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The Kerry Babies Case: A Crime Against Women

Deirdre O’Byrne

It was a warm night in mid-1985. I was walking home, taking a shortcut through the grounds of a hospital. Some lads were having a smoke on a seat near Our Lady’s grotto. One of them called out, ‘Hey, look! She’s moving!’. I was amused, but kept my head down and carried on walking, ignoring him and his chuckling pals. We all knew what he meant: it was the Summer of the Moving Statues (more about that later), and in the moonlight, my long, pale cotton dress somewhat resembled Mary’s robes. It has stayed with me, that innocuous non-event, perhaps because it has in retrospect assumed a symbolic meaning. I was in my late twenties, not afraid to walk home alone after dark, but wary of joining in openly with the lads’ joke. I’d learned the code of behaviour – euphemistically: ‘Don’t encourage them’ – but then, I’d had to. All around me were stories of what happened to Irish women who ignored the code: Ann Lovett, found dead with her newborn baby in a field; Eileen Flynn, a schoolteacher, sacked from her job when she became pregnant; Joanne Hayes, vilified for her affair with a married man. The women were all young; Flynn and Hayes were in their twenties, and Lovett was only fifteen.

Journalist Nell McCafferty wrote that

The nineteen-eighties will go down in history as a lousy decade for Irish women. During what became known as ‘the amendment years’, church and state fought for control of our bodies and our destiny. The Catholic church won handily, and the Irish Constitution contains written prohibitions against abortion and divorce. Debate on all these matters spilled over into all areas of the female condition,
widening the scope for an unprecedented torrent of abuse and insult (McCafferty 1987, 1)

Of these abusive torrents, the most vicious one was against Joanne Hayes, in what became known as The Kerry Babies Case. It began with the discovery of a baby’s body, subsequently referred to as ‘the Cahirciveen baby’, on a beach near Cahirciveen in April 1984. Garda (police) enquiries turned up the name of Joanne Hayes from Abbeydorney, who had been pregnant, but no longer was, with no baby in evidence. A local hospital revealed that Joanne had checked in saying she’d had a miscarriage, though tests showed that she had brought a baby to full term. The Hayes family were brought in to Tralee Garda Station for questioning. Joanne repeatedly said she had borne a baby (later referred to as ‘the Abbeydorney baby’) which had died, that she had hidden its body on the family farm, and offered to show the Gardaí where it was. They apparently didn’t believe her. After several hours, Joanne and her family signed statements saying a baby had been born on the farm, stabbed by Joanne, and brought by her siblings to the coast and dumped in the sea. There is no evidence that Joanne or her family ever travelled to the coast or dumped any baby in the sea, other than this confession, later retracted.

The Gardaí case subsequently unravelled. Blood tests revealed that the Cahirciveen baby could not have been the child of Joanne and Jer Locke, the married man with whom she’d been having an affair. Joanne’s baby, ‘the Abbeydorney baby’, was indeed found on the farm, where she said it was, and charges were dropped against the Hayes family. The story might have ended there had not journalists got hold of it. Their report caused a public outcry. The Hayes family were interviewed again and
alleged that they were bullied into making false statements. A Tribunal ensued to enquire into the case. It lasted from December 1984 to June the following year.

While the Tribunal was ostensibly set up to examine the conduct of the Gardaí, what actually happened was a public excoriation of Joanne Hayes and her sexual behaviour. She’d had an affair with a married man, and become pregnant three times by him. She’d had one miscarriage, a daughter Yvonne lived, and the third child, ‘the Abbeydorney baby’, a boy, was born on 13 April 1984. When Yvonne was born, Joanne believed that her lover would leave his wife for her, whereas by the time she’d become pregnant for the third time, she no longer held that illusion. She had discovered that Locke’s wife was also pregnant, and the affair had come to an end. Joanne, heartbroken and ashamed, hadn’t discussed her latest pregnancy with her family. She told the Gardaí that she’d had the baby outside, that it had died and she had buried it on the Abbeydorney family farm without mentioning it to her mother, sister or brothers. This reticent family were hardly to know that intimate details of their life were about to be made public in the most painful and humiliating way.

Throughout the Tribunal, Gardaí continued to deny the Hayes’s allegations that they had been coerced into falsehoods, despite the fact that the statements given by the family differed in crucial details, including who was in the car when the alleged journey to the coast had been taken. Joanne said the Gardaí were ‘roaring and shouting’ at her during questioning, threatening that the farm would be sold and her daughter Yvonne put into care. Her siblings gave similar details of intimidation and harassment. In an effort to besmirch Joanne’s reputation and brand her as untrustworthy, the most
intimate details of her behaviour were aired at the Tribunal. She was in tears on several occasions, and once was physically sick outside the courtroom. So, after an episode in which she and her family were bullied in the privacy of a Garda station, the judiciary sought to exonerate its officers by more prolonged harassment in the public arena of the Tribunal, held in the intimidating venue of Tralee Courthouse.

The Hayes’s Abbeydorney neighbours protested outside the courthouse at the treatment of Joanne, and women’s groups from around the country marched with placards. When handed a submission from the Tralee women’s group, on behalf of Irish women, the tribunal’s presiding Judge Lynch (ironic name, that, given the lynching that Hayes endured) asked: ‘What have I got to do with the women of Ireland in general? What have the women of Ireland in general got to do with this case?’ . The final verdict of the Tribunal exonerated the Gardaí, dismissing their bending of the truth as ‘gilding the lily’, whereas the Hayes family were accused of telling ‘barefaced lies’. A judicious use of language, one might say. The double standard is obvious, but double standards were no news in 1980s Ireland.

I followed the case in *The Irish Times*, which I bought every day because I had become obsessed with solving their Crosaire cryptic crossword. I became adept with practice, but then, deciphering cryptic clues was a survival strategy, especially for women. The conundrums set by Crosaire were a doddle compared to the double-think going on at the Tribunal. The Gardaí alleged they hadn’t been questioning the Hayes family over the baby at Cahirciveen, a claim the judge branded ‘a load of nonsense’. In an attempt to pin the murder of the Cahirciveen baby upon Joanne, Gardaí came up
with the very unlikely theory that she’d had twins by two different fathers, and that one (“the Abbeydorney baby”) had been buried on the farm and the other thrown into the sea and washed up in Cahirciveen. When it was pointed out that blood tests indicated she couldn’t have borne the Cahirciveen baby, they still stuck to their twins story, and alleged that one infant had been cast into the ocean but remained unfound.

Aside from this preposterous allegation, there were other moments of farce in the course of the Tribunal. In an examination of the Hayes home, a name had been noticed on a mattress: Tom Flynn. The name was repeatedly aired in the courtroom, as the suggestion was made that this mystery man might have been Joanne’s other lover, and the father of the Cahirciveen baby. It transpired that a Tom Flynn had worked in the shop which sold the mattress and had long since emigrated to the United States. In his absence, he became something of a celebrity. The regard in which Tralee locals held the Tribunal may be judged by the fact that several young men walked around town wearing t-shirts declaring ‘I am Tom Flynn’. But men could afford to make jokes. Jeremiah Locke, Joanne’s lover, was also called as witness at the Tribunal but he was not given as gruelling a treatment as Joanne Hayes, and unlike her, he did not become the main target of accusations of infanticide. Somewhere out there was another shadowy figure, a mystery woman who must have followed Joanne’s story with terror and trepidation: the birth mother of the baby found on the beach. She remains unknown, but must have suffered agonies through the long months of Joanne’s trial by media.

Rural Ireland, in my youth and that of Joanne Hayes, was a dangerous place to step down from the pedestal of idealised womanhood. We were assumed to aspire to
the allotted life narrative of veiled First Communicant, Child of Mary, virgin before marriage, Catholic [married] mother. The alternative identities were also dinned into us: brazen hussy, rip, strap, hoor. Around the time of the Eileen Flynn case, I got a lift from someone I knew slightly. He introduced the topic of Eileen Flynn, recently vilified in the media. Flynn had been teaching in a school, and become pregnant by her co-habiting lover, a man who was separated from his wife (divorce was not allowed in Ireland at the time). When her pregnancy became obvious, she lost her job. In response to the driver’s comment about Flynn’s dismissal, I said yes, it was terrible. After a few minutes, I realised what he thought was ‘terrible’ was Eileen Flynn’s status as a co-habiting, unmarried, pregnant woman, not the fact that she was sacked. He said he wouldn’t want someone like her teaching his children. I’d heard a bit about this man, and gossip didn’t paint him as a saint. Depending on the age of the commentator, he was known as a go-boy or a playboy. The stories may have been untrue, and you could say, as he no doubt would, that he wasn’t a teacher so his private life didn’t matter. I had a personal reason to be concerned with Flynn’s dismissal: I was teaching children (not his, thankfully) at the time, and only too aware that my private life was perceived to be public property. It’s one of the reasons I left – the job and the country.

Eileen Flynn taught English and History, but she could hardly have foreseen that she would become a significant figure in Ireland’s social history, along with teenage mother Ann Lovett, found dead in a field in front of a grotto of Our Lady, with her dead newborn beside her. Grottos became the focus of much attention in the mid-80s. In Ballinspittle in County Cork, in July 1985, Our Lady’s statue was observed to have moved, allegedly. When word spread, droves of tourists arrived; car-parks with toilets
and phone-boxes were provided. Then mobile Marys began ‘appearing’ all over Ireland. People were staring at statues, willing them to wobble. Probably envious of the tidy little tourist industry which had sprung up in Ballinspittle, the populace elsewhere urged their local Lady to get a move on.

How do we account for this? In Ryan and Kirakowski’s book, Ballinspittle: Moving Statues and Faith, they put forward theories from boredom with the long wet summer (I must have chosen the only warm dry night if I was walking home from that disco in a summer dress), to collective delusion. Journalist Nell McCafferty observed, with her characteristic dry wit, that the way women were treated, no wonder they were taking to the roads. In retrospect, it seems clear that the apparitions were a manifestation of public disquiet concerning the mobility of real-life Irish women. In a decade when news stories reported that women were stepping down off the pedestals on which they had been placed, they could no longer be assumed to be emulating Mary, statically embodying chastity and obedience. As the erstwhile Children of Mary popped off their plinths, the plaster replica of our moral Mammy was following suit.

Anthropologist Nancy Scheper-Hughes has written on the propensity of Irish society to cause schizophrenia, and you don’t have to look any further than the Catholic teaching about Mary, allegedly a mother and a Virgin. Aged about nine, I innocently asked the Master what the word virgin meant; he told me it was a woman who hadn’t had a child. When I expressed puzzlement about the term being applied to Mary, he told me to go home and ask my mother. Innocent as I was, I rightly suspected that that would have been an unwise move. I kept mum, and kept away from Mam with my
awkward questions. Nowadays, I'm still reassessing Mary's role. After all, perhaps a teenager who found herself pregnant by someone who thought they were God is an appropriate role model for Irish women.

The Kerry Babies Case was a watershed moment. After that, people lost faith in the judiciary being on their side. The Tribunal was supposed to investigate how and why the Hayes family came to confess to a murder they did not commit. Instead, it became an examination and condemnation of a woman who, by her lifestyle, exposed some of the hypocrisies surrounding Irish women's lives. Before Joanne Hayes, Eileen Flynn, and Ann Lovett, we were all assumed to be Children of Mary, virginal and chaste before marriage, willing handmaidens of God and husband afterwards. After the death of Lovett, in particular, Irish women began to share their own stories, most often anonymously, by writing and phoning in to radio shows. From the mid-1980s, more disturbing secrets began to emerge. Books and newspaper articles told stories about priests, nuns and other assumed leaders who had abused their authority. Some had raped and assaulted children, others had had affairs, some had fathered 'illegitimate' children. The stories about cruelty in remand schools, Magdalen Laundries and other church-run institutions became more frequent, in all forms of media, in factual accounts and in fiction. It seems to me that the outburst of high profile scandalous stories began with the Kerry Babies Case. Once the misogyny of the Irish judicial system was exposed the bubble had burst. There was no possibility of maintaining the fantasy of a benign authority, of either church or state. The other unpalatable prejudice that was exposed was that of class; the Hayes family were ordinary small farming stock, with limited income and education. They had little defence against the wiles of experienced
lawyers out to protect the legal system and its officers. In many of the abuse cases that subsequently came to light, the children and other victims were economically as well as socially vulnerable.

Nell McCafferty's book, *A Woman to Blame: The Kerry Babies Case*, got a second edition in 2010, and the Tribunal is much discussed in feminist accounts of Irish society. However, mainstream media seem to be a bit reticent about resurrecting the story. While in Ireland recently, I watched *Reeling in the Years* on RTE, the national broadcaster. Each weekday following the main evening news, significant footage of a chosen year was shown, with an appropriate soundtrack. Seeing that the 1980s were being featured, I looked out for 1984-85. Moving Statues made an appearance, but the Kerry Babies Case was not mentioned. Perhaps the editors wished to spare Joanne Hayes further embarrassment. But it is important that we don’t forget. The Kerry Babies Case was a 1980s version of the Salem Witch-hunt. When the case is mentioned now, people ask: ‘But what really happened? What's the real story?’ Who knows? I don’t know what happened to Joanne Hayes’s baby, except that it died and was buried. What I do know is that what happened to the child’s mother was a crime against Irish womanhood, a crime against humanity, and a crime against justice.

Note: Gardaí (Irish for ‘Guards’) is the plural of Garda.
Further reading

Hayes, Joanne (with John Barrett), *My Story*, Dingle: Brandon, 1985