

Legacy Matters





Padraig Yeates

Editorial

Legacy Matters attempts to address one of the most pressing challenges posed by the Troubles for our society, and particularly for individuals and families directly affected by the conflict over 23 years after the Belfast Good Friday Agreement was made. This is the question of how to obtain some meaningful degree of truth and justice for victims/survivors, and some form of reconciliation with former combatants outside a criminal justice system that has signally failed so many in the past.

This question has assumed a new urgency in the wake of the controversial proposals by Brandon Lewis, the Northern Ireland Secretary of State, for a blanket amnesty covering all those involved in the conflict, as well as an end to Troubles related inquests and civil actions. There has been almost universal condemnation of the proposals from critics, including the Irish government, political parties and organisations representing victims and survivors in Britain and the Republic, as well as Northern Ireland.

The Truth Recovery Process advocates an alternative to both the British Government's new proposals and existing pathways to truth and justice through criminal prosecutions in the courts. It seeks to do so in ways that protect the rights of victims and their families, while addressing the patent failure of existing mechanisms. Our hope is that *Legacy Matters* can provide a medium for dialogue between people, especially those for whom other formats may prove difficult, impractical or impossible to access.

Different experiences of the same events can affect our mutual understanding of what happened and the consequences of our actions for others. Incomprehension and intolerance of other people's experiences can easily degenerate into a blame game. *Legacy Matters* will seek to give people space to reflect on what happened in ways that are not always possible in live debate or private conversations, let alone social media.



Andy Pollak

Writing in itself can provide us with means of reflecting on what happened and why. Like the Truth Recovery Process itself (<http://www.truthrecoveryprocess.ie>) it can create space to examine events and our own motives forensically, in a mutually honest way. It can also help us understand how acts of extreme violence have affected other people's lives and provide a space where we might at least agree on the facts, reasons and consequences of the events concerned.

Without reconciliation on the facts, deeper and wider forms of reconciliation may remain superficial and vulnerable to the communal tensions that have proven so resistant to change and have repeatedly undermined the peace process in the past.

This first issue of *Legacy Matters* contains articles varying greatly in scope, content and length, reflecting the wide range of contributors. Readers may find some of the content challenging but all of these articles are offered in good faith and raise issues we need to discuss. *We would like to thank everyone who has contributed.*

Padraig Yeates & Andy Pollak

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Alleviating the Harms of the Troubles

by Brice Dickson

THE TROUBLES in Northern Ireland had a hugely negative impact on thousands of families, not just in the North itself but also in the Republic, in Great Britain and indeed in parts of Europe. There were so many hurts that it would be totally unrealistic to try to mitigate all of them. All that we can do is try to devise an array of mechanisms which, collectively, reduce to the greatest extent possible the grief, pain, resentment and anguish that so many suffered. Many mechanisms exist already but they have not proved comprehensive enough. What should now be done to enhance the choice and effectiveness of mechanisms? Let's take them one by one, reflecting on their pros and cons.

Investigations

First, investigations. When a crime is reported the police are obliged to try to discover who committed it. In the vast majority of cases they fail in this, the more so as time goes by. This is as true for murder as it is

for minor thefts. Evidence gets destroyed, memories fade and the police are overwhelmed by the need to focus on more recent crimes. But under Articles 2 and 3 of the European Convention on Human Rights (ECHR) states have a duty to investigate what look like unlawful killings or physical assaults. The case law of the European Court of Human Rights stipulates that those investigations must be prompt, independent, thorough and inclusive of the victim or the victim's family. The purpose of the investigation must be to identify who may have been responsible for the crime and, especially when that person was an agent of the state, to hold him or her accountable.

But the European Court has not been entirely clear as to what exactly must happen if the person who may have committed the crime is identified. In a 2004 judgment it maintained that individuals have no right to have a person prosecuted or sentenced for a criminal offence, but it added that in no circumstances should life-endangering offences go unpunished. Likewise, in 2013 the Court ruled that if a member of a state's security

forces is convicted of carelessly firing a weapon the state must punish that person, but in 2016, after Jean Charles de Menezes was shot in a London tube station, it held that such punishment is required only if 'appropriate'. To date the European Court has never found a violation of Article 2 or 3 where there has been a proper investigation but then no prosecution. Only where there has been an 'institutional deficiency' has a state been held in violation.

The 2014 Stormont House Agreement provided for a Historical Investigations Unit (HIU). This would conduct Article 2-compliant investigations into all the 'unresolved' killings from the Troubles. This is good news for the families concerned but it rather insults the families of more than 1,000 murder victims who between 2005 and 2014 were issued with a report into their loved-one's killing by the PSNI's Historical Enquiries Team (HET). Those reports were based not on Article 2-compliant investigations but on reviews of the investigation which occurred

at the time of the killings. The HET was replaced by the PSNI's Legacy Investigations Branch but in six years that organisation has completed only about 30 Article 2-compliant investigations, leaving more than 1,000 still unfinished. Going forward, it will be unfair if HET families have to make do with less thorough investigations than HIU families.

Police investigations into killings are highly desirable because the police have evidence-gathering powers which no other organisations have. However, investigations are resource-intensive, requiring the involvement of numerous well qualified detectives, a first-class forensic service and a state-of-the-art IT system, all of which come at a huge cost. The Stormont House Agreement envisaged that the HIU could conduct all of its investigations into more than 1,000-killings within five years. Just how ridiculous was that?

What is needed, in my view, is a revamped HET, one that, unlike its predecessor, treats security force personnel the same way as it treats everyone else. It was because the HET

did not do that that the Inspectorate of Constabulary condemned it. The HET questioned British soldiers without first cautioning them, believing that they could thereby obtain more information for the families than would otherwise be forthcoming; if cautions had been used the soldiers might not have said anything for fear of incriminating themselves. In April 2021 two soldiers were acquitted of murder because the 'evidence' obtained by the HET was inadmissible as they had not been cautioned and there was no other evidence against them. That is a good, if sad, example of how the kind of truth recovery process which the HET epitomised could in fact provide more truth to families of victims than a prosecutorial process.

I am now in the camp of those who believe that no further prosecutions should be brought on the back of investigations into Troubles-related killings. Barra McGrory, a former Director of Public Prosecutions, and Denis Bradley, a former vice-chairman of the Policing Board, are of that view too. The prospect of prosecutions being successful so long after the offences were committed is

vanishingly small, and the maximum time that would be served in prison by anyone convicted would (in most cases) be just two years. It may be morally uncomfortable to ban all prosecutions, but many people voted for the Belfast (Good Friday) Agreement even though it allowed for the early release of hundreds of prisoners many of whom had committed the most egregious of crimes. That was already an amnesty of sorts.

I believe that the European Court would tolerate a ban on prosecutions if it was issued as part of a fulsome truth and reconciliation process. The Court's case law is sparse on what steps can lawfully be taken to alter a criminal justice system as part of a transitional justice process, but it already accepts that states have a discretion to limit prosecutions, even for murder, if a lengthy period has elapsed since the commission of the crime.

Public inquiries

A second type of mechanism for mitigating the harms caused to families during the Troubles is the inquiry mechanism, of which inquests are a sub-set. Inquiries are intended to provide information to families (and to

the public) about how and why people died. A common feature of them is that, while individuals cannot usually be compelled to give evidence, if they do so what they say cannot later be sued against them in legal proceedings. Only if there is evidence from other sources might such individuals be prosecuted, and that evidence would need to prove their guilt beyond reasonable doubt – a high threshold. As we saw in the coroner’s findings in early May regarding the killings in Ballymurphy in 1971, an inquest can unearth very detailed information, and much more would have been forthcoming in that case if all the soldiers involved had stepped up to the plate to tell their story, protected by anonymity if necessary.

The Bloody Sunday Inquiry was possibly the most thorough inquiry ever conducted in Britain or Ireland and David Cameron’s statement after its findings were announced – that the paratroopers’ behaviour was unjustified and unjustifiable – was exemplary. It remains to be seen whether Soldier F or any other soldier is convicted in relation to what occurred on Bloody Sunday, but my hunch is

that the burden of proof will not be discharged, meaning that the judge will have to acquit the defendant. Paradoxically, a conviction might be more likely if the case were being heard by a jury, since jurors can sometimes reach verdicts at variance with the evidence but in accordance with their hunches. Judges sitting without a jury adhere more rigorously to the strict letter of the law.

Incidentally, inquests are a type of inquiry unknown in parts of the world which do not have legal systems based on ‘the common law’. Even Scotland’s equivalent – a ‘fatal accident inquiry’ – operates differently. Nor does the ECHR require inquiries of any particular sort. The family of Patrick Finucane were made painfully aware of that when in 2019 the UK Supreme Court dismissed their demand for a public inquiry into his murder, even though such an inquiry had been promised by Tony Blair when he was Prime Minister. An Article 2-compliant investigation does not necessitate a public inquiry because Article 2 already exhibits the main features of a public inquiry.

Truth telling

The third type of legacy mechanism which has been deployed to date – though not to a significant extent – is that of truth-telling. It has been used with some success in the struggle to find the victims who were ‘disappeared’ by the IRA and also in the system devised for de-commissioning illegal weapons: in both contexts the people supplying the information about the bodies and the weapons were given cast-iron guarantees that the information would be kept confidential and never used against them in any legal proceedings.

The Stormont House Agreement includes a similar but less foolproof mechanism in its proposed Independent Commission on Information Retrieval (ICIR). Victims and their families could seek information from perpetrators, but perpetrators would not be given an absolute guarantee of immunity from further legal questioning. The Truth Recovery Process advocated by Pádraig Yeates and his associates would provide such immunity, but only if the provider of the information cooperates fully with the process, similar to the

system used by South Africa’s Truth and Reconciliation Commission in the 1990s. Pádraig’s proposal also differs from the ICIR in that the truth telling can be initiated by perpetrators, not just by victims or their families.

To be honest I have doubts about the chances of either of those models leading to the disclosure of large amounts of information. There may be a small number of former combatants who want to get something off their chest, but in my limited experience of engaging with that constituency there is entrenched opposition to disclosing information which could cast aspersions on the validity of their side’s role in the Troubles, whatever it was. Today they display a deeper than ever feeling that their cause was a just one. Martin McGuinness, for example, said that he did not think that the killing of informers was murder; I have sat in a meeting with Sean Murray and understood him as saying that he would never apologise for anything the IRA did; the UVF seem as unrepentant too and, more worryingly, do not seem to have left the stage even to the extent that the old IRA have done.

Harm reducing remedies

A fourth mechanism for helping victims and their families is the financial one. When the report of the Eames-Bradley Consultative Group on the Past suggested in 2009 that £12,000 should be paid to the family of each victim, the whole report was immediately pilloried and shelved. Today a Victims' Payments Scheme is at last up and running. It allows people to apply for a payment if they have a permanent physical or psychological disablement (of at least 14% severity) as a result of being injured in a Troubles-related incident between January 1966 and April 2020.

The express purposes of the scheme are to acknowledge the harm suffered and to promote reconciliation, but there are restrictions on claims by people who were injured outside the UK or who have been convicted of an offence which was a cause of the incident in which they were injured. Payments can be backdated to the date of the Stormont House Agreement and are calculated on a weekly basis, but they can be reduced if the claimant has previously received compensation for their

injuries. The Scheme is much to be welcomed, even if it prioritises Troubles-related victims over other categories of victim. It is a very tangible way of alleviating some of the terrible hurts suffered.

From here on we should preserve only those harm-reducing mechanisms which work well. Any new truth-recovery mechanisms will need to be coupled with strong incentives and safeguards.

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The Politics of Apology and the Legacies of Conflict in Northern Ireland: Help or Hindrance?

by Stephen Hopkins

THIS SHORT article seeks to examine some of the problems associated with apology as a form of symbolic reparation; can sincere apologies be effective in helping victims and survivors, as well as perpetrators of violence, come to some form of reconciliation? The article begins by considering two high-profile statements which have re-ignited popular debate about the utility of ‘political apologies’ as part of the range of proposals for ‘contending’ with the legacies of violent conflict in Northern Ireland. The article then considers some recent academic debates concerning these fraught issues and provides some suggestions for further reading.

Mullaghmore

In April 2021, the Sinn Féin (SF) President, Mary Lou McDonald was reported

in the British media as apologising for the Provisional IRA’s killing of Lord Mountbatten (alongside family members Lady Brabourne and Nicholas Knatchbull, and their boat-boy, Paul Maxwell, from Enniskillen), when his boat was blown up at Mullaghmore, Co. Sligo in 1979. McDonald was speaking on Times Radio, in the context of the recent death of Prince Philip; she was asked whether she would apologise to Prince Charles for the killing. Her reply was ambiguous, perhaps deliberately so: ‘The armed forces associated with Prince Charles [and Mountbatten] carried out many, many violent actions on our island. I can say of course that I am sorry that happened. Of course, that is heartbreaking.’ SF TD Eoin Ó Broin later said it was an ‘admission of regret and an acknowledgement of the suffering for the family involved.’

But, whilst some commentators saw in these words an apology, others were more circumspect. It perhaps heralded a different tone from SF, argued Pat Leahy (*Irish Times*, 20 April 2021), but it did not amount to a ‘full-throated’ apology, still less a definitive break

with republican ‘theology’. The Provisional republican movement has maintained (and still maintains today, in a context that SF recognises has much altered) that they were not primarily responsible for the political conflict in Northern Ireland after 1969; also, SF claims that the IRA and SF had no alternative to using violence that was just, legitimate and inevitable, even if, on occasion, the effects of such violence were ‘regrettable’ or even ‘wrong.’ In this context, by apologising for or regretting some ‘excesses’ or ‘errors’ (such as the Remembrance Day bombing of civilians in Enniskillen in 1987, or the civilians, though not the security force personnel, killed on ‘Bloody Friday’ in 1972), the movement has implicitly sought to reinforce the overall legitimacy and propriety of its armed campaign and targeting policy. Although some believed McDonald’s statement was a conciliatory gesture, that didn’t mean it was universally welcomed by either unionists or republicans. For some so-called ‘dissident’ republicans such as Saoradh, the ‘apology’ uttered by the never Republican Mary Lou McDonald, on behalf of former Republicans

to British Royalty is yet another sickening climb down by SF.’

Ballymurphy

The second example of a recent ‘political apology’ was that issued, in several iterations, by the UK government in the wake of the inquest verdicts into the Ballymurphy killings by the British Army in 1971; the coroner had concluded that the persons killed were ‘entirely innocent of any wrongdoing.’ Initially, Downing Street stated that Prime Minister Johnson had apologised in a phone call with Democratic Unionist First Minister Arlene Foster and SF Deputy First Minister, Michelle O’Neill. Relatives of those killed dismissed this as a ‘third-hand’ apology (*Irish News*, 19 May 2021). The following day, Johnson wrote a letter to the bereaved families to apologise directly, but this was also criticised on two grounds: it was not an official statement delivered to Parliament, and it referred to the killings as ‘events’ rather than, say, a ‘massacre’ or an ‘atrocious’, words used by the victims’ families. Later, the UK PM did make a statement to the House of Commons, in which he read out the names of those

killed, and stated: 'On behalf of successive governments, and to put on the record in this House, I'd like to say sorry to their families for how the investigations were handled, for the pain they've endured since their campaign began almost five decades ago [...] No apology can lessen the lasting pain.' However, the statement was still subject to fierce criticism; some of the bereaved families argued that they had had no advance notice of the apology, and that the PM had apologised for the flawed investigation, rather than for the actions of British soldiers, i.e. the shootings per se. SF's McDonald argued that this did not constitute 'anything that approximates a sincere or complete apology' and 'added insult to injury' for the families; the British PM 'cannot accept and say out loud that a Para[chute] regiment, that British soldiers, came and turned their guns on innocent civilians in that community.' McDonald linked the unwillingness of Johnson to 'verbalise the truth of what happened' to the UK government's mooted legislation that would deliver an amnesty for British soldiers who served in Northern Ireland. Diarmaid Ferriter (*Irish Times*, 21

May 2021) described Johnson's efforts as a 'weasel-worded, incomplete apology.'

The debate about whether such apologies can ever be an effective form of 'symbolic reparation' is not new; indeed, armed groups, whether state or non-state forces, have delivered statements of regret or apology almost from the outset of the Troubles, often for individual 'mistakes' or 'excesses' which they have attempted to renounce, whilst defending the overall propriety of their recourse to the use of force. However, what is novel is two-fold: firstly, the politics of apology are taking place in an ostensibly 'post-conflict' environment, but one in which the claims of victims and survivors of violence for judicial prosecutions and punishments for perpetrators are highly unlikely to be met; as Fintan O'Toole argued, between 2012-2020 'the very considerable resources devoted to "legacy" investigations resulted in a mere 17 cases going forward for prosecution and just four convictions.' (*Irish Times*, 19 May 2021). Secondly, those apologies that have been issued, whether by the UK government on behalf of its armed forces, or by republican

and loyalist paramilitary groups, or their associates, have not generally helped to promote a much-needed reconciliatory practice with regard to the politics of the past. More often, such attempted apologies meet with scepticism from the victims and survivors who are the ostensible 'addressees' of such statements. In a broader societal context, they may even serve to revivify 'framing battles' over the historical narrative of the conflict.

By whom and on whose behalf?

The academic debate concerning 'political apology' has tended to focus upon inter-state apologies, or 'official' apologies delivered by the state for wrongdoing within the state. Nevertheless, it is possible to extend this analysis to non-state groups, such as paramilitary organisations. These are corporate apologies, delivered on behalf of organisations with a historical continuity, but one of the problems which arises is the blurring of lines between personal and collective/organisational responsibility. To be effective or 'valid', political apologies require an officially-sanctioned speaker who has the authorisation to represent the collective will

of the body on whose behalf he or she is apologising. In the case of governments, an apology or statement of regret carries greater weight if delivered by a PM or even the Head of State. The staging and formal 'recording' of the apology may also mark out state from non-state apologies: for the former, the apology should become 'embedded in the official history of the nation' (e.g. in the parliamentary record or in a filmed ceremony). For clandestine paramilitary groups, this is clearly problematic; for instance, there is no 'official history' of the Provisional movement, and SF spokespersons (even if they are senior figures like McDonald or her predecessor, Gerry Adams) have an ambivalent, opaque relationship with the leadership of the IRA. Saoradh's recent reaction to the Mountbatten statement exposes the problem: 'Unfortunately for Mary Lou and SF, they can only apologise for themselves. They cannot and will never be able to apologise for or on behalf of the IRA.'

Although there is no consensus among academics as to what criteria need to be fulfilled for an apology to be effective or 'meaningful', there is some agreement on fund-

amentals: there needs to be an identifiable act or omission which constitutes a wrong or injustice; the apologise must acknowledge this wrong and be responsible for the offence; the apologise needs to be authorised to speak or act on behalf of the political entity in whose name the apology is offered; there needs to be an identifiable body or group which constitutes the victims of the offence or wrong, and to whom the apology is directed; the likely impact of an apology can be undermined by equivocation or evasion in terms of accepting responsibility. Some scholars have argued that the inclusion of a promise of future forbearance or an undertaking not to replicate the offence, can be helpful to the apology's reception. Muldoon has put forward two dimensions for judging the efficacy of a political apology: the first he terms the 'exchange model', in which the apologise body orientates its subsequent action to the suffering caused to the victim(s) of the offence. The second dimension is inward-looking; in this 'identity model' it is incumbent upon the apologise to return or recommit to their own moral norms. In this

interpretation, the work of an apology does not end with its delivery or utterance. Instead, it is the start of a process of ongoing self-critical reflection. We can agree with Muldoon that many of the apologies in the context of conflict in Northern Ireland have had the tendency to 'prematurely foreclose' upon this critical work of self-reflection. Indeed, we could go further and argue that on some occasions in the recent past, protagonists of the Troubles, by making apologies (or quasi-apologies) for specific or egregious acts, have simultaneously sought to distance themselves from broader responsibility. Apologies have sometimes taken place in what Jeffery calls an overall framework of 'unapologetic remembrance.'

What cannot be undone

Many scholars believe, like Muldoon, that a 'critical element in the reparative work of apology is the withdrawal of the moral insult contained in the original offence'. Apologies cannot 'undo' the suffering caused by this offence, but they may, in the right context, 'unsay' the implicit or explicit message of moral worthlessness. For this potential to be realised, the apologise needs to view their

previous actions in a different light and to appreciate the depth of the harm inflicted by their previous acts. They need to fully understand the perspective of those to whom they are apologising. Arguably, a failure to approach apologies in this manner, whether on behalf of state or non-state groups, is one of the core reasons for their mixed reception in 'post-conflict' Northern Ireland. Too often, the emphasis in apologies has been self-directed, albeit critical; to give only one example, the President of SF at the time of the Enniskillen bombing, Gerry Adams, recalled in his memoir *Hope and History* that the 'operation was wrong in its conception as well as its execution. It was a disaster.' In Adams' words, 'only six years after Bobby Sands died on hunger strike and brought the republican struggle to a high moral platform, the Enniskillen bomb not only robbed eleven civilians of their lives, but it left the IRA open to accusations of callousness and indifference.' Implicit in this quasi-apology is the claim that the 'disaster' (rather than, say, 'outrage' or 'atrocities') was equally a disaster for the republican movement and that this disgrace

was not a reflection of the movement's 'true' moral character. It could easily appear as if Adams was positing an equivalence between the political damage caused to the republican movement and the devastation visited upon the killed, injured and bereaved. Such ambivalence regarding the essential purpose of any apology delivered is likely to undermine its reception. If the moral core of any 'successful' apology is to convey to the wronged a 'sincere and regretful willingness to own the consequences of one's wrongful actions', then it is unsurprising that many of the bereaved and survivors of the Enniskillen bomb were underwhelmed by the efforts of the republican movement.

If we are to avoid the danger of apologies becoming one more element in a sullen stand-off between erstwhile protagonists in the conflict, then a pre-apology engagement and dialogue, with input from victims and survivors of the wrong inflicted, would be a good starting point from which to 'enact the social dimensions of repair.' In the post-1998 era, republicans and unionists (and the UK government) have, in many cases, been

talking (and, less often, listening) at cross-purposes, or past each other. To paraphrase Edna Longley, who spoke of the dangers of ‘remembering at’ the ‘other side’, too often ex-protagonists have been ‘apologising at’ each other.

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FURTHER READING

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An idea so controversial that discussion has mostly been in private

by Brendan Keenan

IT IS DIFFICULT TO KNOW which was more depressing; Boris Johnson's cynically opportunistic proposal for what amounts to a general amnesty for combatants in the Troubles, or the absolute failure of virtually everyone to even consider whether the idea might have something to recommend it.

Whatever one may think of British motives and methods, the fact remains that this is the first time a government has proposed an actual amnesty. Some serious thought seems the least such a radical proposal deserves.

Admittedly, they are bound to be troubling thoughts. The prospect of the perpetrators of deeds as heinous as any in the history of conflict escaping scot free from retribution makes amnesty a policy that dare not speak its name.

Yet many troubling things have already taken place in the efforts to secure peace. If the opinion polls are correct, it looks like

there are more to come. The words of Michael Longley risk becoming a cliché, but they remain profound: we must do what must be done.

Beyond reasonable doubt?

It needs the kind of serious thinking behind the proposals in the report on a Truth Recovery Process (TRP). In this case, the objective is not primarily to secure the peace – although that might be a secondary result. It is to provide an alternative to the justice system to help bring truth and closure to the victims of the conflict.

It goes without saying that the idea of a general amnesty being part of that process is completely counter-intuitive. How can letting the perpetrators escape justice help the victims? This is where the serious thinking comes in, with the proposal for a “conditional amnesty” granted to those who take part in the process.

It is a long way from an amnesty for those seeking reconciliation, even redemption, to freedom from prosecution for everyone, whatever their actions and attitudes. I fully understand why, if it was discussed, it would

be rejected. The unfortunate thing is that the idea is so controversial that discussion has mostly been in private.

Public debate would be unpleasant, especially for those advocating a general amnesty, but such a debate is the only way to tease out whether it might actually be the best way forward in finding, not just truth and reconciliation, but a more secure peace.

Would it bring justice? Of course not. But if there is one thing almost everyone agrees on, it is that justice in the conventional sense will not be possible anyway.

As the TRP report itself says, every acquittal and every conviction is viewed as a victory or defeat for one side or the other. But even it goes on to make the near-universal mistake of saying that the main objective of the judicial system “is to determine guilt and innocence of a criminal offence.”

Not in our system it isn't. Instead, it is to see if the State (in Britain, the Crown) can prove guilt beyond a reasonable doubt. Innocence is already assumed and truth does not come into it. Victims are merely witnesses on behalf of the State.

More and more, this ancient system seems unsuited to the 21st century, where the rights of victims often assume more prominence than the good order of the state or the Queen's peace. There is a particular problem with sexual offences.

The strength of the system is its endless adaptability but change will come far too slowly to be of any use in the even greater difficulties of crime within a contested conflict. So it is not just a question of logistical difficulty, although as the report amply demonstrates, that would be enough on its own to guarantee failure.

The police Historical Enquiries Team examined some 1,600 cases and its replacement, the Legacy Investigation Branch, is looking at more than a thousand. In the vast majority, even where official documents are available, it will be impossible to prove guilt beyond a reasonable doubt. No conviction, but no proof of innocence either; and no closure.

Time is running out

As the TRP report says, “it is imperative and urgent, over twenty years after the signing of the Good Friday agreement, that both

political and civil society leaders come together to set up a legacy architecture to address harms caused by the political violence of the armed conflict.” If the criminal law is not the answer, what might be?

The report's ingenious, carefully crafted solution is that of conditional amnesty. This would apply to former combatants who agree to meet survivors/victims and their families, with a support group in attendance on each side if needed. It will be held “in a safe, confidential space” under agreed terms and supported by professional facilitators.

Enormous work has gone into the detail of how this might operate, but the report is honest as to its possible weaknesses. Many former combatants may not avail of a conditional amnesty, especially one that involves engagement with their victims/survivors. Nor will all those who suffered from their actions wish to engage and face the possible trauma of learning the facts.

There is evidence that some former combatants, both security force and paramilitary, would welcome the opportunity to explain what happened from their perspective to

victim/survivors and confront the consequences of their actions, but an obvious objection is that they could be joined by some who have no such desire but fear imminent prosecution.

If that were all, we could live with it – we have had to live with worse, particularly the two-year limit on sentences for those who are convicted. The big question is whether all this thought and effort could be put to even wider use than the healing of personal grief and injustice.

The suggested process is essentially a private matter, intended to clear the names of the innocent, as in Ballymurphy, bring closure to survivors/victims, and relief to troubled ex-combatants. Along the way, it is hoped this will help reconciliation between individuals and communities both.

It may well do, but it is hard to see it making much difference to the attitudes of those who are neither combatants nor their victims and change in their attitudes is badly needed.

The best opportunities for a serious initiative of this kind have already passed.

The challenge now is to prevent the collapse of the whole process. Something more dramatic and public will be needed but the report shrewdly observes that the absence of a clear victor from the Troubles means an open reconciliation regime, as in South Africa, probably would not work.

In the absence of anything like that, we are left with the idea of a general amnesty. The hard work and tough analysis of the TRP provides a basis to build on such an amnesty, if the two governments have the courage to consider the analysis and face down the inevitable barrage of criticism. Unpleasant it might be, but neither Dublin or London is vulnerable to such objections and they are the only ones who can take such a bold initiative.

The objections themselves will be largely incoherent. A majority of people have a sliding scale selection of criminality – republican, loyalist or security force. The loudest complaints about amnesty usually focus on just one of these categories.

Underneath it all, the official, legal position is that every act of violence was a crime, apart

from those carried out by security forces in line with legitimate orders. That is logical in law – and I am one of those who wishes a lot more people had spent a lot more time in prison - but it really is no basis for ending what the report calls continuing the conflict by other means and, as the fuss about amnesty subsides, moving on to wider reconciliation and the necessary re-imagining of politics in both Belfast and Dublin.

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Forgotten victims of the 'Troubles' by *Liam Kennedy*

Introduction

The brief news report on the shooting had the familiarity and the monotony of the usual weather forecast on Radio Ulster: sunshine with some showers; alternatively, showers with some sunshine.

'An 18-year-old man was shot in the leg during an attack in an alley off Milldale Crescent, in Currynierin, Derry, at around 9pm on Saturday.' This was on February 27, 2021. There then followed the familiar formulaic observation: 'The victim was taken to hospital for treatment, but it is understood his injuries are not life threatening' (*Irish Times*, 28 February 2021).

So far as I know, there were no follow-up news bulletins. How long did he spend in hospital? How serious were the injuries? What was his emotional state? What did he think of those who had shot him? How might his injuries, both mental and physical, affect him in the years ahead? Most basic of all, what was his name?

We do not know the answers to any of those questions. In another sense we do. Victims of paramilitary-style attacks are afraid to speak of their ordeal or give the police information that might lead to the arrest of the perpetrators. No press conferences, please. It might be a bullet to the head next time. Unsurprisingly, *omerta* or its Irish variant, 'Say Nothing', rules. It has done so for the last 50 years.

Scale of the problem

The problem began with the creation of 'no go' areas in parts of Northern Ireland at the outset of the Troubles. Tarring and feathering was an early manifestation of paramilitary 'policing' and was not confined to women victims as is sometimes imagined. In the long run, shootings, beatings and exiling – far less messy for the perpetrators – were the favourite means of control. These so-called 'punishment' attacks – orange-on-orange and green-on-green violence – have been carried out in mainly working class areas.

Official statistics on the extent of repression by paramilitary organisations within their own communities are underestimates. But even the recorded cases, not including exiling, number more than 5,000. My guess-estimate – (Kennedy, *Who Was Responsible for the Troubles?*) – is that between 10,000 and 20,000 were on the receiving end of paramilitary ‘punishments’, or between three and six times the numbers murdered by loyalist and republican armed groups. We are talking about very large numbers of victims, shared roughly equally between loyalist and republican paramilitaries.

It might be thought that these human rights abuses affected adolescents and adults only. We don’t have official statistics for the first two decades of the Troubles but since 1990 more than 500 children have been shot, beaten and maimed by paramilitary groups in Northern Ireland. Several hundred other children have been ‘exiled’ (driven out of their communities) under threat of greater violence.

Suicide

An unknown number of child victims committed suicide. At one time in the early

2000s Ardoyne in north Belfast was the epicentre for self-harming as local paramilitaries went on the rampage. Remember this was well after the paramilitary ceasefires of 1994 and the Good Friday Agreement. The case of seventeen-year old Anthony O’Neill illustrates the local reign of terror. Anthony was abducted from his home, beaten, tied with electric cable and thrown down a manhole. Trapped, terrified, he lay incarcerated in claustrophobic darkness. He managed to chew his way through the cable and after seven hours worked his way up out of the manhole. He was covered in blood and barely recognisable. His sister Patricia said he was completely changed by the experience. He was tormented with extreme feelings of anxiety and paranoia. He also felt worthless. A year later he committed suicide.

That wasn’t the end of it. Anthony’s friend Barney Cairns was shot in both legs for ‘giving lip’ to a well-known Ardoyne paramilitary figure. He was sixteen years old at the time. The day of Anthony’s funeral, possibly overcome by grief, Barney climbed the scaffolding round the church of the Holy Cross on

the Crumlin Road. High above the road, he improvised his own scaffold. The local priest, Father Troy, had to climb the steel structures to administer the last rites. There were other cases.

Hidden from the histories of the Troubles

This gives some idea of the scale and the intensity of suffering inflicted by paramilitary-style 'justice'. It means there are literally thousands of people, young and old, in Northern Ireland who are to varying degrees traumatised and physically maimed by these attacks. Yet this category of victim is rarely mentioned in public discourse. The human rights 'industry' in the North has better things to do, it seems, than bother with these working-class casualties of the Troubles.

It is worth emphasising that many of these victims were among the most vulnerable and disadvantaged in our society. Because they were atomised individuals rather than members of political movements or civil organisations, and because some were juvenile delinquents, they have difficulty in mobilising or even recognising some form of collective

identity. Very few have seen their assailants successfully prosecuted. They end up being both invisible and forgotten. Yet they have as much right to know about their assailants, how they came to be targeted, and to seek justice as any other victims.

What needs to be done

In the first place it needs to be recognised that those who suffered 'rough justice' at the hands of paramilitaries, to use Gerry Adams' phrase, constitute a distinctive category of victims; they have particular welfare needs; they need help.

Commissions of inquiry, North and South, have opened up the secret world of abuse in baby and child homes, industrial schools and reformatories within Irish society. A commission of enquiry that engages with those brutalised and tortured by loyalist and republican paramilitaries is long overdue. The stories need to be told and listened to, thereby returning some degree of humanity and self-respect to the victims. An inventory of their particular needs should be compiled and policies adapted to meet these needs.

These victims will not just turn up at some public building or other meeting place to give their stories in the way the more politically motivated might do. This would all require active outreach work. They need to be sought out and a relationship of trust built up. In most cases a guarantee of anonymity will be necessary. The technique of oral history is now well established, including talking to difficult or traumatised subjects, and the necessary safeguards in the case of vulnerable interviewees are well understood.

It will not be easy but to fail to give recognition to these special victims, and to continue to condemn them to silence, is to compound the injustices they have experienced. It is also to ignore one of the ugliest legacies of what we euphemistically call the Troubles.

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Legacy Matters

by Alan McBride

LIKE MANY OTHER PEOPLE who lost loved ones in the Northern Irish ‘Troubles’, I believe that ‘*Legacy Matters*’. The difficulty is that the British Government have shown time after time, that in their list of priorities ‘legacy doesn’t matter’. At least it doesn’t matter in a form that is acceptable to the overwhelming majority of victims and survivors.

I have been involved in the debate since I lost my wife and father-in-law in an IRA bomb on Belfast’s Shankill Road in October 1993. My journey since that day has taken me to places and helped me to build relationships and form opinions that I never thought possible.

Initially I was operating out of a place of hurt. I was 29 years old and was left with a two year old daughter to raise alone. For the previous 10 years I had volunteered in a Christian drop-in centre (The Saltshaker) at the top of the Nationalist New Lodge Road in Belfast. The young people who came in and out of the centre were young Republicans

and, as I spent time with them, I had my eyes opened.

I heard a version of history that was at complete odds with the history I had drummed into me as a young person growing up in a Loyalist estate in North Belfast. I was told about gerrymandering, about how the Northern Irish state was created in 1921 to create a ‘Protestant state for a Protestant people’. About, how for young Nationalists and Republicans, it didn’t matter what way you voted as the electoral dice was permanently loaded against them. All of this seemed to hit home and my narrow upbringing in no way prepared me to argue the case for Unionism.

Shattered

My father, whom I respected immensely, accused me of being ‘brain washed’ when I considered myself a Protestant Nationalist. I stopped collecting for the bonfire and refused to go to the Orange hate-fest which was the 12th July. I started to take an interest in Irish history and listen to Irish music.

I also spent a lot of time hanging out with the young people who frequented the Saltshaker. All of that was shattered when the IRA came onto the Shankill and left a bomb at Frizzells Fish shop, killing 10 people, including my wife, father-in-law and one of the bombers.

My life stopped that day as all my dreams and plans for the future were destroyed in 5 minutes of madness and callous inhumanity. I was angry and I felt guilty! How could I have been so naïve, how did I ever come to share the same political views as those who thought that it was ok to dress up as fish delivery men, walk into Frizzell's Fish Shop, look my wife in the eye and then blow her to smithereens.

I was told some years later by the young people who attended the Saltshaker, that they didn't know what to do or how to feel either. It was a twentieth anniversary reunion event and the young people were all grown up with children and even grandchildren of their own. They told me how they supported the IRA's war for Irish unification but that the Shankill Bomb had confronted them with an uncomfortable truth, that the IRA had

murdered the wife of one of their pals. They told me how they wanted to attend the funeral but they couldn't as they didn't know if they would be welcome.

For years they carried this guilt around and you could see the cathartic effect that meeting me all these years later had on them. I was happy to be embraced and to demonstrate that I held no resentment towards them. In many respects we were all victims of our upbringing and those influences that constrained us to make choices, especially when we were children.

On thinking back, despite the bomb and the trauma it caused, I have been fortunate to have met so many wonderful people along the road. I wonder if I would even have been at the Saltshaker reunion if I had stayed on the road that I was on.

A weeping wound

Reconciliation matters to me and as much as I would love it to be the type exemplified by those that attended the Saltshaker reunion, I know it means different things to different people. For many of those that suffered, if 'reconciliation matters' then *'Legacy Matters'*

also, as they would point out that you cannot engage in a process of reconciliation whilst leaving the past untreated like a weeping wound that has formed a scab.

I have respect for this point of view, although I also see it as a potential hostage to fortune in the sense that even the most elaborate process to deal with the past will not deliver all the answers to all of the people. This has never happened anywhere in the world and it will not happen here either. But just because a process that aims to address the past isn't perfect does not mean that society should simply forget and move on. Yet that seems to be the direction of travel if the current British Government doesn't change track.

I have been involved at one level or another in every consultation on Legacy since 2002. These have included the Healing Through Remembering Report 2002, Eames Bradley Consultation 2009, Haass O'Sullivan Talks 2013 and The Stormont House Agreement 2014. That's almost twenty years of talks and whilst each initiative has been led by different leaders and has resulted in a slightly

different emphasis to the one that preceded it, essentially the issues to be addressed and the proposals to address them have been remarkably similar.

They have each come to the conclusion that there is no 'one size fits all', preferring instead to set out a menu of options on issues like 'truth' and 'justice', 'oral testimony' and 'building reconciliation'. They are each predicated on the principle of a process being 'victim centred' and interestingly they make no mention of the word 'amnesty'.

The fact that none of these initiatives has so far made it into legislation is seen by some as a damning indictment on successive British and Irish Governments, as yet further evidence that Governments and others have something to hide, and that the real game being played is to let the current generation of victims and survivors die off and, with it, any pursuit of the truth by families.

Victims must be 'at the very heart' of reconciliation

I am not sure I believe that but I will say this, if anyone thinks that families who suffered the loss of a loved one will one day

shut up and go away, then the findings of the recent Ballymurphy Inquest should make them think again.

I was privileged to have met many of the families in their long pursuit of the truth. Whilst at the start the campaign was led by spouses, parents and partners of those who died, it was then passed to their children and finally on to the grandchildren. In many respects, the Ballymurphy families, in the way that they conducted themselves is an example for us all. I recall the scenes at the Europa Hotel in 2009 when Robin Eames and Dennis Bradley were presenting their report on the past. Many of the families were heckled by other victims with shouts of 'scumbags', simply because they had the audacity to stand up for the truth, that their loved ones were innocent and were murdered by the British Army amidst slurs that they were 'gunmen and gunwomen'.

Legacy mattered to these families and it matters to us all, regardless of who we are or who did the killing. There need be no further consultations as it is only time wasting. The issues to be addressed have long been

rehearsed and now we need politicians to show some courage and implement what has been proposed in subsequent consultations down the years.

Victims should be at the very heart of these proposals as promised, but this needs to be seen in the actions that are delivered. Recent talk of an amnesty by journalists and others who lost no one in the 'Troubles' needs to be resisted. I am not naïve enough to believe that perpetrators are going to see any jail time, but those who believe that taking the threat of jail time off the table unconditionally will result in a mass outpouring of the truth are living in a 'fool's paradise'. Victims need to be up front and centre in all of these discussions. There can be no more Lambeth Palaces, where those with vested interests talk amongst themselves and the victims who really matter are left outside the door.

It is not impossible! The benchmark shouldn't be to meet the needs of everyone who suffered! That would be impossible. There will always be those who are too damaged, too hurt and too angry to engage

in any process to deal with our past. But with the right amount of sensitivity and proper meaningful engagement with those that suffered, healing is possible. I will conclude this article with the work of Jon Boutcher and Operation Kenova as a case in point. Op Kenova has 31 files with the Public Prosecution Service. Although it remains to be seen what will happen, the real success of Kenova does not rest with the outcome of these files but with the way Boutcher went about his business and engaged with the families, uncovering truths, some small, some not so, that had long been hidden.

Jon Boutcher engaged families in this way because he knew that legacy mattered. I hope that those charged with looking at legacy believe the same.

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Legacy and Oral History

by Claire Hackett

Dúchas and the Belfast Conflict Resolution Consortium

IN JANUARY 2000 I began work in Falls Community Council to set up an oral history archive about the experience of the conflict. The archive was called Dúchas, an Irish word meaning 'the experiences that make us what we are'. At first, we gathered interviews grounded in the community of nationalist west Belfast and often based around particular themes. Our first interviews for example, were based on the events of 1969 at the outbreak of the conflict when hundreds of people in West Belfast were burned out of their homes in what we now call interfaces.

Although we focussed on the community of nationalist west Belfast we also sought out interviews connected to the community in different ways. We were able to record the first of a number of interviews from ex-British soldiers, a man who had served a tour of duty in west Belfast. We also gathered some interviews from Quakers who had set up the

visitors' centre at the Maze Long Kesh prison to support families of prisoners, through which many families from West Belfast passed. The Dúchas archive was originally conceived as part of a conflict resolution project so we always looked for ways to record interviews from people from different backgrounds and positioned differently in relation to the conflict. We were perhaps most interested in interviews from unionist and loyalist communities. But in those early years that proved impossible.

That changed when I began to work with Sam White who has written about oral history in an article accompanying this one. Sam became a work colleague when we both began working with the Belfast Conflict Resolution Consortium (BCRC) which was set up to defuse tension at interfaces and work on common goals. BCRC was supported by Falls Community Council and I joined the team while trying to keep the Dúchas archive going in the absence of funding for it. Sam became very interested in my oral history work. He asked me to bring some of the Dúchas interviews to a number of community

groups in East Belfast that he was working with, including Charter NI. Those first meetings were very tentative but gradually we began to design the project - Bridging Oral History - that Sam describes. In 2010/2011 the Falls Community Council managed to secure a small grant from Belfast City Council to support it.

At its outset Dúchas had designed oral history training for volunteers to carry out interviews and we used this to train interviewers that Charter identified from their staff and volunteers. This was a key part of the community development approach that underpinned the project ie. that the interviews would be carried out by people from their own community. The exception to this actually was Sam – in the lead up to the project he agreed to be interviewed by Sinn Fein's Joe Austin, who had been working with the Dúchas archive. This helped to build the ground for the project and fostered confidence in it.

Bridging the Oral History divide

A key part of Bridging Oral History was the agreement that the partnership between Falls Community Council and Charter NI

would be explained to the contributors and all would be given the opportunity to deposit their interview with Charter NI and also, if they chose, with the Dúchas archive. For our part we were hopeful that contributors would agree to deposit with Dúchas but we knew that we could not take this for granted. When the majority did go on to deposit with Dúchas, we felt this reflected the positive experience that people had had and the relationships that had been built during the project.

My colleagues Lisa Moody and Joe Austin worked with me on the project, delivering training to the volunteer interviewers and then providing one to one mentoring support. We learned anew the power of communities gathering their own stories, the impact on both interviewer and contributor, and the unique insights of each individual story.

It was not however all plain sailing and there were some communication breakdowns during the project. Because the grant was very small, we at Falls Community Council had thought that we should put all the funding towards gathering and transcribing the

Charter interviews. It was only towards the end of the project that we realised that the expectation from Charter and its contributors, was that there would be reciprocal contributions from the nationalist community in West Belfast. This belated realisation meant that there was an uneven participation in the project. So, while we were able to gather more unionist community interviews, this was at the expense of building reciprocal relationships through oral history and community development. We learned from this experience when we applied to Peace 3 for a more substantial oral history partnership project in 2012.

Despite these difficulties the Bridging Oral History project broke new ground and much was learned. The project ended with a very well attended celebration event at the Park Avenue hotel in East Belfast with guest of honour Peter Robinson, who was then First Minister. It was Charter who secured his attendance and his presence certainly helped to highlight the significance of the grassroots work that had been achieved by Falls Community Council and Charter NI.

Both organisations had devoted significant unfunded resources of staff and volunteer time to make the project happen. During his speech at the celebration event, Peter Robinson linked the oral history work that had taken place, to the potential of the Maze Long Kesh site – indicating for the first time that he was in favour of that development. This breakthrough however was short-lived, as the Maze Long Kesh site development was again overtaken by contention and controversy. While it remains a possibility in the future it is currently suspended. This is a reminder that the work of dealing with our conflicted past is difficult, incremental and there are often setbacks.

Two years after Bridging Oral History, Dúchas was able to secure more substantial funding from the EU Peace 3 programme for oral history work. The model we used drew on the learning from Bridging Oral History. We sought partnerships from a range of groups including Charter. The other groups were Shankill Women's Centre, Forbairt Feirste, Epic, Belfast Taxis Community Interest Company, Fáilte Feirste Thiar and

the Shankill Area Social History group. The partnerships included groups from both unionist and nationalist communities and thereby sought to redress the imbalance that had been experienced by Charter.

Pieces of the Past

The new project, called Pieces of the Past, again took a community development approach. There was a steering group composed of representatives from all the partner groups. There was a small staff group and a larger group of volunteer interviewers who were trained and mentored by the staff. The project gathered interviews from 104 contributors. Each of these layers of participation in the project involved work across political and community differences and divisions.

At the beginning of the project the steering group met several times to work out a common position on gathering the interviews. Everyone shared a belief in the importance of hearing ordinary people's experiences of living through the conflict and the discussion focussed on how to gather interviews responsibly and in a way that would

empower the contributors. There was also a desire to explore differences and gain a deeper understanding of each other. The membership of the steering group changed during the lifetime of the project but all members stayed in contact with the project and continued to promote and support the work. As part of the project we organised a series of public community discussions on historical topics. This was done to explore our history and open up wider community conversations.

The project created a lasting legacy, not just through the collected interviews which revealed many diverse experiences of living through the conflict, but also the relationships which were formed. There was a deep commitment from all the partners and the relationships have largely endured. The project also changed the Dúchas archive as it has now created different collections within the user interface and these have the name of the partner organisations.

The Pieces of the Past project and its precursor Bridging Oral History had however limitations on what could be achieved in terms of dealing with the past. Much of the

interaction took place between the steering group, staff and volunteer interviewers. There was much less contact between the contributors. This was largely to do with the ambitious targets that were set for gathering interviews which left much less time for the complex and sensitive work of sharing stories. One significant achievement was that the contributors all agreed to take part in the production of a book made up of extracts from the interviews. But we were not able to write an explanatory introduction to the book that outlined the context of the conflict. In the limited time we had, this was not even attempted. Even if we had had the time it would have been an extremely difficult task. The groups worked well together but there were huge differences between us about the meaning of the conflict. This work of uncovering the root causes as well as the impact of the conflict requires a much more comprehensive and structured approach to dealing with the past. It entails many other elements including investigations, truth recovery, reparations, and commemoration.

Oral History narratives central to dealing with the past

Since the Good Friday Agreement there have been several attempts to design a comprehensive approach to deal with the legacy of the conflict and these have included recommendations about the role of oral history and storytelling. The 2014 Stormont House Agreement (SHA) was agreed by all the political parties and proposed the establishment of a Historical Investigations Unit, an Independent Commission for Information Retrieval, an Implementation and Reconciliation Group and an Oral History Archive. The SHA legacy proposal was short on detail but when it eventually went out to consultation in 2018 it received thousands of responses, including very thoughtful and in-depth submissions from many groups and individuals. One of the most detailed responses to the proposal for an Oral History Archive came from a group called The Stories Network of which the Dúchas archive is a member.

In July 2019 the British government committed to the full implementation of the SHA legacy proposal. As we now know however the current British government has abandoned fundamental elements of the SHA, and specifically the justice and investigative aspects. The proposal for an Oral History Archive remains and it is difficult to shake the suspicion that this is intended to be a replacement for truth recovery and investigations. Such an approach can only do a disservice to the valuable work of oral history.

Oral history is an important part of dealing with the legacy of the conflict. The interviews show the complicated histories and experiences of the conflict in a way that allows for engagement at many levels in the present, as well as leaving a legacy for the future. Many of the interviews in the Dúchas archive, and other conflict oral history projects, reveal the harms caused during the conflict and make compelling arguments for the investigations that need to be carried out. The Pieces of the Past project described above did not set out to gather interviews from people who had been bereaved as a result of

the conflict but many of them contained this experience. For most of these contributors the grief of their loss was compounded by repeated failures of investigation. Many other interviews show the other harms caused by the conflict which have yet to be recognised and accounted for. Far from being an alternative, oral history narratives make clear why there needs to be a comprehensive and integrated approach to dealing with the past.

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History and Remembering- Voices from The Past

by Sam White

An empowering experience

Telling stories is one of the simplest, most effective and inclusive ways for individuals and communities to share their past and examine the complex relationship between memory and history, as I discovered when I became involved in a ‘Sharing Contentious History’ project in 2011. Its purpose was to record oral history interviews from loyalist and republican communities in East and West Belfast and share these in public events across both communities.

It also allowed me to reflect critically on my own life and do it collectively with other people who lived through those events, although often from different and conflicting perspectives. It was a very empowering experience to carry out research with neighbours and former opponents instead of having research done ‘on’ us and our communities by academics and outside agencies.

Without exception, everyone we contacted

was keen to be interviewed. They wanted to see more being done to promote local oral history programmes. When asked why they agreed to be interviewed, all of them gave more or less the same reasons, whether they were from local interface groups, victims groups, residents or ex-prisoners groups. They felt that it was a good opportunity to give a true account of the suffering their communities experienced during the conflict. The interviewees further welcomed the possibility for young people to learn from our past if they participated in the project. It was felt that young people especially could be encouraged to lead normal lives and play active roles within their communities if they understood the sources of the conflict that plagued us for so long and the suffering it had caused in the past.

As one interviewee put it, “I think it’s a good thing to teach people what you have been through yourself and hopefully the next generation doesn’t have to go through the same thing as this generation.” Similar sentiments were expressed repeatedly by other interviewees. However, I felt that many participants in the project actually relived

their experiences while talking about them and in some cases became quite emotional. I admit this was something I was not really prepared for.

Broadening people's horizons

People were sometimes apprehensive at the start of the interview but we were very successful in creating a relaxed atmosphere for them in this unfamiliar situation. As one interviewee said afterwards, 'I was a bit apprehensive until I actually went into the interview and was made to feel very at ease. I actually felt very comfortable and once I started it was quite easy to recall events.'

Some were afraid of "saying silly things", as one female interviewee put it, about discussing certain issues that happened in the past. However, they acknowledged that the interview process was appropriate and many were glad of the opportunity to be interviewed as it gave them the opportunity to speak to young people. As one person put it, 'It was good to speak, to put my views across for future reference so that the same mistakes can't be made again.' It was fascinating to hear how the interviewees

continually related their concerns for the young people in their community and their futures.

One disappointing aspect of the project for some interviewees was the lack of contact between our community in East Belfast and the Lower Falls where the other half of the project was taking place, especially at the relatively little involvement there was in the East Belfast events, which disappointed some people. But there were many reasons for this. For instance, one woman said "Well in the first place I didn't know about it, but if I did I would have gone". She also expressed concern that as a wheelchair user "maybe I couldn't get in... maybe it didn't have the access", reflecting the sort of problems faced by many people living in communities affected by decades of neglect.

Nevertheless, the majority of people in our project found participation in events was positive and enabled them to reflect on the past, even though when listening to the recorded interviews they again became quite emotional.

One of the most important conclusions to emerge from the project was the unanimous feeling that if young people could play a more positive role in the project, we could engage with them more proactively to deter them from violence. In that context I found there was considerable recognition of the potential positive role for former members of paramilitary groups. As one interviewee put it, “I personally see a lot of good work being done in the community by ex-combatants, a lot of good work and I really appreciate it.”

Some of the research done and trips undertaken abroad widened people’s horizons in more ways than one. As one participant said, “I done a project over in Krakow and we got together with the Polish people and they went through a hell of a lot in the 2nd World War. We think we were down trodden, they were really down trodden”.

An important result of this shared experience was the emergence of a general consensus that the Bridging Oral History project should broaden its framework to engage more with excluded groups and individuals in the community. Not only

would it help them but it would help build trust within the project, thus benefiting everyone.

Developing shared understandings with the ‘other’ community

As a result of our experience using oral history to develop a better understanding of our past and that of communities such as the Lower Falls in West Belfast we realised that we needed to build better relationships. We have a ready-made vehicle in Oral History projects but even with the best will in the world we have to acknowledge the difficulties, including the challenges involved in overcoming long established perceptions of the “other” community. You cannot eliminate generations of conflict overnight but you can build core relationships both within and across projects with people committed to carrying out similar work in their own communities.

One of the spin-offs from the Oral History project was the range of suggestions put forward by those who were interviewed, which showed how effective the programme was in terms of developing better community relationships. These included:

- Site visits to the Falls Community Council's Dúchas Project which has been working since 1999, recording the history of the area and it shows just how much catching up we have to do within our own community
- Interaction with participants on similar projects in Nationalist communities, and
- Re-launching the East Belfast oral history project to archive and showcase the interviews in the Andy Tyrie Interpretive Centre East Belfast and to celebrate the success of the project.

Improving cross community and coming to terms with our past

By improving cross community co-operation and engagement within and between East and West Belfast we will benefit in a number of ways including:

- Improvements in networking opportunities
- Better information sharing
- More effective project management

We now know how important it is for our communities to engage with the past. It has been found that in telling a story of past

trauma we can help achieve a degree of healing in what has the potential to be a difficult process.

An Oral History project can also play a crucial role in the wider development of communities that have had to carry the burden of the past largely unaided for far too long.

To help communities achieve their potential we have found that the following issues play a vital role in sustaining projects such as our own Bridging Oral History programme.

- Establish core relationships with statutory agencies
- Introduce media training for a professional approach
- Health care for participants
- Ensure all respondents establish core relationships

The report on our work highlighted the complexities involved in recovering the past and made us reflect on how we remember, what we remember and the degree to which we have often accepted uncritically 'facts'

handed down to us by those primarily concerned with promoting their own agendas. The experience certainly brought home to us the importance of making sure we deal with the past in ways that don't perpetuate intercommunity conflict in Northern Ireland. Collective memories and traditions can still evoke conflicting emotions even among participants in the project. But the fact that they have been willing to look at the past and question what were once long held certainties itself represents progress.

Reflection in the context of dealing with the past was a new concept for our community. The interviews highlighted that fact. Consequently, the research further enlightened me to the problems involved in confronting the gaps that can exist between lived experience and communal traditions. It made me ask what constitutes an acceptable past for an individual? If things have happened in the past which have been disturbing, then how does the individual concerned deal with them? Writing this report was a learning process for my colleagues and myself. One thing we were agreed on was the undeniable

and clearly warranted need to implement the recommendations listed above sooner rather than later.

A key realisation for me was the need for people to engage in cross community activity and learn to reassess past assumptions and perceptions on the basis of new knowledge and experiences. In this context, the project left us better equipped and gave us the confidence to tackle these challenging issues. There is still a lot to do and I believe that further research should be conducted employing a participant observation model. In addition, I would recommend the greater development of training programmes to improve the communication and counselling skills of all those undergoing training. This will help ensure our past can be part of the road map to the future and avoid going round in circles.

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Some childhood memories of life in Turf Lodge

by *Aine McCann*

I WAS BORN into 'The Troubles' and so I thought that that was how the whole world was. Growing up in West Belfast from 1969 onward my generation had never known any better, so when there was gun fire you ran and got out of the way, then returned to play when it ended. The familiar choppy sound of helicopters was the soundtrack to our childhoods. Men in uniforms walking the streets with guns, which they frequently pointed at you adjusting their sights while you were playing.

The British Army were part of the everyday rhythm of life as they patrolled. They provided entertainment as some people might shout things at them and some young lads might throw a few stones at them.

This is what happened in 1977 when Brian Stewart (13) was shot at the bottom of our street. We heard there was a stand-off with the army and some wee boys, three to be exact, and my friend from next door and the girl

across the road walked down the street past the army, who took no notice of us as we were only little girls.

A young soldier was being instructed by another soldier on how to use the gun he was pointing at the three young lads who were now just standing and staring at them. A ranked officer was there, he had a peaked hat, ribbed jumper and was standing with his arms behind his back observing. The other soldiers seemed older to me and were relaxed, leaning up against the fence of a pensioner's bungalow.

We walked past the army, turned and walked back past them again. The young lads threw one or two more stones, one of which landed at my feet. It was very small and was far short of its target. The lads continued to stare at the soldiers waiting to see what they were going to do. We went back into our street and continued to play. A few moments later all the kids were shouting that a wee boy had been shot.

We all ran down to the bottom of the street and looked down to see a boy's body lying on the footpath, his fair hair red from blood coming from his head. There were adults there,

they lifted his body into a neighbour's house on our street.

The army were still hanging about at the opposite end of the street where we had walked past them. They looked anxious and uncertain as to what to do. Lots of people began to come out onto the street as news spread, the big lads began to throw stones, the army began to run back towards the fort and the crowd followed. There was a helicopter flying overhead watching the soldiers as they were chased by the entire community to their barracks.

Myself and my friends went to see Brian's remains a few days later in his living room. His Mother sat beside the coffin. Brian had a big white bandage wrapped around his head.

Brian's file has been sealed by the MOD for the next fifty years, as has that of Julie Livingstone, whose best friend in school was my best friend's sister. We used to eat lunch together in the dinner centre in the Cross and Passion secondary school. I was in 1st year. Julie was 14 in 1981 when, after school, she was sent to the shop for milk. She was, like Brian, hit on the head by a rubber bullet.

Julie still had her school uniform on when she died.

There was an atmosphere of shock in the school after Julie's death, but unlike today there were no grievance councillors brought in and we just got on with it.

I was sent to the shop on a very quiet sunny Saturday morning a few weeks after Julie was killed. It was about half nine or ten. I was to go to the bakery and get a loaf of bread. I was pushing my baby brother of a year and three months in the pram and was near the shops when the gates of the fort opened and out came a single jeep with a soldier standing up on the back holding a gun. I thought this was strange as they always travelled in a type of convoy whenever they left the fort.

The jeep sped in my direction, towards the shops, which were in a row and had flats on top. I was just crossing the middle of these shops when the jeep pulled up. There were only children and some old people about. The soldier standing on the back of the jeep began to fire at the shops. We all ran. Someone held the door open for me as I ran with the pram into the bakery and over to the far corner and

pulled the baby from the pram. We all lay on the floor. The bullets smashed the windows and went into the wood panelled wall behind us sending splinters flying about.

The firing stopped and the soldiers drove back to the fort. A woman from the bakery asked me what I had come for and found a loaf of bread with the wrapper intact and gave it to me for free. There was glass all over the buns and cakes and on the floor. Older ladies never used bad language so I was shocked when the women in the shop referred to the soldiers as ‘mad bastards’.

I went home and told my mother what had happened and just got on with the rest of the day.

If there had been any fatalities, I am sure, like with the deaths of Brian and Julie, the army would have claimed that there was a riot as they usually did, and the rest of the world would be none the wiser.

We moved away from Belfast a few weeks later.

© *Aine McCann*



'The past is not dead. It's not even past' William Faulkner

by Liz McManus

DURING MY TIME AS A TD, I went to many public meetings. Americans call them Town hall meetings but I represented the rural constituency of county Wicklow so it was mainly country meetings I attended, held in community halls and parish centres; in small places like Askinagap or Ballyknocken: a few buildings at a crossroads, a school maybe, a church, a pub and yet, in my memory, the hall always overflows with people. Where do they all come from? I used to wonder. I knew why they came: to make their voices heard. To have their say. The central heating is turned on high at such meetings. Nobody ever takes their coats off, happily sweltering in the heat of passions raging and the sight of politicians on the platform getting roasted.

This is the stuff of Irish politics. It is not for the faint hearted

There were too many meetings for me to remember them all but there was one meeting I attended which I will never forget. It was

held in Crossmaglen in December 2008. I wasn't sure what to expect or whether I would even be welcome but I knew I had to be there. Not long before, in a Monaghan barn, a terrible, mind-numbingly cruel crime had been committed: a young man, Paul Quinn, had been beaten and battered to death. In their search for justice, his parents, Briege and Stephen Quinn, had garnered support from the local community. And they were reaching out to members of Dail Eireann in the hope of deepening that groundswell of support.

There were Christmas lights up in the main street of Crossmaglen when I arrived, and the community hall was full to capacity. The atmosphere was solemn, respectful and determined. People, who may not have ever spoken publicly before, spoke out in support of the Quinn family. The chairperson reinforced their message. He was a local farmer who recalled how the British Army raided his farmyard on a regular basis, how they had tied his hands with baling twine, and how he had always stood firm against them.

Not any more, he said, addressing the brother of a senior republican in the crowd.

We'll not protect you anymore.

It was an electrifying moment. I never expected to hear such sentiments expressed and certainly never in the heartlands of Crossmaglen. Then Paul Quinn's mother Briege spoke with extraordinary dignity and courage. There were TDs present for the main parties at the time and we promised her that we would pursue the case. And we did by securing a formal debate in Dail Eireann shortly afterwards. That day every party spokesperson spoke in the chamber. It was a fitting tribute to the Quinn family and to the community solidarity that had been shown on that dark evening in Crossmaglen.

It was a fitting tribute but a futile one

No one has been brought to justice for the killing of Paul Quinn. The sorrow of his family has not lessened. The support expressed by a community that night still goes unrecognised.

When a crime has been committed, recourse to a court of law brings certainty. There is an exploration of events leading to a verdict, punishment for the guilty or exoneration for the innocent and some kind of closure for those who have been wronged. It is,

for all its legislative apparatus and formalities, a simple process.

Our judicial system, along with our democracy, forms the bedrock of our society. And yet, neither the law nor the lawmakers have brought closure to families like the Quinns who suffered a terrible loss and continue to suffer to this day. With the passing of time the chances of a successful recourse to the judicial process are fading but the pain and frustration of those who have been hurt does not fade. There is an onus on us all to find another route to the truth. It is not an easy task but the Truth Recovery process offers a resolution as well as a challenge. It provides for some possibility of closure. The case has never been more compelling than now, as the British and Irish governments engage with all parties to find new ways to deal with legacy issues. The Stormont House Agreement provided for a foundation but now, years later, isn't it time to construct a process that is sustainable?

Those opposed to such a process argue that there is no precedent for it. After previous conflicts a line was drawn and the past relegated to what historians call 'social

forgetting'. Many people on this island were denied the chance of recovering the truth in the aftermath of the War of Independence and the Irish Civil War. They argue that the same principle should be adopted now to draw a line in the sand.

My answer to that argument is that, today, we have a much deeper understanding of the psychological damage caused by trauma, PTSD, grief and the lack of closure experienced by many people in the wake of the Troubles.

Today, as a matter of course, we avail of new skills of mediation, of intervention. In my view, when it comes to the legacy of the Troubles, it makes sense to avail of such skills to improve on previous responses. Through the establishment of a Truth Recovery process, we may help to tackle a lot of pain and hurt. I, for one, think that it is an opportunity worth taking.

A hundred years after the 1916 Rising, the Republic of Ireland has embarked on a Decade of Commemorations. As the decade proceeds, we as a society, are being confronted by our own history of conflict and

suffering. Speaking in Queens University Belfast in 2018 President Michael D Higgins argued for an ethical remembering of the past. 'I do not think we can gain anything' he said, 'by effecting any blanket of amnesia towards the past.'

We are being asked, in a reflective way, to recover the truth about our past. Truth recovery: it is a strange concept as if somehow truth had vanished and must be returned. But the truth of the Troubles hasn't gone away: it lives on, in the minds and hearts of many people on this island.

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Why the Protagonists Write: Literature and Legacy in Northern Ireland *by Connal Parr*

IN JANUARY 2021 it was announced that the Martin McGuinness Foundation would hold a poetry competition where entrants would write a poem ‘that reflects Martin’s legacy or his vision for a new Ireland.’¹ Entries were permitted in English or Irish and were judged by a panel including celebrated Derry poet Colette Bryce and actor Michael O’Keefe. Opening up such a public competition attracted some intriguing efforts, particularly from outside the spirit of the subject. Journalist Malachi O’Doherty, who grew up in a Catholic working-class area, contributed verse simply entitled ‘Martin’, where an arrest of McGuinness is retold by an ‘old peeler’ who wanted to present the Provisional IRA leader as being ‘a child and a coward, who’d cry, / a phoney soldier, leaking terror / Who’d not learnt, as he’d killed, how to die.’ O’Doherty’s entry unsurprisingly did not carry off the prize, which was created ultimately because

McGuinness enjoyed and wrote poetry.

Other entries came from those with an even firmer political grievance. A former prison governor penned a tribute to a policeman killed in the conflict in the right-wing *Spectator* magazine.² More powerful was a poem submitted by former Social Democratic and Labour Party councillor Máiría Cahill, who as a teenager was the victim of sexual abuse by Provisional IRA volunteers she knew. As with many victims, there is a raw emotion to the lines, though it also sets up McGuinness’s life as ‘juxtaposition’: ‘Loved and loathed in equal measure. / Breaking bread for a sup of soup in one house, drawing blood in / another.’ But Cahill’s poem struggles between the youthful IRA profile and the later figure McGuinness actually became: a leader who condemned hard-line Republican attacks (such as the killing of two British Army sappers at Massereene barracks in March 2009), and one who recognised the trauma inflicted by his organisation. Cahill’s poem wavers in agonised limbo between past and present, before categorically anchoring itself in the former:

*For decades the fisherman cast his fly and
reeled in the young
men, the madmen - and caught and
dumped the dead men.
Later, the churchmen and the statesmen
tripped over themselves to deliver
A eulogy fit for a peacemaker, but not for a
life-taker.³*

The departure of McGuinness as Deputy First Minister of Northern Ireland and his 2017 passing has had ramifications for the Stormont Assembly. There is little doubt – as Unionists have acknowledged – that there was a sincerity to his commitment to power-sharing, with positive working relationships formed with the Reverend Ian Paisley and then Peter Robinson.⁴ Though flawed and often toothless, the Assembly enjoyed an unprecedented nine years of function, far removed from the instability that has taken hold since. The Brexit vote of June 2016 bears some considerable responsibility for this, as does the enormous Renewable Heat Incentive scandal presided over by the Democratic Unionist Party; but political leadership and competency is also in short supply, especially

from the two largest parties. McGuinness's later persona, therefore, has some political value, which we are constantly reminded of by his absence and shortcomings of his successors.

All the above 'poems' are a legacy of the failure of Northern Ireland to come to terms with 'legacy'. Ostensibly about Martin McGuinness, they are instead a creative distillation of the political culture's failure to deal with the past. Understandable missives from a canon of pain, they are visions that are entirely fixed in the wreckage of the past, with little room for development and change. This is understandable because Martin McGuinness and many other Provisional IRA members never faced justice for the violent actions they organized and carried out, while – for many – the 'apologies' can be unconvincing and are usually followed by the ultimate disclaimer: 'It was a war.' There is no 'right' or 'wrong' response to this subject, and we should not be prescriptive over how we deal with the past to those bereaved by it. For others, including the present author, we will continue to reflect the histories and

voices who offer some potential movement and regeneration beyond this past. If that means sticking our necks out, we insist that it is essential that those who fought in the conflict must be involved in that process.

Republican writing

The Provisional IRA's foremost aim was a military one: securing a British declaration of intent to withdraw from Northern Ireland. Provos were therefore averse to deviating too much from the armed struggle. However, since the 1994 Ceasefire, literature and culture has joined electoral politics in becoming a significant element of modern mainstream Irish Republicanism. Though this appears most pronounced from the late-1980s and the beginning of the peace process, the seed of this change in thinking began, as is so often the case in Ireland, from prison. It is well-known that Bobby Sands wrote poetry and coordinated the arts programme in the H-Blocks, and one of his comrades, Felim O'Hagan, would pen a series of articles called 'The Culture of Republican Wings' ten years after the hunger strike. Published in four parts in a Newry-based Sinn Féin newsletter,

they made a number of points about responsibility, education, discussion, and 'accountability'. All flowed, O'Hagan argued, from the Republican experience in Long Kesh: 'the blanket' to the streets and homes of the people. 'Cultural struggle' involved 'the transition from dependency and a sense of powerlessness toward conscious participation and a sense of individual worth within common collective purpose.'⁵ Not only did this confirm the 'group-based' Irish republican approach to politics and culture, it also reflects how republicans have kept connected with those in their communities on the bottom socio-economic rungs, left behind in poverty or economic despair. This is different from Unionist communities and explains, in part, why disillusionment is emerging in Loyalist working-class areas in a way that is not replicated to the same degree in nationalist working-class areas.

O'Hagan downplayed how important the Irish language would be in this process, valuing instead 'how [republicans] communicated'.

He outlined carefully what was about to happen and how interested republicans were in the long game:

The process of cultural struggle is a never-ending one; it is slow, painful and full of conflict but without it there can be no progress. The conflict we speak of is a conflict of ideas and it is one which the lessons of history and of struggles in other lands show to be essential for the development of any revolutionary organisation.⁶

Since this was published in 1991, Irish republican writing has grown exponentially. Daniel Magee, Danny Morrison, Ronan Bennett, Sam Millar, Brenda Murphy, and Laurence McKeown have written plays, novels, film scripts, and/or poetry, and received critical attention. All spent time in prison (in some cases their convictions were later quashed). Gerry Adams has written short stories and Patrick Magee, who bombed Brighton's Grand Hotel in October 1984 almost killing UK Prime Minister Margaret Thatcher, explored the fiction of the Troubles in a book and more recently released a memoir.⁷ Another republican writer is poet Frankie

Quinn (1960–), who runs a support group for ex-prisoners in Dungannon. Quinn admitted in an interview that along with his literary pursuits, 'I'm still focused on achieving Irish unity and Irish freedom. The only thing I see as having changed is strategy and tactics.'⁸ This might appear a limited creative exercise, but Quinn is speaking honestly, and he also uses his former persona as one who was once involved in the conflict to try and steer others away from present-day (or future) acts of violence. 'Irish unity wasn't achieved by armed struggle', Quinn confirmed, and he rejects 'pointless' armed attacks as well as the behaviour of 'hoods' who put up flags and build bonfires in republican areas.

Quinn also made the extraordinary statement that revered Irish poets such as Seamus Heaney and W.B. Yeats 'never wrote anything' about the conflict in Ireland.⁹ To anyone who knows anything about Yeats and Heaney, the statement is ludicrous. Yeats's '*Easter 1916*' is one of the most famous Irish poems of all time, and Heaney's work contains a myriad of references to the Troubles, including a famous poem about

encountering Danny Morrison on a train (the latter enquiring of Heaney if he would 'write / Something for us')¹⁰. It also places an unfortunate pressure on writers to conform to a communal line, though, in fairness, rather than simply complain about other writers, Quinn himself managed to write about his own 'war'. Numerous poems by Quinn take in the conflict, including 'Treadmill':

*By bulldogs' enemies a creation of
Arrogances dangle on batons
Wielded behind a generation
Who didn't turn and run.*¹¹

While a few volunteers in that generation might not have turned and ran, they did turn and accept power-sharing and the same principle of consent those in constitutional nationalism (the SDLP) argued for back in the early-1970s.

Other republicans have come to a less defiant view than Quinn after their time in prison. Tony O'Hara, brother of Irish National Liberation Army hunger striker Patsy, recently published his own book and commented that he felt his brother fasted to his death 'in vain' because Patsy 'died for a socialist republic.

Not for a state that, even if the border goes, is run by the likes of Micheál Martin, Leo Varadkar, or Mary Lou McDonald – an Ireland where there's poverty, homelessness, and austerity'.¹² The generation who 'didn't turn and run' are thus quite conflicted about what the concrete achievements are of those who made peace later. Ricky O'Rawe is an intriguing case because his non-fiction books *Blanketmen* (2005) and *Afterlives* (2010) both upended the traditional Irish Republican narrative around the 1981 Hunger Strikes in their revelation that a deal was offered by British authorities before the death of the fifth Hunger striker Joe McDonnell. The upshot of O'Rawe's claim was that the prolonging of the hunger strike was for political reasons, and therefore that a number of deaths were unnecessary. O'Rawe now writes novels, including *Northern Heist* (first published in 2018), based on the Northern Bank robbery of December 2004, with a Bobby Storey-like central character. *Northern Heist* recently secured a US release, and O'Rawe has noted that American publishers – and readers – seem to derive much of their interest in it

from the fact he had actually robbed a bank. As a former IRA volunteer-turned-novelist who served time for robbery, this speaks much of the way protagonists in the Northern Ireland conflict can be lionized and deemed fashionable in cultural terms by readerships outside of Ireland, primarily to sell books. Nevertheless, for those who dig deeper, there is more than meets the eye in the case of this particular author, as with others.

Loyalist literature

Loyalists have had a less conventional road to literature, but this has not been as absent as is often portrayed. In the early days of the Open University in Long Kesh, Ulster Volunteer Force prisoners actually outnumbered Republicans (especially Provisional IRA volunteers) taking university degrees,¹³ while handicraft workshops, leatherworking classes, and mural paintings honouring artists such as William Connor stimulated creative spirit. Loyalists received visiting lectures from academics (including Miriam Daly) and poets like Michael Longley, who wrote a private letter warmly outlining his apologies for missing a few visits and suggesting some future

sessions at the end of 1973.¹⁴ The reading requests of UVF prisoners included Yeats, Lady Gregory, George Russell (Æ), George Bernard Shaw, St. John Ervine, Mary Shelley, and William Wordsworth.¹⁵ This once again refutes the usual understanding of Loyalist prisoners as men whose cultural interests behind bars were flute bands and pumping iron. Outside Long Kesh, Andy Tyrie and Sammy Duddy wrote a play (with Michael Hall) called *This Is it!*, which was performed in community halls in the early-1980s. In it, an Ulster Defence Association man bristles at Loyalism's predicament:

DAVE: Those ones out there on the platforms do all the mouthin' – THEN IN A PAISLEY VOICE. "Ulster will fight and Ulster will be Right" "The Protestant People will not tolerate this any longer." But who does the fightin! Us! The ordinary Prods! That lot keep their noses clean. What gets up my nose is after having goaded us into action, they turn round and fuckin' disown us. We're just dirt then!"¹⁶

In 1983, Duddy published his own poetry collection *Concrete Whirlpools of the Mind*, while Brian Ervine, brother of David and a future Progressive Unionist Party leader himself, wrote the play *Somme Day Morning*, which was staged on the Shankill Road in November 1994.

In recent years, Robert ‘Beano’ Niblock has appeared as perhaps the key writer to emerge from the conflict on the Loyalist side. Sentenced to life imprisonment for the murder of another young loyalist in 1975, Niblock fell under the complicated mentorship of UVF leader Gusto Spence in Long Kesh. He also began writing, emerging from prison in 1993. Sixteen years later Niblock’s first play *A Reason to Believe* was staged, to some controversy,¹⁷ at the Spectrum Centre on the Shankill Road as part of Féile an Phobail/West Belfast Festival. Niblock’s second major play *Tartan* was staged in May 2014 in several venues across Belfast, including Cultúrlann, the Skainos Centre (east Belfast), and the MAC theatre. Ultimately seen by 1,600 people, the energy of the play and the resonance of its themes were

unforgettable.

Part of the power of *Tartan* was its depiction of how young people in working-class areas were misled and recruited into paramilitary groups by seniors in the community. The ‘tartan gangs’ were, of course, a connected phenomenon to the UVF, and if you were a Catholic – or indeed any faith – you would not have wanted to run into them. But the play hinged on a critical scene, which closed the first half, when a leading Loyalist godfather named Dicky (in his late-forties) appears. He holds a stone aloft:

*Dicky. See this—a stone—what good is this? Yez throw one of these at the Taigs—they’ll lift it and claude [throw] it back--- stones aren’t the answer.
He puts his hand in to his coat and brings out a revolver—the crowd buzzes-----
He throws the stone to the ground---
Raises the gun above his head---
----But if ya fire one of these-----
He fires three shots in the air---the noise is deafening—the crowd cheer wildly.
Dicky [shouts]-----the bastards won’t be able to throw back!¹⁸*

For the teenage gang in the play, guns are thereafter substituted for stones, rendering a deadlier scenario. They swear into the UVF and cross the Rubicon. Anyone watching *Tartan* knew that this was about young Protestant working-class men now, as well as being a broader piece where Niblock looked back on a former self who had been involved in violence. Now passionately committed to helping young men avoid this fate, he has continued to write both plays and poetry.

We Taught our Children How to Lie

Niblock's most recent theatrical piece is *We Taught Our Children How to Lie*, a title that comes from a veteran who said in an interview that he told his child not to tell other kids in school that their father was in the Ulster Defence Regiment (UDR). Around 2016, Etcetera Theatre Company, which promotes Loyalist engagement with the arts and has produced Niblock's work before, was approached by a Greenfinch who was part of a UDR group suffering from post-traumatic stress disorder. The group 'wanted to tell their story and thought that a piece of drama was the best medium.'¹⁹ Niblock and

Etcetera's artistic director William Mitchell (also a director of the Action for Community Transformation initiative), held a number of workshops with an extended group (as many as sixteen) who laid bare their experiences as part-time reservists. Not all were veterans – one was a widow and another's father had been shot dead, and the group environment meant that 'listening and seeing other people [talking] encouraged them'.²⁰ Etcetera struggled to gain funding for the play, but out of respect for those who had participated, Mitchell and Niblock went ahead in late-2019 with public readings in the form of a two hander (two actors) played over half an hour. Performances took place in East Belfast, Carrickfergus, and the Shankill Road (where the present author saw it in November 2019), and continued on into 2020. An audience of 150, including Ulster Unionist MLA and former British Army veteran of the Gulf War, Doug Beattie, saw it in Portadown in February 2020, with further readings curtailed only by the Covid-19 pandemic.

We Taught Our Children... is still at an early stage and is some way from a full production.

Part of the aim of the public readings was to gauge how valid the prospects were for a larger follow-up. Achingly honest, its narratives go beyond purely male staples of the conflict. One monologue is from a woman who recalls her young partner who had been a reservist. Aged 20 and 21 respectively, they had got engaged:

Every penny we had was going towards the wedding.

That's why Lenny became part time.

He had to keep it under wraps because he was going to tech at Millfield and they had mixed classes.

His Dad was already part time and so was his uncle.

He liked it. Met some good fellas.

It cut down on us meeting 2 or 3 nights a week.

But we both knew it was worth it.

His patrol was fired on one night when he was only joined.

Said it scared the crap out of him even though no-one was hurt.

Brought home the reality of what was going on he said.

Stopping off for a 'celebratory drink', normally off-limits for being too dangerous, they talk:

About us.

Work.

Family.

Music.

Fashion.

The future

Always the future

After staying for one more round, she hears the gunshots from the restroom:

I knew right away it was Lenny.

Ran out of the toilet and found Lenny lying at the bar in a pool of blood.

Shot in the head. Four times.

The only other person in the bar was the barman. He stood motionless behind the bar.

In shock.

The rest of the customers had left the bar.

Lenny was beyond help.

I stood. Motionless. In a haze of lingering cordite.

Sooner.

Or later.

Help arrived.

Now.

*Nearly forty years later I still puke when I
smell a lit match.*

A firework.

I feel faint. I hide away at Halloween.

It's the smell.

The smell of death.²¹

Other male voices express harsher, more explicitly political sentiments. One former UDR man was investigated with others in October 1989 as part of the 'Stevens inquiry ballix'. It took four years to be cleared of charges, with the award of compensation not allaying his aggression:

Big fucking deal.

*Didn't stop people looking at you in a
different light.*

From shunning you.

Blanking you.

People who couldn't lace your boots.

To be branded in that way.

Think it doesn't hurt?

It hurt me.

Still does.

I didn't betray anyone.

I'm the one that was betrayed.

By the system.

And all for what?

*To speed up a peace process that's made the
like of me a scapegoat?*

That's what I call betrayal.²²

At times, it is as if an animal has been uncaged, and some former veterans who saw the early readings never wanted to see it again. Niblock acknowledges 'there's a lot of hurt in it, but that's their stories. When I'm writing for myself, I write from personal experience, which can be difficult for some people I know. But it's about honesty really – to defer to those people who contributed to what made that script. It was their stories now'.²³ Notable in this instance is that Loyalist paramilitaries (the UVF and UDA especially) were always the 'fourth class' option in the eyes of the Protestant community, after British Army, Royal Ulster Constabulary, and Ulster Defence Regiment. Niblock listened and wrote 'their stories' from the class below.

Niblock does not analyse or interrogate this subject's gut pronouncements. He does not compare feelings of 'betrayal' across different groups to provide 'balance'. This is verbatim theatre, telling a side from the

conflict without filter. Its most important effect is on those who will see – or have already seen – this piece, whose catharsis is achieved by seeing their story recognised. It highlights the grievances of an apparently forgotten cohort, whose trial and prosecution will lead to immense disillusionment.

The future of the mis-remembered past

While researching *We Taught Our Children How to Lie*, Beano Niblock picked up from his former UDR interviewees a sense of ‘collective abandonment, of feeling second class, of not being worthy’. While some of this centred on the way Sinn Féin had seemingly been allowed ‘to re-write the conflict’, blame was also directed ‘at the establishment and the perceived disinterest from many unionist politicians and some parties.’²⁴ Exactly the same disinterest characterised the original reception of Niblock’s *Tartan* in 2014. Many unionist politicians, who pay occasional lip service to Loyalist concerns, did not attend the production in any venue and did not engage with the play.

The past is often best left to writers who mediate the pain, grief, and anger of others.

Dramatist Damian Gorman recently worked with those who had lost relatives, or been injured in violence, for a piece set during 1972, the deadliest year of the Troubles. Staged at the Derry playhouse, it was called *Anything Can Happen – Voices from the Heart of the Troubles* and was acted by some who had shared their traumatic memories with Gorman. He explains how:

*writers can be useful precisely because they stand back from the fray. Rather than approach the issues by the Route One of organisations or politics, they take a step back, have a think, and approach issues side-ways. Not only that but, in writing our stories for the company of strangers, we have to think about what might carry to people not like ourselves. So our concern is what resonates across differences and division. We look for, and emphasise, what’s common or shared among people.*²⁵

Though the above hints that the best writing tends to emerge from those who have not been directly involved, those who have been active in a past conflict, such as Beano Niblock, can address it in a constructive and complex way,

and contribute to telling the story of those who feel unheard. Northern Ireland is a particularly unique case because those involved in a serious conflict, from different backgrounds, have tried to switch bombs and armalites for laptops and pens. One trajectory after the decommissioning of weapons is literature. But there is an even more important possibly preventative quality. Several of Niblock's poems frame a recurrent Loyalist experience and feeling of being goaded towards action by their 'betters', only to be condemned by the same people when they act on this incitement. Loyalists are well-used to being marched into violence by well-heeled unionist politicians, who then wash their hands of them. Though the Reverend Ian Paisley ('Grand Old Duke of York') is most famous for this, the archetype of the middle-class unionist who stirs the working classes only to later hang them out to dry stretches back to the 1920s. Legendary hardman Alexander 'Buck Alec' Robinson, who was a member of the 'A1' Ulster Special Constabulary (the 'A Specials'), recalled such a relationship in the mid-1930s.

As riots erupted in Sandy Row and then at the Springfield Road/Lanark Way interface in early-April 2021, one of Niblock's poems resurfaced on social media. Suitably titled '*The Men Behind the Ire*', it reflects how mainstream and 'big House' unionist politicians, 'With their jingoistic mandates', stood 'on high to pontificate':

*Dog collared – or policies in hand
At ease in lording masses
Deceitful, devious scheming plans
To command the under classes.*

Rooted in divisions of social class, the rest of the poem can only resonate with young Loyalists in working-class communities who are still being led into the future of the mis-remembered past, which is not theirs and holds little for them beyond criminal convictions and stale cycles of violence. It is the trap that still exists for Loyalists, and which those who have been through the conflict can best articulate against.

*They swore to fight – to go to war
Until all OUR blood was done
To battle and to lead the way
And boldly lead us on.*

*And lead us on they did and more
Down a bloody path of no return
Too late we realise the artifice
A valuable lesson slowly learned.*²⁷

Though this is difficult for many victims of the Troubles to hear, these are the voices that still need to be heard. They warn the young and mis-led of the minefield of the past, rejecting the incitements of those in 'Ivory Towers' who did not spend years in jail, yet who continue to urge Loyalists to 'fight physically' in the expression of their political fears. Those who have been involved must continue writing.

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- 1 *Derry Journal*, 26 January 2021.
- 2 Ian Acheson, 'Is a poetry contest really the way to remember Martin McGuinness?', *The Spectator*, 8 February 2021. Available at: <https://www.spectator.co.uk/article/is-a-poetry-competition-really-a-fitting-way-to-remember-martin-mcguinness->
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- 4 Ben Lowry, 'McGuinness seemed to want to make amends for the past', *Belfast News Letter*, 21 January 2017.
- 5 Felim O'Hagan, 'The Culture of Republican Wings (Part 4)', *Scéal*, No. 254 (5 December 1991), p. 4.
- 6 Felim O'Hagan, 'The Culture of Republican Wings' [Part 1], *Scéal*, No. 251 (15 November 1991), p. 4. O'Hagan co-edited the book of republican prisoner recollections *Nor Meekly Serve My Time* (1994) with Brian Campbell and Laurence McKeown.
- 7 Patrick Magee, *Gangsters or Guerrillas? Representations of Irish Republicans in 'Troubles Fiction'* (Belfast: Beyond the Pale, 2001); *When Grieving Begins: Building Bridges After the Brighton Bomb* (London: Pluto Press, 2021).
- 8 *Irish Times*, 31 August 2019.
- 9 *Andersonstown News*, 3 July 2019.
- 10 Seamus Heaney, 'The Flight Path', in *The Spirit Level* (London: Faber and Faber, 1996), pp. 25–26.
- 11 Frankie Quinn, 'Treadmill', in *Open Gates* (Derry: Colmcille Press, 2021), p. 47.
- 12 *Belfast Telegraph*, 1 May 2021.
- 13 Philip O'Sullivan and Gabi Kent, 'Pioneers and Politics: Open University journeys in Long Kesh during the years of the conflict 1972–1975', in *Degrees of Freedom: Prison Education at the Open University* (Bristol: Policy Press, 2020), pp. 37–42.

- 14 Michael Longley, Letter to James Magee, 5 December 1973. James Magee Papers.
- 15 See their call for books in *Combat magazine*, Vol. 4 No. 22 [1979], n.pag.
- 16 Andy Tyrrie, Sam Duddy and Michael Hall, *This Is It!, Theatre Ireland*, No. 7 (Autumn, 1984), p. 27.
- 17 'Appeal for truth about 1975 murder', *Belfast News Letter*, 12 August 2009.
- 18 Beano Niblock, *Tartan* (Unpublished script, 2014), p. 35.
- 19 See Christopher Owens in conversation with Beano Niblock, 'We Taught Our Children How to Lie', *The Pensive Quill*, 18 October 2019, available at: <https://www.thepensivequill.com/2019/10/we-taught-our-children-how-to-lie.html>
- 20 Interview with Beano Niblock, Belfast, 24 February 2020.
- 21 Beano Niblock, *We Taught Our Children How to Lie* (Unpublished script, 2019), pp. 16–17.
- 22 Niblock, *We Taught*, pp. 18–19.
- 23 Niblock interview.
- 24 Owens in conversation with Niblock, *Pensive Quill*, 18 October 2019.
- 25 Damian Gorman, *As If I Cared: Poems and Other Parts of Life* (Belfast: The Junction, 2020), p. 73. Due to the pandemic, performances took place in front of an empty theatre, but were broadcast worldwide in September 2020. It is available at: <https://www.youtube.com/watch?v=DvDAQTAo0tk>
- 26 Roy Garland, *Gusty Spence* (Belfast: Blackstaff Press, 2001), pp. 44–5.
- 27 Beano Niblock, *Battle at Oldbridge...and Other Poems* (Belfast: Beano Niblock, 2014), p. 17.

Dealing with the legacy of the past

The Pat Finucane Centre/Justice for the Forgotten is a NGO that has worked with families and survivors of the Northern conflict for over 25 years providing advocacy support in both jurisdictions. During that time we have engaged and continue to engage with statutory bodies on their behalf – PSNI (and previous to the PSNI, the RUC); Gardaí; Serious Crime Review Team within PSNI; Historical Enquiries Team; the Legacy Investigation Branch within the PSNI; the Office of the Police Ombudsman and, more recently, Operation Kenova,¹ Operation Denton² and also Coroners’ Inquests. Why have we engaged with these various bodies? Because these are the entities which either hold the information that the families represented by us are seeking, or who can legally demand access to it. We engage with these bodies in a critical and discerning way in an effort to obtain as much information as possible for the families concerned.

We take our cue from the families who seek truth and acknowledgement which, hopefully, might lead to reconciliation. Only in a tiny minority of cases are families wedded to prosecutions, but we contend that those families’ wishes must be respected. We are involved in a number of ongoing prosecutions and are, therefore, aware of the potential strengths and weaknesses of the prosecutorial process.

From our vast experience, gained over more than two decades, we have reached a thorough understanding of what families require from a legacy process and how the organs of the state respond. One of the most disturbing and frustrating aspects of our work has been watching repeated attempts to set up legacy mechanisms which have all ended in failure.

Stormont House and its antecedents

The Stormont House Agreement (SHA) took a lot of time, effort, hard work and patience during difficult negotiations in order to arrive at a consensus. It was brokered in 2014 and accepted by four of the five main parties in the Northern Ireland Assembly

together with the British and Irish Governments.

It includes a binding international agreement between the two Governments. The Irish Times reported as follows:

The DUP First Minister Peter Robinson and the Sinn Féin Deputy First Minister Martin McGuinness made clear that they would endorse the document and while varying degrees of reservation were expressed by the SDLP, the Ulster Unionist Party and Alliance, they too indicated a willingness to acquiesce to the proposals.³

The agreed legacy mechanisms were only one part of the Agreement which was the latest in a longline of attempts to find a holistic method of dealing with the legacy of the recent conflict. Its genesis can be traced back to the 2006 report of Healing Through Remembering;⁴ Making Peace with the Past, Options for Truth Recovery Regarding the Conflict in and about Northern Ireland;⁵ the 2009 Report of the Consultative Group on the Past (Eames/Bradley report)⁶ through to the proposed 2013 agreement brokered by Richard Haas

and Megan O’Sullivan which dealt with contentious issues including legacy.⁷ Each of these initiatives proposed a form of robust investigative process as well as a truth recovery mechanism. Some of these proposals were more measured and developed than others but their common thread was the necessity for investigation. They also acknowledged that investigations alone might not provide all the answers required by families and, therefore, some form of ‘truth-telling’ process would be necessary.

Although a majority of the families with whom we work come mainly from the nationalist community, we do support a minority of families from the unionist community. It is our experience that families, whatever their allegiance, generally want honest, factually-based, impartial investigations. This is true across the political spectrum in the North, despite attempts to insert divisions.

‘Binning the Agreement’

As noted above, the Stormont House Agreement was agreed by four of the five parties and both governments. On 18 March 2020, however, the Secretary of State for

Northern Ireland, Brandon Lewis, binned the agreement unilaterally. He set out how the British Government intended to deal with legacy issues in the form of a Written Ministerial Statement (WMS):

Victims who suffered unimaginable pain as a result of the Troubles are at the heart of our approach to help Northern Ireland move on from its past towards a brighter future.

We hope that by giving as many families as possible information on how their loved ones lost their lives, we can help ease the difficult process of reconciliation.

We owe a huge debt of gratitude to our Armed Forces for their service in Northern Ireland. That's why these proposals also put an end to repeated reinvestigations where there is no new compelling evidence and deliver on our promise to protect veterans from vexatious claims.⁸

His statement outlined the British Government's thinking on legacy and linked it very definitively with the Overseas Operations Bill which was introduced in Parliament on the

same day. The opening paragraph of that Bill reads:

Today the Government announced the introduction of **legislation to provide greater certainty for service personnel and veterans** [emphasis added] who serve in armed conflicts overseas. Alongside this, we are setting out how we propose to address the legacy of the past in Northern Ireland in a way that focuses on reconciliation, **delivers for victims, and ends the cycle of reinvestigations into the Troubles in Northern Ireland that has failed victims and veterans alike** [emphasis added] – ensuring equal treatment of Northern Ireland veterans and those who served overseas.⁹

It would, therefore, appear that the dumping of the SHA has more to do with protecting veterans than it does with dealing with the past, genuinely and honestly. Following the NIO's 2018 consultation on the SHA, 'Addressing Northern Ireland's Past,' the Secretary of State suggested that there was no agreement on moving forward with the proposals. Closer examination of the

responses to this consultation, published by the NIO in July 2019, does not support these comments. While some respondents expressed a level of dissatisfaction with some elements of the SHA, only a small number completely rejected the Agreement. What is evident from the responses is that no one feels that legacy is currently being dealt with in an appropriate or satisfactory manner.

Thus we are left, 23 years after the Good Friday Agreement, with the heartfelt wishes of those who suffered most during the conflict being trashed, while their longing – indeed their right – for truth-recovery mechanisms are trampled underfoot.

We accept that the SHA is not perfect, e.g., for families in the Republic of Ireland and Britain there is to be no Historical Investigations Unit. This needs to be rectified so that all families who suffered loss during the conflict have equal status. We cannot have a situation where there are ‘deserving’ and ‘undeserving’ victims. Despite this shortcoming, however, we feel it offers the opportunity to provide the best possible outcome for the largest possible number

of families and survivors. It should be acknowledged, nevertheless, that it may not provide all the answers that families and survivors need.

The advantages of the SHA are that it not only has an investigative arm, the ‘Historical Investigations Unit’ (HIU) but it also provides another opportunity of truth recovery through the ‘Independent Commission on Information Retrieval’ (ICIR); story-telling through the ‘Oral History Archive’ (OHA) and a mechanism to analyse themes and patterns through the ‘Implementation and Reconciliation Group’ (IRG). It is hoped that, through at least one of these mechanisms but, more likely, through a combination of them, families and survivors can have a positive outcome from the process.

Futility of ‘desktop’ reviews

Brandon Lewis’ 18 March statement announced that there would be mere ‘desktop’ reviews of cases, followed by a process of providing information to families. We do not believe that this process could work. No protagonist to the conflict has shown a willingness to provide information

except under duress. We believe this to be particularly apt with regard to state agencies – it would be extremely naïve to expect that agents of the British state, who were involved in collusive acts, or indeed the British state itself, would participate openly and truthfully in such a scenario. As the journalist Mike Milotte wrote recently: ‘Does anyone believe that Britain will admit to a policy of extrajudicial killings or to collusion with loyalist paramilitaries?’¹⁰ Just this week we learn from *The Detail* that 155 sets of Troubles-era Northern Ireland Office (NIO) files were concealed from the public in 2020.¹¹ This reinforces the belief that the British Government has no intention of engaging honestly with any truth recovery process.

It is extremely unlikely that a desktop review would comply with the British Government’s Article 2 obligations. For example, there have been numerous investigations and reviews into the murder of human rights lawyer, Patrick Finucane, in relation to which the UK Supreme Court¹² and the Committee of Ministers¹³ have both stated recently that there has not been an Article 2 compliant

investigation, so how could a desktop review fulfil this obligation? As the former Chief Constable George Hamilton said recently: ‘Ballymurphy is an example as to why we can’t have a swift final examination, a desktop review-style approach, to dealing with these cases. It needs to be thorough, it needs to be independent.’¹⁴

We accept that the majority of investigations will not lead to prosecutions for various reasons – poor (or non-existent in some British Army killings) original investigations, loss of exhibits and documentation, the passage of time resulting in witnesses and suspects either being deceased or not in a fit state to give evidence or stand trial. This should not be used, however, as an excuse not to undertake as effective an investigation as possible. Prosecutions are not the sole reason to undertake investigations – they are the best means of providing additional information to families to help them understand the circumstances surrounding the deaths of their loved ones. Indeed, the European Court of Human Rights (ECtHR) has also acknowledged that

prosecutions need not be the only outcome of an investigation, the Court stated that:

The state authorities must be sensitive to any information or material which has the potential either to undermine the conclusions of an earlier investigation or to allow an earlier inconclusive investigation to be pursued further.¹⁵

A case for limited immunity

'We accept, as you propose in your Truth Recovery Process, that there may be an argument for a form of limited immunity from prosecution, provided there is a parallel process of fully-resourced, robust, Article 2 compliant investigations in which bereaved families can have confidence'. You suggest that, because police officers are trained primarily to bring prosecutions, they would be unsuited to examine all aspects of a case. In our experience of engaging with the HET, we found that a number (not all) of the former police officers did a very thorough job in providing new information to families. It proved to be very necessary, however, for families to be supported by NGOs while engaging with the HET. According to an acad-

emic article from Dr. Patricia Lundy, these reports provided to families 'appear to be of a superior quality, in breadth and depth.'¹⁶

Similarly, we are currently engaged with Operation Denton, on behalf of families of victims of a number of atrocities that occurred in both jurisdictions during the 1970s. The Operation Denton team consists entirely of both retired and serving police officers, none of whom was ever a member of the PSNI or the RUC. You suggest the appointment of 'independent professional civilian investigators' to undertake this work. Where are they to be found? Even in the event that they would be available, are the British authorities going to make sensitive information available to such people? Civilian investigators would not have the security clearance that is vital if they are to access intelligence and investigation files? How would civilian investigators be in a position to 'verify information from all available sources?'

Over the past few weeks there have been significant developments regarding legacy issues. At the beginning of May, the trial of two Paratroopers, charged with the murder

of Joe McCann on 15 April 1972 in the Markets area of Belfast, collapsed. While the collapse of the trial has been used by some within the British establishment to justify their proposed policy of not prosecuting British soldiers and to support their argument around the difficulties in obtaining convictions after 50 years, it needs to be remembered that the trial collapsed on a legal technicality.

The two soldiers had been ordered to provide statements to members of the Royal Military Police (RMP) for internal military purposes but not for investigative purposes. The judge took the view that the statements were inadmissible due to deficiencies in how they were taken and they were not conducted under caution. They had been obtained under duress. At that time, there was an agreement between the Chief Constable of the RUC and the General Officer Commanding (GOC) the British Army that soldiers would not be interviewed by the police. This practice was later found to be illegal. Defence Counsel for the soldiers argued that, as the 1972 statements had been made under duress, they

should not have been used during the HET process and questioning of the soldiers. The judge accepted this argument and, as the sole evidence against the soldiers was the admissions made in 1972 and repeated during the HET process, the case collapsed.

The collapse of this trial can be laid squarely at the feet of the British State. When the judge gave his reasons for not allowing these statements as evidence, he pointed out that other members of the judiciary had condemned this practice, which he described 'as an appalling practice designed to protect soldiers.' He also questioned why the HET's re-examination did not prompt a fresh investigation by the PSNI with the soldiers interviewed under caution. He suggested that 'such a course of action might have made a prosecution more sustainable.'¹⁷

Ballymurphy inquest vindicated victims

A perfect example of how an inquisitorial process can correct an earlier incorrect historical fact is the recent outcome of the Ballymurphy inquest. At the time the 10 people were killed, and ever since, the British Army claimed that the nine men were gunmen

and the one woman was a gunwoman. For 50 years the Ballymurphy families campaigned to have their dead loved ones declared innocent. On 11 May, Justice Siobhán Keegan proclaimed that all 10 people killed, at least nine of them by the Parachute Regiment, were 'entirely innocent.' Without a thorough investigation, this could never have happened.

On the same day that Justice Keegan delivered her findings in the Ballymurphy case, Queen Elizabeth announced in Westminster that her government would bring forward legislation which would protect British soldiers from prosecution. This legislation would also mean that other actors in the conflict would also be eligible for protection against prosecution.

This news was met with widespread condemnation from across the board. Victims and survivor groups, the Irish Government, political parties in Northern Ireland, international NGOs and even some British military personnel, have condemned this proposal. It has been suggested that the British Government's motivation in bringing this proposal is to stop the 'cycle of re-

investigation' of veterans. It should, however, be remembered that, in most cases where soldiers were involved in killing people, there has not been an investigation to the required standards or not at all.

In an article in the Guardian on 19 May, Neil Mitchell questions why the British Army is not held accountable for its actions. He recalls the Mau Mau rebellion in Kenya in the 1950s, Bloody Sunday in Derry and the Iraq War.¹⁸ He insists that this culture of military cover-up needs to change. If Brandon Lewis' proposals become law, this impunity will continue.

While it is important for academics, lawyers, trade unionists, journalists and civic society to be involved in discussions around legacy issues, it is with concern that we note your group's description of victims as merely another 'interest group.'

Fintan O'Toole noted recently that, in developing your proposal, you had consulted with 'victims, combatants from all sides and people in political and academic life.'¹⁹ This statement is rather misleading because, while you did consult with us, and our views reflect

the views of the bereaved families, you did not accept our viewpoint. We contend that victims must be front and centre of any truth recovery process. This is a view which was also held by the last Victims' Commissioner. In an advice paper submitted to Government she stated that:²⁰

Any approach (to deal with the past) must be balanced, transparent, must operate within the rule of law and above all be victim centred.²¹

As stated above, we, who work at the coalface, and far more importantly, the families and survivors we support, firmly believe that the proposals of the SHA are the best way forward. We regard anything that diverts the public focus from their wishes as potentially unhelpful and, possibly, harmful.

**Advocacy Staff,
Pat Finucane Centre/
Justice for the Forgotten.
21 May 2021**

Editorial Note

The Truth Recovery Process arose from discussions and consultation with a wide range of people, including victims and survivors, over almost three years. We accept that it is not ideal. It is proposed as an alternative to existing measures that have been adopted to address Legacy issues. We fully accept that many people may wish to continue using existing avenues of redress through the courts as the only course of action acceptable to them. However, we believe that there are others who wish to address the harms inflicted on them and society at large by other means.

- 1 Operation Kenova: Former Chief Constable of Bedfordshire, Jon Boutcher, is leading an independent team to conduct the investigation into a range of activities surrounding an alleged individual, codenamed Stakeknife.
- 2 Operation Denton: Former Chief Constable of Bedfordshire, Jon Boutcher, is leading the overarching review of the activities of the Glenanne Gang.
- 3 *Irish Times*, 23 December 2014, *Agreement reached in Northern Ireland talks*, available at <https://www.irishtimes.com/news/politics/agreement-reached-in-northern-ireland-talks-1.2047479> accessed 21 April 2021
- 4 Healing Through Remembering is an independent initiative made up of a diverse membership with different political perspectives working on a common goal of how to deal with the legacy of the past as it relates to the conflict in and about Northern Ireland
- 5 Available at http://healingthroughremembering.org/wp-content/uploads/2015/11Making-Peace-with-the-Past_2006.pdf accessed 19 April 2021
- 6 Available at https://cain.ulster.ac.uk/victims/docs/consultative_group/cgp_230109_report.pdf accessed 19 April 2021

- 7 Proposed Agreement 31 December 2013, An Agreement among the parties of the Northern Ireland Executive on Parades, Select Commemorations and Related Protests; Flags and Emblems; and Contending with the Past, available at <http://www.northernireland.gov.uk/sites/default/files/publications/newnigov/haas-report-2013.pdf> accessed 19 April 2021
- 9 Addressing Northern Ireland Legacy Issues Statement made on 18 March 2020, available at <https://questins-statements-parliament-uk/written-statements/detail/2020-03-18HCWS168> accessed 21 April 2021
- 10 <http://www.rebelnews.ie/2021/05/12/truth-reconciliation-not-if-boris-has-his-way/> accessed 17 May 2021
- 11 https://www.thedetail.tv/articles/155-sets-of-troubles-era-documents-concealed-from-public-in-2020?utm_source=mailinglist&utm_medium=email&utm_campaign=1161-over-150-sets-of-troubles-era-documents-
- 12 Judgement in the matter of an application by Geraldine Finucane for Judicial Review (Northern Ireland) Judgement given on 27 February 2019, available at <https://www.supremecourt.uk/cases/docs/uksc-2017-0058-judgment.pdf> accessed 22 April 2021
- 13 The Committee of Ministers decided to reopen supervision of the Finucane case at a meeting in March 2021, see <https://madden-finucane.com/2021/03/12/council-of-europe-committee-of-ministers-1398th-meeting-9-11-march-2021-dh-h46-38-mckerr-group-v-the-united-kingdom-application-no-28883-95/> accessed 22 April 2021
- 14 *The View from Stormont*, Ulster Television, 18 May 2021
- 15 Brecknell v United Kingdom, App. No. 32457/04, judgment of 27 Feb. 2008, available at www.echr.coe.int/ECHR/EN/Header/Case-Law/Hudoc/Hudoc+database/
- 16 Can the Past be Policed? Lessons from the Historical Enquiries Team Northern Ireland, Patricia Lundy, This article was first published in *Law & Social Challenges*, Vol.11, 2009, available at <file:///C:/Users/PFC/Downloads/SSRN-id1425445.pdf> accessed 28 April 2021
- 17 <https://www.irishexaminer.com/news/courtandcrime/arid-40281158.html> accessed 20 May 2021
- 18 <https://www.theguardian.com/commentisfree/2021/may/19/why-british-army-not-held-accountable-actions-ballymurphy-massacre> accessed 20 May 2021
- 19 *Irish Times*, 15 May 2021
- 21 Addressing the Legacy of Northern Ireland's Past, Advice Paper, January 2019, The Commission for Victims and Survivors, available at <https://www.cvsni.org/media/1970/jan-2019-addressing-the-legacy-of-northern-ireland-s-past-policy-advice-paper.pdf> accessed 28 April 2021



**I never felt so proud and fulfilled by a job:
A British soldier's recollections of his first tour of duty in Northern Ireland**

by James Kinchin White

THE SUMMER OF '69 – an eventful and exciting time for a 'junior leader' in HM Forces who had just witnessed a real live man land on the moon, an understatement truth be told, since there were actually two of them. I had learned early on in my Army career, that taking one's annual leave in advance of the main body of the unit, meant a relatively quiet time afterwards on the 'Rear Party' – a particularly astute move on this occasion as chance would have it that the Battalion were recalled from their vacation to prepare for deployment to Northern Ireland. As duty Guard Commander on that fateful night, I had been the joker who received the 'good news', delivered in a signal from 5th Infantry Brigade HQ. The sealed document was handed to yours truly by a pair

of attractive WRACs driving a splendid new, olive green army issue mini-clubman. I passed it on, unopened, to the duty officer.

Having kicked the thing off, the follow-up fell to the Post Office telegraph system, the BBC and the national police. It must have felt like the 'old' army when mums and dads around the country answered 'Plod's knock on the door' and 'junior', kit-bag in hand, chest puffing with pride as neighbours looked on, waved the flippant farewell that comes from youthful arrogance and headed for the station; a few would not make it home, though none on this first tour, would be Killed in Action (KIA) – or so I thought. Some 32 years later the Ministry of Defence released a file that revealed the first soldier killed by gunshot during the conflict was LCpl Michael Spurway, a member of the Royal Signals on attachment to HQ 39 Brigade Signals Squadron. He was shot dead by a colleague, probably the result of a negligent discharge. Details were scarce, but the perpetrator was jailed for a number of years. Interestingly, there was no campaign against prosecution in this case!

1968 was the only year in the 20th century when no British soldiers were KIA. But our destination, at the moment of recall, was strictly secret. There had been some media mention of 'yobbos' in the streets somewhere in Northern Ireland, but the members of the battalion were widely travelled since the start of the year. Most of the unit had recently returned from five weeks training in Canada alongside the host nation's Light Infantry and Airborne regiments. There was also an exchange visit for a number of 'Ruperts' to the USA.¹ But our main attraction and focus of attention was a forthcoming exercise in Libya in the autumn. So, Anguilla perhaps? There had been an almost farcical invasion of the island a few months earlier involving troops from the Parachute Regiment and British bobbies – had something gone wrong? That, I decided, had to be it. It could mean a Caribbean cruise, much preferable to listening to porkies of dubious veracity in the NAAFI.

Ballykelly and Omagh

As part of the UK Strategic Reserve, we had, prior to annual leave, been the UK's 'Spearhead' battalion, in a constant state of

readiness to move to anywhere in the world within 24 hours. Thus, getting ready wasn't really a problem, though some of the 'Ruperts' engaged in country holiday pursuits were difficult to find. The Anguilla option was gaining credibility when it was revealed that we were kitting out in full battle order, vehicles, infantry heavy weapons, extra GPMG² ammo belts, 'tin lids' – the whole works – we could hardly be going to Ulster? We'd only just returned from a United Nations tour in Cyprus the previous year..... had to be the Caribbean! The second stage of a 'Spearhead' deployment, even in practice, is the move to RAF Brize Norton, enplanement on a C-130 Hercules, the safety speech from a hairy-arsed Movements Warrant Officer, then back on the buses and return to camp. But we were going somewhere – 'Ballykelly' we were told once in the air - the macho menschen pretending to know exactly where it was, the remainder asking 'where the fuck's that?'

Having been assigned to a clerical role early in my career I had keyboard skills long before the item became a desirable bit of kit. More importantly, I had been positively

vetted up to ‘Top Secret Atomic’ and so had a measure of insight into what was going on. Earlier in the year, in April, the Prince of Wales Own Regiment of Yorkshire (1PWO) had emplaned for Northern Ireland in what was known as ‘Operation Marginal’ – the reinforcement of the Northern Ireland garrison – sounded urgent!³

There is a great sense of exhilaration in moving off a C-130 in the dark, armed to the teeth and driving in convoy through narrow wooded lanes – especially when there was no apparent danger, no ‘incoming’ and no unwelcoming committee. Daybreak, however, revealed the shithole that was Magilligan Camp – literally, since the ‘closets’ consisted of communal wooden seating with a bum-sized hole - army ablutions, one, for the use of – help yourself lads! Apart from that and freezing cold Nissan huts for accommodation, it was raining – looked more like the Somme than the Four Green Fields.

Nevertheless, relief duly arrived in the form of a mobile shop (with a side-line in taking bets on horseracing) – no mention though, of that ancient Hibernian rule

about ‘Steward’s enquiries and objections not entertained’. He was a lovely old fella – but our youthful exuberance and the limits of our residential conditions prevented us giving him much thought. On the third day we were re-deployed to Lisanelly Barracks, Omagh. Things began to get more serious.

We had arrived at Ballykelly on 20th of August, unaware, at least on the coal face, that the Irish government in Dublin had, on the previous week, mobilised its infantry units and field hospitals on the border. In light of that ‘intelligence’, the battalion was deployed to the border in Armagh, Fermanagh, Derry and to Tyrone – clearly, there had been some fore-thought put into our seemingly over-generous pre-deployment equipment scales. So, not the Caribbean, but as the tension began to evaporate, a shooting, hunting, fishing and golf season appeared to beckon.⁴

At Omagh, the camp had a front and rear entrance. Consequently, there were two guard rooms and I found myself as Guard Commander at the rear gate on an evening when a sentry informed me that the Regimental Sergeant Major (RSM) and the

Motor Transport (MT) Officer had asked him to unlock the gate. Apparently, they had been on a fishing trip on the nearby river Strule. As I approached the two men, who were behind the gate set into a fourteen-foot-high wire fence, I noted that the sign adjacent to the gate listed the rules and regulations for the sentry on duty, signed off by the RSM. For those readers unfamiliar with the role of an Army RSM, a short digression. He is the senior non-commissioned officer in a British Army regiment and one does not fuck with the RSM.

Consequently, since his written instruction clearly stated that the rear gate was not to be opened 'under any circumstances' after 1800hrs, and since the current time was 1816hrs, I informed him that I would fully abide with his written instructions and directed him and his fellow fisherman to take themselves off and walk the 1.5 miles or so to the front gate guard room. At this his portly colleague began to try to climb the fence. My action was to cock my weapon, a 7.62mm semi-automatic rifle, and inform the fat guy that since I had no idea if they were

acting under duress from someone hidden in the bushes behind them, I would have no hesitation in shooting him if he did not desist. I was relying very much on the fact that both were 'old soldiers' whom I knew had served in Borneo at a time when 'halt, who goes there' actually meant something and bang to rights, off they went.

Many years later I was able to read my enlistment report produced by the recruiting sergeant. It said 'he can be a cocky bugger' – live and learn eh! But the episode was to do me no long-term harm. I'd had enough of 'clerking'. When my then boss, the Quartermaster (QM), asked me to make him a coffee, I responded with that well known phrase "bugger off sir, make your own". The Omagh barracks was virtually empty since both its permanent and temporary tenants were out on patrol. I had joined the Army to get away from office work. I had been weaned on Audie Murphy and John Wayne and basically, I was fed up and wanted to play with my pals. The QM, vindictive as ever about the non-appearance of his beverage consented to my transfer to a Rifle Company, provided that I agree to report for CO's orders

and relinquish my lowly rank. CO's orders are most often the forum for the issue of an award or the delivery of a rollocking – but it's a little like a doctors' surgery, you can't just turn up, you have to have an appointment... arranged by the RSM!

A customary reception from our somewhat fraternal RSM would take the form of, 'what, sonny, can I do for you'. However, on seeing who it was I had to settle for a slightly terse 'What?' After outlining my predicament, and admitting my teeny tendency toward insubordination, I was left in no doubt that it was for the RSM to decide whether an NCO was required to revert his rank. I was told to wait outside his office while he dealt with the matter. When he returned, he merely said, 'get your kit together lad, you're going to Dungannon to join A Company'. The shindig at the back gate a couple of days earlier had, unwittingly, succeeded in getting me out from behind a desk and into the world of proper soldiering.

All thoughts of fishing and golf were swiftly replaced by a yearning to learn new stuff as I found myself deputizing for a non-existent

Section Commander in charge of a ten-man group of hitherto leaderless persons. The Officer Commanding (OC) the Company was about as 'gung' and as 'ho' as one could imagine. A former Troop Commander in the SAS and later an exchange officer with the French Airborne Infantry, he could give wee Audie and big John a run for their money – ironically, I felt contented at last.

My lasting memory from the period occurred on the day the Government announced the disbandment of the B Specials. Word had it that either the Specials, the Police or both might revolt and attack the base which lay at the top of Ranfurly heights behind the Orange Hall in Dungannon. My role, personally designated by 'Gung Ho', was to man a GPMG machine gun team concealed in the bushes near the main entrance. If an attack developed, it was anticipated to come from the opposite direction, up a hill behind the base. My orders were to 'wipe out the enemy' if they happened to overrun the base! I took it that, on this occasion, 'halt, friend or foe,' wasn't going to cut it. Later I questioned the Major as to why I had been given what I thought was

such an important role. With what I took to be a self-indulgent smirk of satisfaction he said 'you were completely useless, the most inexperienced NCO in the company – the job was almost made for you'.

Belfast

I didn't see much more of him after we left Dungannon. I'd managed to fall even lower in his personal assessment when I questioned his claims during a briefing at which he announced we would be leaving NI in December and were unlikely to return. My upbringing told me we would still be there in twenty years. He didn't relish being challenged, apparently, but it turned out that we were both wrong. On arrival in Belfast, we were based at St Pauls church school hall in Cavendish Street. The accommodation was dry and relatively spacious, dormitory style, on the first floor. The toilets however, although excellent quality manufactured by Armitage Shanks, were sized for infants – I've had trouble with my knees ever since!

October - December '69 in Belfast was bleak, yet I never felt so proud and fulfilled by a job that let me give something back to

people who had little other than their spirit and their faith. An unexpected statement perhaps, from a Protestant soldier, brought up by bigoted grandparents in working class Glasgow. Their search for work had brought them from farming stock in Ballymena in the late 19th century - their baggage augmented by a large helping of the Protestant ethic: know your place – unless you want a clip round the ear, and less palpable, a humungous amount of anti-Catholic propaganda. My father gained his education in the Royal Engineers, 14th Army, Burma. Acute lung injury followed from various episodes of malaria and eventually did for him shortly after his 60th year. A Freemason, but physically restricted during my formative years, he was able to steer me clear of his mother's views about Catholics... and about Chinese food for that matter! I learned, at a relatively young age, that a curry wasn't really made from 'Kit-e-Kat', and not only did Catholics not have two 'heeds', they could kick quite adequately with either foot.

As our experience of Operation Banner evolved, Junior officers and senior NCOs became embroiled in community relations,

meeting, as intermediaries with CCDC members and loyalist vigilantes. This, together with the scale of the peacekeeping task, left we younger NCOs with a hitherto unknown level of autonomy for the conduct of vehicle check points (VCPs) and foot patrols.

Our deployment in Belfast placed us on the 'peace line' in an area bounded by the Falls Road and Beechmount at one corner, with Cupar Street and the ruins of Bombay Street at the other. A laundry a short distance up the Falls from Dunville Park represented the Eastern edge of our platoon area. I have read that 'wash house ladies' in Ireland were often regarded as 'fallen women' - not these wonderful motherly types who would do the washing with a smile and a happy exchange of 'craic', yet never accepted a penny in payment. On the other side of the Falls' road stood a small Post Office, not far from the Grosvenor-Springfield junction. It was a regular stop on my foot patrols on the pretext of 'showing a presence for security purposes' - in reality, because the girl behind the counter was an absolute cracker, and occasionally offered

a cup of tea! As luck would have it, always with the Irish, I got trumped by a local native speaker. I tried offering him a look at my gun, handing him an unloaded SLR, to try to distract his attention - didn't work. I remember him fondly, as a decent younglad of about 15yrs. I was shocked, but not surprised, when I heard much later that he had been absorbed into the ranks of the Provos, having been captured during a bombing operation in England. His brother, unarmed at the time, had died after being shot by the RUC in contested circumstances in March 1972. But I am genuinely glad he survived the conflict - I think he is into politics these days. If he ever reads this, I extend my best wishes.

On a more operational note, our patrols, particularly at night, spent a lot of time manning barricades alongside local vigilantes - a somewhat inaccurate description for what would be considered elsewhere to be elderly night-watchmen. A good few 'fag breaks' were held around a blazing oil drum, enjoying the craic often with a cup of tea and a few biscuits provided by the Angels of the Falls.⁴ Another routine task involved keeping an eye on night-

time activities inside Mackie's engineering works around Forfar Street-Springfield Road. There was some speculative 'intelligence' that both 'guns' and the new 'fifty-pence piece' were being manufactured for the black market – I suspect we were more interested in getting in on the act frankly, but nothing was ever found.

Yet again however, during one late night guided tour, the issue of 'toilets' reared its head when I spotted a row of machine tooling stations with seats for the operator, apparently only used on day-shift. Above each station there was a circular metal disk, about the size of a tea plate. I ask our foreman-chaperone about them. 'Ah' he said, 'if a man wants to go to the toilet, he takes his 'disc' to the foreman who will give him a requisite number of sheets of toilet paper and note the time he leaves his station'. I thought better of making further inquiries and silently thanked the dear lord I chose the Army!

It would be inaccurate to say that I left Belfast with a heavy heart in December 1969. For one thing, I was of the opinion we would probably be back. And there was, on the one

hand, immense satisfaction that we seem to have done the job. Yet there was a suppressed sense of guilt about the circumstances and conditions in which we had found the people, and a gut sense that not much had really changed for them.

They had revealed their feelings towards us in the most magnanimous way, sharing the little they had to make our stay a little more pleasant. Over the past half century since, the enormity of the occasion, of the impact on society, on the ordinary people, has gradually been exposed. Time, in this case, is no healer – the memories don't disappear, the conscience doesn't drift into the fog. 'Gung' and 'Ho' are replaced by a mature concern for effects of past action or inaction, not guilt per se, more of a healthy counterbalance to the natural tendency towards a positive assessment of how one did back in the day. I feel we could, collectively, have done much more, much better and maybe have prevented some of the pain. That's my legacy and it's my driving force to combine knowledge gained as a 'participant' with subsequently acquired skills to try to make a contribution to our

understanding what happened, how it evolved and why?

In mid-1970 we were off to Germany and any pangs of conscience were short lived as we referred to 'Collins English-German' phrase-book – though the consultation usually started with 'sprechen sie Englisch bitte' and that was about it. Our attention turned eastwards to the potential for conventional warfare and a possible Russian assault. Crossing the river Weser in command of a 15ton armoured vehicle was an experience that tended to focus the mind on other things. But the call back to Ireland was not long in coming.

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- 1 Rupert is a colloquial term used by other ranks to refer to officers, usually, though not exclusively, junior or inexperienced.
- 2 GPMG, was the 7.62mm, belt fed, General Purpose Machine Gun. Tin Lid is slang for steel helmet.
- 3 York Military Museum, Signal from STRATCO to 1PWO, 251105Z APR.
- 4 Controversy abounds the description given to the city, county and area of Londonderry. For most army veterans of the early years of the conflict, 'Derry' was the first description of these areas that we heard and I guess, we couldn't have cared less.
- 5 TNA WO 305/3366, 39 Infantry Brigade HQ and Signal Squadron Historical Record, 1965-1969
- 6 The Regimental Journal records a photograph entitled Angels of the Falls showing such a scene in the Clonard district c. November 1969.



Between history and memory: The Politics of Truth Recovery and the Limits of Ethical Remembering, or: President Higgins Reading Ricoeur¹

by Cillian McGrattan

THIS PAPER EXPLORES the intersections of ideas about truth recovery (specifically, in terms of dealing with the past in Northern Ireland) and ethical remembering (applied to the *longue durée* of Irish history). I suggest that the two approaches ought to be read together, as barely analytically distinct, through the lens of a long-term backlash against the ‘school’ of Irish historical revisionism, which led to a radical deconstruction of nationalist myths and tropes, within and outside the academy during the 1980s and 1990s.² The counter-revisionist impulse involves a reappraisal of nationalist shibboleths along an eschatological tangent – shaped by and concerned with the end-times of Irish reunification, a mode of thinking that is verifiable only after the fact.

The coincidence of truth recovery and ethical remembering gives way to two arguments, one broad and one more specific. Firstly, *although the truth recovery model enjoys a distinguished, yet, with at best, an empirically and heuristically questionable, lineage, its promotion within elements of the Irish political classes is structurally biased in favour of nationalist ideological goals. In other words, the politics of truth recovery involve assumptions about what else, outside ‘truth’, is entailed in truth recovery. When allied to an ethics of remembrance or a narrative hospitality – the tolerance for alternative ‘truths’ – the implications are clear enough: the model works to promote nationalist demands of transition and change while minimising unionist concerns about the direction or pace of travel.*

Secondly, more specifically with regard to the legacy of the Northern Irish conflict, the truth recovery model represents a condensation of Irish nationalist thought. Truth recovery, ethical remembering and the related concept of ‘reconciliation’, in effect, work to displace differences within nationalist

thought and belonging towards the single goal of disarticulating unionist historical understandings.

The paper begins with an outline of President Higgins' discussion of the French philosopher Paul Ricoeur (1913-2005). Ricoeur's work was arguably closer to twentieth century Anglophone philosophical concerns to do with understanding, interpretation and communication than the major traditions of French thought, including existentialism, deconstructionism, post-structuralism and post-Marxism.³ Towards the end of his long career he turned increasingly to questions concerning memory and history – a period that coincided with the trials of French Nazi collaborators (including Maurice Papon, Paul Touvier and Klaus Barbie) in the 1980s and 1990s. The first part of the paper is concerned with exploring the ways in which ideas from this stage in Ricoeur's thought are constructed into a model of ethical remembering. The subsequent subsections explore the twofold response to that line of reading and reasoning.

Truth-seeking and ethical remembering

As David Mendeloff points out in a coruscating 2004 dissection, the idea of truth recovery is intellectually and morally loaded, standing as it does in a seemingly direct opposition to the kinds of nationalist mythmaking that inspire and perpetuate violence, division and exclusion.⁴ Truth recovery, or, in Mendeloff's framing, 'truth-telling', then, is seen as an antidote to (ethno) nationalist propaganda and is, as such, crucial in promoting a peaceful and just society in post conflict situations. In part, this is based upon an upworking of Freudian insights from the individual to the societal level: truth recovery facilitates ownership of a traumatic past, fosters social healing and even reconciliation. Furthermore, it has a moral dynamic in that it allows victims and perpetrators to uncover previously withheld information and ascertain what exactly happened to set in motion acts of violence and terror. Truth recovery can be both educative but also provide a counter-memory to 'official' histories – and, relatedly,

it is democratic: It fosters a belief in the legitimacy of the new legal order and it can bring about toleration and amplification of voice to the erstwhile marginalized and excluded. Finally, truth-telling can promote deterrence: By removing war criminals from daily and public life, truth recovery can assist in pre-empting a recrudescence of violence in the future.

The discourse on ethical remembering resonates with these sentiments. Drawing on the late work of Paul Ricoeur that discourse forms the basis of a series of interventions by President Michael D. Higgins on the subjects of collective remembrance and commemoration. Higgins' approach echoes that of Ernest Renan in beginning with forgetting.⁵ A nation, Renan argued, is a 'daily plebiscite'⁶ in which amnesia is ratified for the sake of unity: 'Forgetting, I would even go so far as to say historical error, is a crucial factor in the creation of a nation, which is why progress in historical studies often constitutes a danger for [the principle of] nationality'.⁷ For his part, Higgins proceeds dialectically, defining 'ethical remembering' against for-

getting as 'a refusal of any kind of conscious or unconscious amnesia'.⁸ Higgins suggests a kind of negative ethics: 'to reject important, if painful, events of the past, to deny those affected by them recognition of their losses and memories, would be counterproductive and may even be amoral'.⁹ Recently, Higgins has attacked what he sees as the opposite of his own journey of 'engaging with our citizens in an exercise of ethical remembering' of the War of Independence: namely, the 'disinclination in both academic and journalistic accounts to critique empire and imperialism'. This (non-specified) tendency is particularly problematic, he avers because

A feigned amnesia around the uncomfortable aspects of our shared history will not help us to forge a better future together. The complex events we recall and commemorate during this time are integral to the story that has shaped our nations, in all their diversity. They are, however, events to be remembered and understood, respecting the fact that different perspectives exist. In doing this, we can facilitate a more authentic

interpretation not only of our shared history but also of post-sectarian possibilities for the future.¹⁰

In what seems to be his most extensive treatment of these themes, Higgins foregrounds the phrase that he attributes to the Ricoeurian philosopher, Richard Kearney, ‘a hospitality of narratives’.¹¹ What this means, he suggests, is a reflective approach to history based on ‘not the offering of a set of competing rationalisations of opposing violences, but rather a set of contexts that need to be understood, whatever purposes may have been served by such rationalisations’; in more prosaic terms, this seems to mean the widening of historiography to include the stories of those identities who had been rendered liminal by previous research and political interest. Beyond a pluralization of empirical study, it is difficult to ascertain what precisely this might mean in practice. In truth, however, the point seems to be normative in intent rather than practical. Higgins goes on to cite theologians, Johnson McMaster and Cathy Higgins:

Remembering ethically is not just about

remembering inclusively, honouring all the dead in the mystery of their humanness, it is about taking responsibility ourselves for the present and the future. We cannot afford to be controlled or dictated to from the grave, but as human beings, take responsibility ourselves for our own distinctive time, place and world.

Apart from ‘allow[ing] our children to share schools’, it is unclear what ‘remembering ethically’ actually means. Following Ricoeur, Higgins hints that it has something to do with more than simply being empathetic towards alternative interpretations of history and hints that it involves some kind of rigorous and methodological approach to the past:

It should be understood that we are concerned here with a very tentative horizon of completion, of a critical historical knowledge aware of its limitations, built on such a reconciliation of narratives as avoids binary opposites

Quoting from Ricoeur’s (2004) *Memory, History, Forgetting*, Higgins elucidates what he means by the need to avoid simplistic binaries: ‘Between history’s project of truth

and memory's aim of faithfulness is that small miracle of recognition [that] has no equivalent in history'.¹² Higgins is cited approvingly by Peter Doran in a recent intervention.¹³ For Doran, Higgins' vision is an approach to the politics of history and memory that facilitates a navigation through divided and changing histories. To this end he adds (his own) sentence to the Higgins/Ricoeur idea about recognition: 'That which must come to be shared lies beyond history or memory'.¹⁴ The point is revealing, because it is precisely the relationship between history and memory that Higgins fudges and which represents the limitations of the truth recovery approach.

It is perhaps understandable that the point is lost amidst 640-plus pages of Ricoeur's circuitous, sometimes-repetitive and often-dense text. Matters are probably complicated by Ricoeur's shorter reflections in Kearney's (1996) edited collection, *Paul Ricoeur: The Hermeneutics of Action*.¹⁵ In particular, in the short paper, 'Reflections on a New Ethos for Europe',¹⁶ Ricoeur attempts to link ethics with historiography by outlining a series of

ethical principles: Firstly, an 'ethic of narrative hospitality' involves 'taking responsibility in imagination and in sympathy for the story of the other'. Secondly, an 'ethic of narrative flexibility' is about the resistance to the dogmatizing and reifying tendencies of identity- and ideologically based narratives. This proceeds on the understanding that communal identity is a social construct and relatively fluid: it 'is not that of an immutable substance nor that of a fixed structure, but that, rather, of a recounted story'. These stories can be recounted in different ways, giving rise to Ricoeur's third principle, that of 'narrative plurality'. Importantly, Ricoeur does not disavow the facticity, the absoluteness, of historical events, but he does go on to argue that it 'is not inimical to a certain historical reverence to the extent that the inexhaustible richness of the event is honoured by the diversity of stories that are made of it, and by the competition to which that diversity gives rise'. These sentiments are underpinned, he concludes, by an ethics of forgiveness – an attitude of 'charity' that, crucially, he argues, does not preclude or displace justice.¹⁷

Structured forgetting

Higgins, for his part, tends to emphasize the affective dimensions of Ricoeur's thought – those passages and ideas that deal with plurality, openness, empathy, reconciliation. But, like Ricoeur, he is aware of the dangers inherent in the approach. Unfortunately, this aspect of Ricoeur's thought only occurs in passing in Higgins' reflections. The possibility of exclusivist, nationalistic and evasive memories are barely touched upon – outside the criticism of persistent amnesia on the part of Britain, that is. Thus, Higgins states that

Paul Ricoeur refers to this in his suggestion of the tendency of such an abuse of memory to be justified as loyalty, or faithfulness, an approach from which history in the pursuit of fact has to distance itself. This indeed might suggest that there may be an unavoidable tension between history and memory.

This tension, which is ultimately resolved in Ricoeur, is left under-explored in Higgins' speeches. And it is precisely that substitution of analysis or that shifting of the viewfinder that reveals the limitations of the truth re-

covery model. A close reading of Ricoeur's text identifies his suggestion that memory and history are analytically and normatively distinct but warns against the temptation to 'claim on behalf of memory in opposition to history'.¹⁸ Although he does not dismiss the possibility of a politics or a morality attached to historiography, this is in no way platitudinous or instrumentalizing. Indeed, Ricoeur would presumably resile at the type of depiction of an ethical remembering advocated by Higgins and the truth-recovery model. As he explains, in relation to the question of the unrepresentability of the Holocaust: 'The moral judgment interwoven with historical judgement stems from another layer of historical meaning than that of description and explanation. Therefore it must not intimidate the historian to the point of leading him to censor himself'.¹⁹ In short, historical meaning is distinct from moral judgment. The linking of the two by the writers cited by Higgins misrepresents differing types of 'truth' – thereby eliding historical truth with the impulse towards healing, reconciliation and peacebuilding.

The distinction between memory and history becomes transparent in the final pages of Ricoeur's *Memory, History, Forgetting*, when the two outer terms – memory and forgetting – come full circle around the pivot of history. Essentially building on Locke's emphasis on memory as central to identity, Ricoeur's treatment of forgetting places remembrance as related to but ultimately distinguishable from history – and indeed, this is made clear in the reflections that follow the passage cited by Higgins and Doran. There, on the following pages, Ricoeur explains that

History can expand, complete, correct, even refute the testimony of memory regarding the past; it cannot abolish it. Why? Because ... memory remains the guardian of the ultimate dialect constitutive of the pastness of the past, namely the relation between the 'no longer', which marks its character of being elapsed, abolished, superseded, and the 'having-been', which designates its original and, in this sense, indestructible character. That something did actually happen, this is the pre-predicative – and even pre-

narrative – belief upon which rest the recognition of the images of the past and oral testimony ... [The events of the past] protest that they were and as such they demand being said, recounted, understood. This protestation ... can be contested but not refuted.

Higgins notes a tension between the truths of memory and those of history but, because he is wedded to a concept of ethical remembering – the subjugation of history to a politics of peacebuilding – he is unable to go further. As such, the model of truth recovery and remembrance that he articulates opens the door for the manipulation and instrumentalization of history and memory.

Ricoeur is, in fact, well-aware of these tendencies and avoids the facile intellectual temptation of the truth recovery-societal healing Freudianism. It is in this regard, precisely, that he touches upon the work of the Egyptian-born French historian Henry Rousso whose 1987 book, *The Vichy Syndrome: History and Memory in France since 1944*²⁰ represented, together with the work of the American historian Robert

Paxton, a critical interruption of the parenthetical narrative of French history – namely, the idea that a France existed before 1940 and continued to exist overseas in London during the years of Nazi Occupation before returning again with the beginning of the Liberation in June 1944.²¹ As Tony Judt points out, ‘the decades-long difficulty of acknowledging what really happened during the war and the overwhelming desire to block the memory or else recast it in a usable way that would not corrode the fragile bonds of post-war society – was by no means unique to France.’²²

For Rousso, the persistence of the myth of the parenthetical past – and all the suppression it involved, including the facts about collaboration, the involvement of French citizens in the deportations of Jews, the post-war reprisals in which French masculinity reasserted itself against ‘horizontal collaborators’ took place because of what he identified as ‘vectors of memory’. These are the channels and conduits in which memory is transmitted, communicated, re/presented in private and in public. This can occur

directly, through state and nongovernmental groups which he points out ‘sometimes become attached to a rather static image of the past, which they then promote actively as well as passively.’²³ But it can also take place at the more nebulous levels of ideas, culturally based understandings and the ideological and prejudicial ideas passed down through schooling and in families. Although the work of historians such as Rousso and Paxton together with the inability to ignore criminals at the heart of the French political classes such as Maurice Papon (who was eventually put on trial for the deportation of 1,690 Jews to the internment camp at Drancy in 1997 after litigation stretching back to the 1980s) precipitated some debate on the wartime experiences, it was only in 2017 that a French President openly tackled the historical distortions. Thus, during a visit by the Israeli Prime Minister, Emmanuel Macron stated that ‘[i]t is convenient to see the Vichy regime as born of nothingness, returned to nothingness. Yes, it’s convenient, but it is false. We cannot build pride upon a lie’. Going on to address the detention of over 13,000 Jews in the Velo-

drome d'Hiver before being transferred to Drancy and on to Auschwitz (also known as the 'Vel' d'Hiv' Roundup') in July 1942, Macron pointed out that 'It was indeed France that organized the roundup, the deportation, and thus, for almost all, death'.²⁴

Pathological memory

As Rousso points out, the reason that such mythologizing can last so long – and, it was only through the dynamic relationship between changing memory 'mediators' and structural continuities within a. the French left and far left, b. the French right and far right, and c. between the right and left. Despite the gradual loss of importance of the French Communist Party, particularly after May 1968 and the collapse of the Soviet Union in 1991, the resilience of the Le Penist far right, with high profile breakthroughs in presidential elections, continues to maintain the Vichy era as a pivot on which mainstream politics turns.²⁵ In his reading of Rousso's *The Vichy Syndrome*, Ricoeur describes the 'obsession' that Vichy exerts as being a 'pathology of memory'. This is a peculiar interpretation that is more concerned with

Ricoeur's generalized concerns (at this point in his book) with the ethics of remembering than with the political explanation offered by Rousso:

The extent to which the proclamation of the duty of memory remains captive to the symptom of obsession makes it waver continually between use and abuse ... To be sure, these are no longer manipulations ... but in a more subtle manner in the sense of an appeal to conscience that proclaims itself to be speaking for the victims' demand for justice.²⁶

It is precisely in passages such as this that Ricoeur's philosophical impulses open the door for the rhetorical excesses of the Irish truth recovery model – and, as pointed out above, the privileging of victims' testimony outside historiographical source criticism, as contained in the third sentence of the extended quote, leads Ricoeur to posit a distinction between ideological power and testimony. This is circular and non-falsifiable: pathological remembering exists because the truth of memory is not heard, when truth is recovered memory will no longer be obsessive.

In other words, if the ab/use of memory depends on its recovery and articulation there is no room for the counterfactual, 'what if that is not the case?' The self-reproducing logic of truth recovery therefore entails and necessitates a kind of superstructure of meaning in which truth recovery is never enough, it must always be joined on to other goals or promises, be they reconciliation or societal healing or the cultivation of peace. Without this discursive apparatus the 'what if' of truth recovery becomes clear: truth recovery is potentially about recycling received and under-examined stories about the past. In this way, truth recovery is akin to a flat-packed, Ikea-type approach to politics and is not far away from the Spanish novelist Javier Cercas's definition of myth: '[a] popular story that is true in part and false in part and that tells a truth that cannot be told only with the truth.'²⁷

Ultimately the distinction Ricoeur introduces between the ab/use of memory and ideology is untenable and unhelpful. As with the epistemological circularity of truth recovery, the implication that ethical memory

is somehow above politics or even a kind of meta-politics displaces questions relating to where memory breaks with ideology and how that break is to be identified by both the witness and the audience of testimony. As pointed out above, the ambiguity runs through Ricoeur's writings on memory and history; and, it is an ambiguity that echoes and indeed, in the case of Higgins, informs the truth recovery model – particularly as it is applied to the Irish context. Ultimately, the elision of history with truth recovery and the resultant politicization of history or the rendering of it to the notion of an ethical remembering creates the pathology of which Ricoeur writes. It does so by introducing a level of unreality into historical interpretation – a kind of magical realism where historiographical readings are placed in the service of political ends, whether they be societal healing, reconciliation, or peacebuilding. Furthermore, alongside this, but related to it, the truth recovery model refuses to recognize the reality that memory is ideological. In other words, the pathological distortion of reality works along two levels – the instrumentalization of

historical interpretation and the presumption of a non-ideological, ethical remembering.

Of course, President Higgins' assertion that an imperialistic ideological 'mindset' shapes Britain's 'feigned amnesia' over Ireland suggests that the commitment to ethical remembering is far closer to Edna Longley's notion of 'remembering at' than it is to Ricoeurian hospitality.²⁸ But this bad faith is inherent in the truth recovery model – politically palatable truths are to be recovered in the service of reconciliation. Higgins' point is emblematic of the politics of truth recovery and the politics of ethical remembering in that those politics circle around not simply a 'What if?' but also a 'What to?' In short, ethical remembering and truth recovery are saturated with political implications. To put this another way: reconciliation is seemingly asinine and harmless when it is understood as a noun – it is an end-goal, an achievement, something that can be measured: hostilities are ended and replaced by a new relationship. But, if reconciliation is understood as a transitive verb then it requires an object or an end-goal. In this second understanding,

reconciliation means to restore anew a damaged relationship or to agree to behave differently in the future.²⁹ In other words, reconciliation can be both a process and an event – but not both at the same time or in the same understanding. It is for this reason that the transitional nature of truth recovery and ethical remembering are so useful to Irish nationalism, posited as it is on a teleology – an end-goal of Irish reunification. And it is for that reason, then, that the truth recovery and ethical remembrance model acts as a site of condensation for political nationalism.

Again, to return to Freud who originally developed the notion of condensation (*Verdichtung*) to apply to the ways that the subconscious displaces one or more ideas within one object – typically, how dreams compress or substitute a number of different elements into single figures.³⁰ The concept was taken up by Marxian philosophers of the New Left in the 1970s such as Stuart Hall and Nicos Poulantzas, specifically to try to explain how the bourgeois liberal democratic state had proven to be so successful in fending

off revolution. For Poulantzas, condensation spoke to the ways in which the state was both the repository of resources and class struggle – it was not simply the case that the state repressed subaltern classes but that, as the site of struggle, it was constantly in flux – ‘permanently disorganizing-dividing’. Thus, he explained, historically subaltern classes had access to certain parts of the state apparatus (schools, army, police) while others remained closed-off (judiciary, administration).³¹

It is no surprise that the nationalist political class, north and south of the border, have congregated en masse around the ideas of truth recovery and ethical remembering: the model offers a conduit to pushing a transition from the status quo. The model allows for a banking-approach to politics: in conjunction with civil society groups (who seem to make not speaking about republican atrocities a point of policy) specific cases – such as that relating to Pat Finucane – are highlighted as evidence of collusion by political parties. ‘Concessions’ such as the Stormont House Agreement are ‘pocketed’. These are retained for gaining ‘interest’, despite becoming

ostensibly redundant, when, for example, the British government takes them off the negotiating table as it did in March 2020.³² At the risk of mixing metaphors, this type of truth recovery politicking creates a pluperfect history: actions in the past are aggregated to give a semblance of a seamless trajectory in which the political direction is inexorable and clear.

Conclusion:
the ‘truth’ of truth recovery

Keith Lowe, when writing about the need to mythologize the past, stated that the point of nostalgia is to create an ‘illusion of unity’.³³ Writing about the need for amnesia in the aftermath of World War II, Lowe points out that critical reflection of what occurred in the recent past is much more dangerous than easily digestible morality tales – or even wilful forgetting. Liam Kennedy has written extensively about this kind of closed-off truth-making history in the Irish context (famously coining the term MOPE-ism to capture the pathology of the Irish nationalist truth that the Irish are the Most Oppressed People Ever). Indeed, Kennedy’s work, which focuses on

Irish economic history, can be read as part of the dialectic involving historically informed political scientists, historians and economists writing against the counter-revisionist backlash. Studiously avoiding the trite tropism of truth recovery, Kennedy reaches for the work of the Brazilian educationalist Paolo Freire at the end of his most recent treatment of the Northern Irish Troubles. Whereas Freire coined the term to refer to his methodology of raising social awareness while facilitating adult reading classes,³⁴ Kennedy uses it as a 'cry for reflective conscience making' – an idea, encompassing but going far beyond truth recovery and ethical remembering. Unlike the truth recovery model, Kennedy's vision is empirically based and clearly practical and do-able:

The onus is on all of us to face up to the central realities of the [Northern Irish] conflict and the contradictions that cluster beneath the surface rhetoric. Irish nationalists were responsible for maintaining, year in and year out, the longest-running conflict in post-war Europe. It is time to understand the seriousness of the charge –

*I hesitate even as I write – and seek to undo some of the harm.*³⁵

Kennedy's hesitation is telling and contrasts with the certainty of Higgins and the theological and philosophical writers whom he quotes in support of ethical remembering – or with the outlandish claims of the truth recovery model. Indeed, the point is immediately conceded by Ricoeur: 'It is along the path of *critical history* that memory encounters the sense of justice.'³⁶ Rather than truth recovery, then, we should perhaps be asking what this critical history looks like. To do otherwise is to resign to the polite hospitality highlighted by Theodor Adorno: 'in the house of the hangman one should not speak of the noose, otherwise one might seem to harbor resentment.'³⁷

Cillian McGrattan

ULSTER UNIVERSITY

1 Dr Cillian McGrattan is a lecturer in politics at Ulster University and a member of the Malone House Group. He thanks members of the Group for their feedback on a draft of this paper. The arguments presented herein and any errors are his own.

- 2 See Cillian McGrattan, *Memory, Politics and Identity: Haunted by History* (Basingstoke: Palgrave Macmillan, 2012), p.55ff. For the intervention of the Irish post-colonial paradigm, inspired in part by the work of Seamus Deane, Edward Said and the Field Day company, into Irish revisionist historiography, see Stephen Howe, *Ireland and Empire: Colonial Legacies in Irish History and Culture* (Oxford: Oxford University Press, 2000).
- 3 A useful and lucid overview of Ricoeur's work is available on the Stanford Encyclopedia of Philosophy, at <https://plato.stanford.edu/entries/ricoeur/>. Accessed on 15 April 2021.
- 4 David Mendeloff, 'Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?', *International Studies Review*, 2004, 6: 355-380.
- 5 Higgins has seemingly not cited Renan directly despite Fintan O'Toole identifying the link as early as 2021. See Fintan O'Toole, 'What kind of a country is this?', *Irish Times*, 3 November 2012. Available at <https://www.irishtimes.com/culture/tv-radio-web/what-kind-of-a-country-is-this-1.547160>; accessed on 7 April 2021. The 1882 Renan lecture 'What is a nation?' [Qu'est-ce qu'une nation?] Is reprinted in Homi K. Bhabha, *Nation and Narration* (Abingdon: Routledge, 1990), pp8-22.
- 6 Renan, 'What is', p.19.
- 7 Ibid, p.11.
- 8 Michael D. Higgins, 'President Higgins: Openness to others must be at the heart of remembering', *Irish Times*, 1 July 2016. Available at <https://www.irishtimes.com/news/ireland/irish-news/president-higgins-openness-to-others-must-be-at-heart-of-remembering-1.2705750>; accessed on 7 April 2021.
- 9 Higgins, 'President Higgins'.
- 10 Michael D. Higgins 'Empire shaped Ireland's past. A century after partition, it still shapes our present', *The Guardian*, 11 February 2021. Available at <https://www.theguardian.com/commentisfree/2021/feb/11/empire-ireland-century-partition-present-britain-history>; accessed on 7 April 2021.
- 11 Michael D. Higgins, 'Of centenaries and the hospitality necessary in reflecting on memory, history and forgiveness', 4 December 2020. Available at <https://president.ie/en/media-library/speeches/of-centenaries-and-the-hospitality-necessary-in-reflecting-on-memory-history-and-forgiveness>; accessed on 7 April 2021.
- 12 The original quote, which occurs towards the end of Ricoeur's text is a little clearer than Higgins' rendition: 'The major fact made apparent by the comparison between history's project of truth and memory's aim of faithfulness is that the small miracle of recognition has no equivalent in history'. Paul Ricoeur, *Memory, History, Forgetting* (London: The University of Chicago Press, 2004), p.497.
- 13 Peter Doran, 'Navigating Complexity and Uncertainty after the Belfast-Good Friday Agreement: The Role of Societal Trauma?' *Northern Ireland Legal Quarterly*, 71 (4) (2020).
- 14 Ibid, p. 631.
- 15 Paul Ricoeur: *The Hermeneutics of Action*, edited by Richard Kearney (London: Sage, 1996).
- 16 Paul Ricoeur, 'Reflections on a new ethos for Europe', in Ibid, pp.3- 13.
- 17 Ricoeur is clear on the distinction between charity and justice, but in a foreshadowing of Doran's addition: To the degree that charity exceeds justice we must guard against substituting it for justice. Charity remains a surplus...' Ibid, p.11. See also McGrattan, *Memory*, pp.17-19.
- 18 Ricoeur, *Memory*, p.87.
- 19 Ibid. p.257.

- 20 Henry Rousso, *The Vichy Syndrome: History and Memory in France since 1944* (London: Harvard University Press, 1991).
- 21 See for instance François Mitterrand's defence of the French Republic in 1994: 'I will not apologize in the name of France. The Republic has nothing to do with that. I believe that France is not responsible'. Cited in Jim Wolfreys 'How France's Vichy Regime became Hitler's willing collaborators', 7 October 2020, *Jacobin*. Available at <https://www.jacobinmag.com/2020/07/vichy-france-holocaust-nazi-hitler-world-war-ii/>; accessed on 8 April 2021.
- 22 Tony Judt, *Postwar: A History of Europe Since 1945* (London: William Heinemann, 2005), p.808.
- 23 Rousso, *Vichy*, p.220.
- 24 Emmanuel Macron, 'Speech by the President of the French Republic at the Vel d'Hiv Commemoration', 16 July 2017. Available at <https://newyork.consulfrance.org/Speech-by-the-President-of-the-French-Republic-at-the-Vel-d-Hiv-Commemoration/>; accessed on 7 April 2021.
- 25 See, for instance, Wolfreys, 'How France'.
- 26 Ricoeur, *Memory*, p..90.
- 27 Cited in Cillian McGrattan, *The Politics of Trauma and Peacebuilding: Lessons from Northern Ireland* (Abingdon: Routledge, 2016), p.24.
- 28 Higgins, 'Empire'; see also Edna Longley, *The Living Stream: Literature and Revisionism in Ireland*, (Newcastle: Bloodaxe, 1994).
- 29 See McGrattan, *The Politics*, pp.85-104.
- 30 One early (1916-17) definition offered by Freud was that condensation referred to how 'latent elements which have something in common being combined and fused into a single unity in the manifest dream'; Sigmund Freud, *Introductory Lectures on Psycho-Analysis*. Available at https://freudianassociation.org/en/wp-content/uploads/Sigmund_Freud_1920_Introductory.pdf; accessed on 8 April 2021.
- 31 See Lars Brethauer, 'Materiality and condensation in the work of Nicos Poulantzas', in *Reading Poulantzas*, edited by Alexander Gallas, Lars Brethauer, John Kannankulam and Igno Stütze (Pontypool: Merlin Press, 2011), pp.72-88; Poulantzas cited therein, p.83.
- 32 Brandon Lewis, 'Addressing Northern Ireland Legacy Issues. Statement made on 18 March 2020. Statement UIN HCWS168'. Available at <https://questions-statements.parliament.uk/written-statements/detail/2020-03-18/HCWS168>; accessed on 15 April 2021.
- 33 Keith Lowe, *Savage Continent: Europe in the Aftermath of World War II* (London: Penguin, 2013), p.139
- 34 Paolo Freire *Pedagogy of the Oppressed* (New York: Continuum, 2006 [1970]).
- 35 Liam Kennedy, *Who Was Responsible for the Troubles? The Northern Irish Conflict* (Montreal & Kingston: McGill-Queen's University Press, 2020), p.199.
- 36 Ricoeur, *Memory*, p.500.
- 37 Theodor Adorno, 'The meaning of working through the past', [1959]. Available at https://www.sas.upenn.edu/~cavitch/pdf-library/Adorno_MeaningOfWorkingThrough.pdf; accessed on 9 April 2021.

Letters

28 May 2021

Dear Sir/Madam,

We wish to respond to Pádraig Yeates' use of the term 'Lawfare' in a general email.

We believe its use in the context of bereaved families and injured survivors seeking to discover the truth about the deaths of their loved ones to be hurtful and offensive. The term itself has been in use for several decades but its application to the Northern Ireland conflict is relatively recent.

Its meaning is the use of law as a weapon of war – the abuse of laws and judicial systems in democracies in order to achieve strategic military and political ends.

Former US General David Petraeus has advised the British authorities that their serving soldiers and veterans must be protected against 'lawfare' claims and has suggested that they 'maintain a policy of derogating from the European Convention on Human Rights (ECHR) in advance of future operations.'

Petraeus has also advised the amendment of the Human Rights' Act 1998 to limit its territorial operation and proposed that Britain should resolve not to comply with judgements of the European Court (ECtHR) that extend the ECHR to military operations abroad. "This would be necessary" he states, "to protect UK forces who served in Northern Ireland from unfair pursuit in the courts."

The term is promoted enthusiastically by the British Army; the military wing of the Tory Party and by the *Belfast Newsletter* and the *Daily Mail* and it is very disappointing that a respected historian would join such a jingoistic bandwagon.

Mr Yeates insists that the term 'has entered the common parlance' and that he believes that there are 'situations where the law has been misused by various groups and individuals to promote political agendas.' Perhaps he might provide us with an example of such a situation.

It is the absence of appropriate mechanisms that has forced victims and survivors to use the long and difficult legal route. In her contribution to the Northern Ireland Affairs Committee on 1 July 2020, Cathy Curran, Advocacy Worker with WAVE, remarked:

I have heard the term 'lawfare' used before. If we had a system that delivered for people, they would not be in a position where they had to rely on going down the route of civil actions constantly to try to get access to information or disclosure. Essentially, let us have a system that works for people, so we do not have to rely on going down that route.

The term also has the potential for being dangerous for members of the legal profession who are willing to take on these cases.

It is worth noting that, in the Joe McCann case, KRW Law provided a lawyer in court to support the McCann family for which he received no payment. The only legal team in receipt of payment for that case were those representing the soldiers and the PPS.

Yours faithfully

Margaret Urwin

Co-ordinator

Justice for the Forgotten/Associate of the Pat Finucane Centre

Padraig Yeates: I am sorry that my use of the term Lawfare has caused offence to Margaret Urwin, or anyone else who read the email. When I said that it had entered the common parlance in an email replying to one of her own on May 21st, 2021, it was because so many definitions of Lawfare have evolved since it first emerged in the 1950s. Of those that are available I have found the following by Craig Martin, a Professor at Washburn University School of Law, published in *OpinioJuris*, May 2019, best approximates to my understanding of it. 'The use of law, or exploitation of aspects of a legal system, to achieve tactical or strategic advantages in the context of conflict'. In other words it can and is used by a wide range of interests including state and non-state actors at local, national and international level covering almost all aspects of criminal and civil law.

The letter itself cites Cathy Curran of WAVE as saying that the existing legal options are not delivering meaningful results for people, instead they are generating yet more referrals to the courts.

Over 23 years after the Belfast-Good Friday Agreement I think an increasing number of people on these islands believe that the courts and the criminal justice system are not the best ways of addressing the issues of truth and justice, let alone reconciliation needed to deal with the poisonous Legacy of ethnographic conflict. That is why I am an advocate of an alternative Truth Recovery Process.

Contributors

Brice Dickson is Professor Emeritus of International and Comparative Law at Queen's University Belfast. He was Chief Commissioner of the Northern Ireland Human Rights Commission from 1999 to 2005. His latest book is *The Irish Supreme Court: Historical and Comparative Perspectives* (OUP, 2019).

Claire Hackett has been a community worker at Falls Community Council for over twenty years. She helped to set up the Dúchas oral history archive and has worked with communities across Belfast to gather experiences of living through the conflict. She has developed work on gender and dealing with the legacy of the past and co-directed the documentary *A Kind Of Sisterhood* with Michele Devlin.

Stephen Hopkins teaches Politics at the University of Leicester. His recent books include *The Politics of Memoir and the Northern Ireland Conflict* (Liverpool University Press, 2017) and *The Northern Ireland Troubles in Britain: Impacts, Engagements, Legacies and*

Memories (with Graham Dawson and Jo Dover; Manchester University Press, 2016).

Brendan Keenan, former economics correspondent of the *Irish Independent*, was also a former deputy political correspondent of the *Belfast Telegraph* and Ireland correspondent of the *Financial Times*.

Liam Kennedy is Professor Emeritus of History at Queen's University Belfast and a member of the Royal Irish Academy. His most recent book is *Who Was Responsible for the Troubles? The Northern Ireland Conflict* (McGill-Queen's, Montreal, 2020). He is a founder member of the human rights group, Children of the Troubles.

In 1993 *Alan McBride's* life changed forever when his wife and father-in-law were killed in the IRA bomb attack at Frizzells Fish Shop on the Shankill Road in Belfast. His initial response was anger but he now views the 'Troubles' as a tragedy that could have been prevented if people would agree to

live and let live. Today he is a peace activist and victims campaigner. He manages the WAVE Trauma Centre in Belfast where he has led the WAVE Injured Group in its campaign for pensions.

Aíne McCann, born into an old and established Belfast republican family at the beginning of the 'Troubles', she grew up in West Belfast. Her father Joe was killed in April 1972 by No 1 Para in the Markets area of Belfast. She moved to the West of Ireland during the hunger strikes and is a graduate of N.U.I. Galway Environmental Science and Plant Physiology.

Cillian McGrattan lectures in Politics at Ulster University. He is the author of *Peacebuilding and the Politics of Trauma: Lessons from Northern Ireland* (Routledge, 2017) among other books and articles on Northern Ireland. He was awarded a PhD in 2008 and has previously taught at Swansea University and the University of the West of Scotland. He is a member of the Malone House Group.

Liz McManus is a former TD for Co Wicklow, Deputy Leader of the Irish Labour Party and Minister of State for Housing and Urban Renewal. She is an award-winning novelist and short fiction writer, board member of Irish PEN/PEN na hÉireann and former chairperson of the Board of the Irish Writers Centre.

Dr Connal Parr is Senior Lecturer in History at Northumbria University. His first book *Inventing the Myth: Political Passions and the Ulster Protestant Imagination* was published by Oxford University Press in 2017 and was shortlisted for the Ewart-Biggs Literary Prize and the Royal Historical Society's Whitfield Prize.

Andy Pollak was the founding director of the Centre for Cross Border Studies in Armagh and is a former *Irish Times* reporter in Belfast and Dublin. In the 1990s he was co-ordinator of the Opsahl Commission's 'citizens inquiry' into ways forward for Northern Ireland. He is the co-author of biographies of Rev Ian Paisley and Seamus Mallon.

James Kinchin White served with the Royal Green Jackets in Northern Ireland on five occasions between 1969 and 1974. After a subsequent career in health service management in Britain and abroad he has become involved in research on the Troubles assisting victims and the ICVLR with document research at the UK National Archives.

Samuel White is a former prisoner and ex-combatant. He is Chair of the Lower Castlereagh Community Group (LCCG) and has been involved with initiatives such as the Belfast Conflict Resolution Consortium (BCRC) and the Prison to Peace project aimed at developing cross community relations. He is also a practitioner with Resolve Restorative Practices.

Padraig Yeates is a former editor of the *Irish People* and journalist with the *Irish Times*. He is author of a number of books on Dublin in the revolutionary era.

Guidelines for contributors & readers

As outlined in our statement of purpose *Legacy Matters* seeks to address unresolved problems of the Troubles in ways that encourage dialogue and attract contributors from all communities in Northern Ireland, as well as the Republic and Britain, and particularly those communities and individuals most affected by the Troubles.

To ensure that contributors do not promote sectarianism or ethnographic conflict, either deliberately or inadvertently, we have adopted the definition evolved by the Irish School of Ecumenics to ensure we do not publish any contribution that 'entails developing or augmenting more destructive patterns of relating to each other' such as:

- (a) Hardening of boundaries between groups
- (b) Overlooking others
- (c) Belittling or demonizing others

(d) Justifying or collaborating in the domination of others

(e) Physically attacking or intimidating others."

Wherever possible individuals or organisations who do so shall be encouraged to amend their contributions to avoid such outcomes and facilitate publication.

Legacy Matters will also observe the NUJ Code of Conduct/Ethics, which will be applied to considering contributions for publication.

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3. Do its utmost to correct harmful inaccuracies.
4. Differentiate between fact and opinion.
5. Obtain material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means.
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7. Protect the identity of sources who supply information in confidence and material gathered in the course of any investigation by the publication or a contributor.

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Legacy Matters reserves the right to refuse publication of any material that breaches the policies outlined above. However, accepting that many contributors will not be journalists and will often be unaware of these principles, where possible, we will engage with them to explore how article can be amended to comply with its editorial policies, acting on the presumption that their article or letter has been submitted in good faith and in the public interest.

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All contributions should be sent to *Legacy Matters* at: <http://www.truthrecoveryprocess.ie>

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Acknowledgements

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We would also like to thank Brian Maguire for his kind permission to use his painting:- *Each One Diminishes Us All 2*, on the cover, Barrie Kidd for layout and design, and Ronan McManus and Simon Yeates for their technical assistance with the website.

Legacy Matters

Front cover painting

EACH ONE DIMINISHES US ALL 2, 2010

by Brian Maguire

Acrylic on canvas

32 ¼ × 68 ½ inches (82 × 173 cm)

Christian and Gulia Bruckmann