vanguard*, p.194; O'Malley; Horgan, *The Men Will Talk to Me*, p.103.
[326] Dáil Debates, 'The Adjournment- Kerry Prisoners' Deaths', Vol.3, No.3, 17 April 1923, Speech no.118.
[327] *Irish* Independent, 7 April 2014.
[328] *Irish Times*, 21 August 2017.
[329] For the sake of argument, if one accepts the figures quoted in Chapter 1 of total dead for the Irish Civil War of around 2150 then over the span of the conflict (329 days) this works out at a death toll of just over 6.5 deaths per day. In contrast, the Finnish Civil War (1918) lasted just 104 days but had a battle death toll of around 12,000 which represents an average daily death toll of over 115 per day (Tuomas Tepora; Aapo Roselius, *The Finnish Civil War 1918: History, Memory, Legacy* (Leiden, 2014), p.118).
[330] Irish Military Archive MSPC WDP2706; DP10158.

lack of any element of systematic physical violence directed against non-combatants was unusual in the context of an intra-state war and it perhaps allowed a sense of normality to exist in the county throughout the conflict that would prompt one newspaper correspondent to remark in September 1922, at the height of the conflict, that Kerry was a 'nice spot to be stranded in'.[331] Indeed, another contemporary report noted in October 1922, a month that saw eighteen violent incidents in the county resulting in fifteen deaths, that

> *In Tralee peace reigns…[s]ocial life is again starting in the town, the golf links are becoming more frequented, there are rumours of dances and the streets…are now full of hurrying, chattering people up 'til 11 o'clock every night.*[332]

It would appear that, despite the civil war being fought all around them in the county, many civilians were able to ignore what was happening and lead reasonably normal lives, to a degree. This, coupled with the lack of any real pervasive physical threat to civilians and the overall low death rate has undoubtedly contributed to the idea that the civil war, as fought in Kerry, was not a ruthless or brutal affair.

Determining whether the Irish Civil War in Kerry was overexaggerated or in fact brutal is, of course, a subjective exercise. When compared with similar contemporary conflicts such as the Finnish Civil War of 1918, and across bare statistics such as casualty rates, for example, then it would be difficult to sustain any argument for the latter. However, the Irish Civil War contained a degree of fraternity that was such, that it would see the man whose death is captured on the cover plate of this paper, Rory O'Connor, executed on the basis of an order signed by his friend, Minister for Justice Kevin O'Higgins, a man at whose wedding just one year before O'Connor had stood as best man. Cases like this illustrated both the bonds that existed between the opposing sides of the civil war in Ireland as well as the division that developed in such a short time. That notwithstanding this paper has demonstrated that the Irish Civil War in Kerry contained many brutal and inhumane aspects to it, aspects evidenced by the undeniable legacy of bitterness and division which has existed long after the conflict had ceased.

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[331] *Irish Times*, 25 September 1922, p.5.
[332] UCD Archive, Mulcahy Papers, P7/B/117, p.58. See also *Irish Examiner*, 25 Sept' 1922, p.5. During the attack on Kenmare a steamship had berthed at the town carrying tourists and holidaymakers.

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Appendix 1

Controversial Killings Committed by IRA

Name	Date Killed	Place	Ambush	2nd Duties	Off-Duty
Harding, Patrick	02/08/1922	Tralee		X	
Houlihan, Brian	06/08/1922	Castleisland	X	X	
Moloney, John	12/08/1922	Bedfort	X		
Quane, John	12/08/1922	Bedfort	X		
Fitzgerald, Cecil	17/08/1922	Killarney	X		X
O'Meara, Joseph	17/08/1922	Killarney	X		X
Clogherty, Thomas	21/08/1922	Tralee	X	X	
Lydon, John	22/08/1922	Tralee	X		
Burke, James	22/08/1922	Castlemaine	X		
Connors	22/08/1922	Ballyseedy	X		
O'Connor, John	09/09/1922	Kenmare			X
O'Connor, Thomas	09/09/1922	Kenmare			X
Magee, Michael	11/09/1922	Castleisland	X	X	
Lydon, John	14/09/1922	Blennerville	X	X	
Hannon, Daniel	27/09/1922	Farranfore	X		
Martin, John	27/09/1922	Farranfore	X		

Noone, Edward	29/09/1922	Rathmore	X	X	
Browne, John	13/10/1922	Duagh	X		
Byrne, James	13/10/1922	Duagh	X		
Goggin, Timothy	13/10/1922	Fenit	X	X	
Young, John	13/10/1922	Rathmore	X		
Gilligan, John	15/10/1922	Tralee	X	X	
Corcoran, John	21/10/1922	Killarney	X		
Cadogan, John	24/10/1922	Killarney	X	X	
Gilchrist, Joseph	27/10/1922	Ardfert	X		
Guilfoyle	27/10/1922	Ardfert	X		
Conroy, Patrick	04/11/1922	Blennerville	X	X	
Connerty, Peter	04/11/1922	Blennerville	X	X	
Casey, Michael	14/11/1922	Killarney	X		
Ferguson, Matthew	14/12/1922	Rathmore	X		
McLaughlin, Henry	29/12/1922	Castlegregory	X	X	
Talty, John	29/12/1922	Castlegregory	X	X	
Roche, Patrick	25/01/1923	Waterville	X		X
Rock, Michael	25/01/1923	Cahirciveen	X		X
Slattery, Thomas	10/02/1923	Castleisland	X		
Dunne, Michael	06/03/1923	Knocknagoshel	X		
Gallivan, Michael	06/03/1923	Knocknagoshel	X		

O’Connor, Laurence	06/03/1923	Knocknagoshel	X		
O’Connor, Patrick	06/03/1923	Knocknagoshel	X		
Stapleton, Edward	06/03/1923	Knocknagoshel	X		
Behan, Michael	25/04/1923	Castleisland	X	X	
Total	**41**		**38**	**14**	**6**

Appendix 2

Extra-Judicial Killings of IRA by National Army

(Landmine Killings)

Name	Date	Unit	ASU	Farmer's Son	Eldest Son
Ballyseedy Woods					
Buckley, Patrick	07/03/1923	No.1/7th Batt	X	Unknown	Unknown
Connell, Michael	07/03/1923	No.1/7th Batt	X	X	X
Daly, John	07/03/1923	No.1/7th Batt	X	X	
Hartnett, Patrick	07/03/1923	No.1/6th Batt	Unknown	X	X
O'Connor, John	07/03/1923	L'pool IRA			Unknown
O'Shea, George	07/03/1923	No.1/3rd Batt	X	X	X
Tuomey, Timothy	07/03/1923	No.1/3rd Batt	X	X	X
Walsh, James	07/03/1923	No.1/9th Batt		X	
Countess Bridge					
Buckley, Stephen	07/03/1923	No.2/4th Batt	Unknown	X	
Murphy, Timothy	07/03/1923	No.2/4th Batt	X	X	X
Donoghue, Daniel	07/03/1923	No.2/4th Batt	Unknown		
O'Donoghue, Jeremiah	07/03/1923	No.2/4th Batt	X	X	X
Bahaghs					
Courtney, Michael	12/03/1923	No.3/1st Batt	X		

O'Dwyer, Eugene	12/03/1923	No.3/1st Batt	X	X	
O'Shea, Daniel	12/03/1923	No.3/3rd Batt	X	X	
Reardon, William	12/03/1923	No.3/3rd Batt	X	X	Unknown
Sugrue, John	12/03/1923	No.3/3rd Batt	X	X	X
Total	**17**		**12**	**13**	**7**

Appendix 3

Extra-Judicial Killings of IRA by National Army (Excl. Landmines)

Name	Date	Place	Prisoner	Trying to Escape	While Hostage	Cold Blood
Moriarty, Sean	27/08/1922	Tralee	X			X
Murphy, Bartholemew	27/09/1922	Killarney	X		X	
Galvin, John	30/09/1922	Ballyseedy	X			X
Lawlor, John	31/10/1922	Ballyheigue	X			X
O'Sullivan, Michael	02/11/1922	Headford	X			X
Lynch, Patrick	04/12/1922	Cahirciveen		X		
Harrington, William	09/12/1922	Tralee				X
Fitzgerald, Eugene	16/01/1923	Ardfert	X		X	
Daly, Daniel	23/01/1923	Tralee				X
O'Connor, James	13/02/1923	Ardfert				X
Sinnott, Michael	13/02/1923	Ardfert				X
Savage, John	15/02/1923	Castleisland	X	X		
O'Sullivan, Thomas	20/02/1923	Ballyferriter	X	X		
Conway, John	24/02/1923	Tralee	X			X

Taylor, James	08/03/1923	Ballyseedy	X		X	
Grady, Frank	11/03/1923	Glenbeigh	X			X
Kevins, John C.	15/03/1923	Beaufort	X			X
Casey, Jeremiah	20/03/1923	Beaufort				X
Murphy, Daniel	24/03/1923	Knocknagoshel	X			X
McCarthy, Daniel. R	25/03/1923	Tralee	X		X	
Walsh, James	27/03/1923	Scartaglin	X	X		
Fleming, John	28/03/1923	Tralee	X			X
Conway-O'Connor, Liam	06/04/1923	Glencar	X			X
Nagle, George	06/04/1923	Glencar	X			X
Linnane, John	13/04/1923	Duagh				X
Total	**25**		**18**	**4**	**4**	**17**