

# Future policies for the past

Edited by

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democratic  
dialogue

Democratic Dialogue  
Report 13  
February 2001

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ISBN 1 900281 12 0

Cover design by Dunbar Design  
Photographs by Lesley Doyle  
Printed by Regency Press

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# Preface

This is the 13<sup>th</sup> report from the think tank Democratic Dialogue. DD gratefully acknowledges the financial assistance for this project from the Belfast European Partnership Board, the Community Relations Council and the Victims' Liaison Unit.

Comments on the publication are very welcome. Anyone wishing to be kept informed of DD projects and events should e-mail the office at the address on the inside cover; mailings are sent out every fortnight.

Further copies of this report are available from DD, price £7.50 (£10 institutions, £4.50 unwaged) plus 10 per cent postage and packing. Our current catalogue of reports and papers is available at the back of this publication. More information about DD in general is available on our web site.

The report is based on a round-table discussion, hosted by DD in Belfast on September 26<sup>th</sup> 2000, which sought to

address the concerns of those victimised by the 'troubles'. Specifically, as with most of DD's work, it was concerned with what *policies* could assist Northern Ireland come to terms with its past and meet the needs of victims and survivors. This report brings together papers and responses presented at the round table and accommodates a variety of opinions.

Earlier research had indicated a need, felt strongly by those directly or indirectly victimised, for their experiences of suffering, grief and hardship to be acknowledged. A desire to have one's needs heard both in the public domain—through political, statutory and non-governmental agencies—and in the private sphere was routinely expressed. Many felt that they did not fall into the established definitions of 'victims' and that there was a lack of communication between agencies dealing with the issue.

The need was also identified for an inclusive policy to help victims and

survivors to move forward. DD had not been working with victims issues before the research but had established expertise in policy-making. It is also concerned with social issues, particularly social inclusion. Concerned that the debate on victims was so polarised, DD organised the round table so that a more coherent policy on the issue might begin to be developed.

The draft Programme for Government (Executive Committee, 2000: 20) published in October 2000 promised a range of activities in this area—notably the putting in place by April 2001 of ‘a cross-departmental strategy for ensuring that the needs of victims are met’. This report seeks, among other things, to contribute to that strategy and could be drawn upon by the Office of the First and Deputy First Minister, other policy-makers, assembly members and voluntary organisations.

DD is aware of the potential harm in unreflective policy-making, and therefore sought local and external expertise to—among other things—avoid the trap of only speaking for, but not with, the people affected by any future policies. It hoped that the time was right for an inclusive, informal and confidential debate around some core issues that confront those affected by the ‘troubles’. It felt there was a need to address the complexities of

these issues and current practice from different perspectives. Thus, the focus of the discussion was not only on future policies, politically speaking, but also on current work with people affected by Northern Ireland’s conflict.

DD invited participation from a spectrum of community grassroots organisations, from victims and survivors groups, paramilitary ex-prisoner organisations, the police service, semi-statutory and statutory bodies, politicians, academics working in this field and other concerned individuals. The day was arranged into five sessions, as the following chapters indicate. Each presenter at the round table was followed by a discussant, whose comments are also included.

DD greatly appreciates the contributions of all the participants, who with their personal experience and expertise laid the ground for a very valuable—indeed uplifting—debate on what is a very sensitive issue. Excerpts from their comments are distributed through the report. The views of those represented here are of course the responsibility of the authors alone. DD

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# Executive summary

**D**espite, though in some ways because of, the Belfast agreement, the issue of ‘victims’ in Northern Ireland has become increasingly fraught—a matter for distress among those suffering or bereaved and for exploitation by ethno-nationalist protagonists in the political sphere. A durable and profound peace can only emerge when those who have lost most from the past three decades of violence can feel reconciled to the future. Paradoxically, that means the whole society coming to terms with its past.

The agreement accepted the need to address the concerns of victims and, relatedly, to promote reconciliation in what remains a severely divided society. The draft Programme for Government of the Executive Committee promises to elaborate a cross-departmental strategy on victims by April this year.

In developing its services for victims, the devolved administration should start from the premise that every victim is an

individual with particular needs and that those needs should be explored with victims and their representatives if appropriate services are to be provided in an appropriate fashion. In some cases, these services will best be delivered *via*, or in conjunction with, voluntary providers. In all cases, they should be evidence-based.

Compensation is no substitute for a portfolio of tailored, effective services, and it remains a matter ‘reserved’ to the Northern Ireland Office. Some reforms have been promised but they are unlikely to materialise until 2002; a long-run concern remains that under the proposed ‘tariff’ system, the relatively (though not absolutely) high levels paid in Northern Ireland for criminal injuries compared with the rest of the UK might be eroded. Compensation also does not negate other needs of victims, such as the need for truth and justice.

Government, at whatever level, needs

to be guided not only by the inherent individuality of all victims but also by their inherent equality. Invidious distinctions defining 'real' or 'innocent' victims should be avoided, and the minority who have been victimised by the state should not be subject to neglect through official embarrassment.

To ensure victims' needs are addressed in a 'joined-up' way, there should be a 'victims minister' within the devolved administration with a public profile and responsibility for victims issues, currently one of 26 functions in the Office of the First and Deputy First Minister. The current doubling-up of an NIO 'security' minister in that role is highly undesirable.

But given the wider challenges and the fragmentation and mistrust among victims' organisations, an independent victims' ombudsperson or commissioner should be appointed. He or she would champion, equally, the interests of all victims and broker better relationships among them.

The 3,500 or so who have died as a result of the 'troubles' are but the umbra of a much wider penumbra of relatives and friends that have left few in the society untouched and its social fabric badly torn. Larger questions therefore arise about how this individual and social damage can begin to be mended.

Repentance, reparation and reconciliation are the '3rs' on which to base this approach. Underlying them all is the theme of responsibility.

By setting out no clear vision of the future and no agreed account of the past—for fear of upsetting political or paramilitary *élites*—the Belfast agreement has created a situation of moral hazard characterised by a blame-game and displacement of responsibility. Responsibility for past acts needs to be accepted by the individual perpetrators: violence was not just a reflex response to circumstance. But it also needs to be accepted by society, including by the many who feel no implication in the violence yet by their 'sins of omission' allowed it to continue.

With responsibility comes repentance and a willingness to make reparation. But it also requires a willingness on the part of others to offer forgiveness and to be reconciled. Paradoxically, individual victims of violence—on whom forgiveness should not be forced—have often been more forthcoming in this regard than political entrepreneurs.

Reconciliation is, however, impossible for many victims unless the truth of how they or a loved one was victimised can be told—to them or by them. 'Story-telling' has played an important role in the support of victims, though care

is needed to ensure victims do not perversely become trapped in that identity. A far more controversial issue is how victims might secure the truth themselves.

One suggestion is a truth and reconciliation commission, such as was employed in South Africa in the aftermath of *apartheid* and in several Latin American countries emerging from dictatorship. There are aspects of violence in Northern Ireland that have had a similar, 'vertical'—state *versus* people—character as in these anti-democratic *régimes*. But, however imperfect, Northern Ireland has been part of a western parliamentary democracy and its violence has been primarily of a 'horizontal', intercommunal character, even when the state has been a proxy.

Yet the role of the state has led to oppressive violence, and the Bloody Sunday Tribunal is a commission of inquiry which may reveal some of what happened that day. Other inquiries might reasonably follow, so that victims of this 'state violence' can secure the truth to which they are entitled.

This is, however, of little relevance to the great bulk of victims of paramilitary violence. No truth commission can compel a paramilitary leader to attend or subpoena documentary evidence of how killings were directed; indeed, the

Belfast agreement has specifically sought not to make such leaders amenable for past acts. In any event, the political consensus required to establish a truth commission is lacking and likely to remain so for the foreseeable future.

Thus no one such mechanism can turn the trick. What is required is an equally horizontal process of dialogue, which explores past hurts and seeks, painfully and piecemeal, to develop the potential for repentance, reparation and reconciliation. It is a dialogue in which the whole society needs to engage, in a range of safe and secure environments, if Northern Ireland is to realise a peace that is secure and a solidarity that goes beyond roots.

Civic and political leaders have a particular responsibility in this regard. They can lead by example through rituals which explore repentance, reparation and reconciliation. An annual day of reconciliation would give focus to this endeavour. But all the citizens of Northern Ireland have the capacity, in a myriad of small ways, to ensure that sins of commission or omission are addressed and fresh stitches applied to the social fabric, so that we can all become 'members one of another'. ■■

# Introduction

**Dorte Kulle  
Brandon Hamber**

**W**ith the beginning of the new millennium in the aftermath of the Belfast agreement, the potential for an entrenched peace in Northern Ireland is becoming real. Yet implementation of the agreement has been retarded by issues arising from the exercise of force: weapons, security, policing. And, in tandem with these continuing challenges, an underlying theme of grief and resentment has arisen from the experiences of the ‘victims’ or ‘survivors’ of the ‘troubles’—individuals who have had their rights as citizens violated through acts of commission or omission by paramilitary organisations, the state or other individuals.

Some would claim that all those who have grown up since 1969 are victims. From this perspective *all* have suffered because of the conflict. In allowing us to

construct a continuum of suffering, this might be helpful (though see below). Albeit artificial, and contentious, such a construct would place towards one end of the continuum all those who have, as bystanders or merely by living in Northern Ireland, been affected in some way. At the other extreme would be all those severely affected through losing a loved one or being injured themselves. Those who witnessed suffering directly might fall somewhere in between.

But the ‘victims debate’ is not only about whether one agrees with such a view. Initiatives to assist victims and survivors are also connected, politically and socially, to different groups in Northern Ireland. They reflect the political diversity of the society, with some victims groups having specific allegiances or affiliations. In addition, the difficulties facing victims represent a microcosm of the broader process of dealing with the violence of the past, and

present.

If the agreement has been undermined by politicking, dealing with the past and the needs of victims have also become complicated by political blame-games. Who is most responsible for the victimisation of others? Which victims are more deserving of services, given their political 'persuasion' (an ironic term in Northern Ireland, as persuasion doesn't much come into it)? This has divided grieving and injured parties even further. Such divisive action is evidence of the truism that the discussion of how this society should deal with its 'troubled' past—and, more specifically, its victims—is merely beginning.

**I**n Northern Ireland the number of victims and survivors groups seems to be ever-growing. There appears to be too little support for all those seeking it. Amid contention, often involving political actors, over how the term 'victim' should be defined and who the 'real' (sic) victims are, there has been much labelling and passing judgement, and the entire issue has become incredibly sensitive. Competition for funds between groups, from different or even similar political backgrounds, has heightened the tensions.

In our opinion, the range of definitions of the term 'victim' is broad and would,

to a large degree, depend on the context of the person speaking. At the end of the day, if an individual feels 'victimised', then this requires some attention, within the bounds of responsible society, irrespective of political leaning. Most 'victims', however, do not like the term: it traps them in a specific moment when they experienced loss and it reduces their identification to that experience.

The term 'survivor' has become more politically correct because it implies something more active—someone who has dealt with their circumstances and moved on. A survivor is seen as a victim coming to terms with their loss and able to interact with society and, perhaps, with the perpetrator to some degree. The survivor feels they have survived, are more resilient to hardship and have, although wishing the event had never happened, taken something positive from the experience. It can be defined as reaching a self-empowerment, despite what has happened. But this term, equally, can be difficult: some people say they still feel like 'victims', and that reality for them does not otherwise allow.

While we use the term 'victims' throughout this report, this should be taken as shorthand for 'victims and survivors'.

An even more highly disputed question is whether 'perpetrators' should

be seen as victims. Most perpetrators will be able to point to some experience—often an experience which they claim drove them to action—of themselves or their family being victimised. Others claim to have responded to a war-like context that demanded action, or that they were manipulated by nefarious people in political authority. Thus many feel—obviously contentiously—that they do not need to take full personal responsibility, outside of understanding their actions within a specific social and political context.

All these issues are debatable. But there seems to be little rational—still less unemotional—debate about victims, perpetrators and the past in Northern Ireland. On many levels this is understandable, given what has happened, but the current antagonistic approaches allow exclusivist agendas to overshadow bridge-building initiatives.

Those in political positions will often argue that victims should be dealt with differently, depending on their political identity, or that at least the suffering of victims in a community should be constantly balanced with what perpetrators from that community did. This approach runs the risk of creating marginalised groups of victims who will remain unheard and embittered, even if the ‘peace process’ unfolds on a positive

trajectory. A vigorous discussion about responsibility and what can be done to rectify the situation is needed, as well as an acknowledgment that some have been more severely affected than others and that their needs require attention.

Perhaps it is too ambitious to expect all the parties to put aside political point-scoring in an environment where the balance of power remains so fine between parties and the wounds are so fresh. Ironically, though, it is often the bereaved and injured themselves, as well as people directly engaged with victims and survivors—rather than those less affected by the ‘troubles’—who are willing to immerse themselves in the debates. Perhaps we all should take a lead from them.

**T**he debate over how to deal with the struggles of those victimised during political conflict in the post-conflict stage—and whether one can genuinely so describe Northern Ireland remains in contention—typically revolves around truth and justice, responsibility, compensation and funding of support initiatives. These questions have been common in most societies coming out of violence: a recent list could include Guatemala, South Africa, Mozambique, Rwanda and East Timor, to mention but a few. In all these societies victims’ needs

are paramount and pressing, and will remain so for years to come.

Mutual respect and openness to others' experience of suffering could potentially shift the focus from political antagonism to inclusive agendas—emphasising our common (in)humanity to consolidate peace. Perhaps there will be a recognition of responsibilities when the time is right for everyone to reflect critically on their (in)actions and those of others. For this to happen, a debate needs to take place between all citizens in Northern Ireland—not just those directly affected or victimised.

International experience suggests that the past has to be dealt with in some way. Victims' needs must be met: violent acts will not simply be forgotten. Without attention of some kind—be that

investigations or support services like counselling—past violent incidents run the risk of acquiring entrenched mythical status. Such myths can easily be used by political protagonists for their own ends and lead to further conflict. This prospect threatens to unravel the 'peace process' in the long run—or, at least, to create a class of disaffected individuals who feel they have no place in the new order.

The 'we are all victims' discourse however runs the risk of subsuming individual traumas into a narrative of collective trauma. This could further desensitise the public to the needs of some victims or survivors. The way the affected cope with suffering is shaped by the social context, but the experience is always individual.

Trauma, like losing a loved one or being violently injured, requires individual attention. Accounts of violent acts also need to be told and heard, shared and remembered (or forgotten), depending on the survivor's way of coming to terms with the past.

**D**ealing with the needs of victims should be an inclusive process, based on a specific analysis of the needs of the bereaved and injured. It should work at two levels.

First, Northern Ireland will have to deal with broader policy issues in relation

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**'We need to be very careful of going down the road of inventing sanitised or euphemistic language to describe some of the worst atrocities that ever happened ... Victim is a horrible word: it is a word that is offensive, it is a word that isn't nice, but it is a word that accurately describes what was done to our loved ones.'**

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to victimisation. Such a discussion will move beyond simply addressing the direct needs of victims. It will face simultaneously the complex issues of reconciliation, truth and victims' needs.

Such an approach could include a truth commission or specific commissions of inquiry. A number of initiatives in Northern Ireland are already working with people's stories, but perhaps it would be useful to establish a more public mechanism to ensure that the bereaved feel that their suffering and loss are being more formally acknowledged. At this stage, there are no clear-cut answers as to what form such a process, or processes, might take. But the debate remains critical: indeed, it spurred DD to hold a round-table on victims policy and the issue is addressed throughout this report.

Secondly, despite some valiant programmes in Northern Ireland, the services individual victims receive need to be streamlined and continually developed. This has received increased attention since the ceasefires of 1994. In November 1997, a victims commission was initiated by the former secretary of state, Mo Mowlam, and Sir Kenneth Bloomfield (1998) delivered a report in April the following year. This report outlined possible ways to recognise the pain and suffering of 'troubles' victims and John Wilson was subsequently

commissioned by the republic's government to do a similar task (Wilson, 1999).

These initiatives became more relevant following the support for reconciliation and victims of violence expressed in the Belfast agreement of April 1998. The relevant paragraphs acknowledge the suffering of victims and emphasise the right to remember past atrocities. The need for support from statutory and community-based voluntary organisations is also stressed. The paragraphs are integrated with the complex issues of reconciliation but make a commitment to dealing with the needs of victims.

The work of the contributors and respondents to the round table—a diverse group of individuals who have accumulated considerable expertise in this area—is reflected in this report. Each was asked to address broad policy issues or services for victims. Three of the papers, and the responses to them, deal with themes associated with the macro-political questions:

- forgiveness and reconciliation,
- truth and justice, and
- commemoration and remembering.

Two papers, and associated responses, then deal with practical concerns about victim services and trauma, under the headings:

- compensation and reparation, and

- trauma practice.

**N**orthern Ireland has a long way to go before it becomes a peaceful society. Reconciliation as a concept, or dealing with the past effectively, does not harmonise with the current antagonistic approaches—and, specifically, with the playing on victims' hardships by politicians anxious to score political points.

Perhaps when the time is right, or when a broader policy is in place, everyone in the society will be able to reflect critically upon their actions and those of others, as a way of entrenching peace and producing a new version of humanity and understanding. The past needs to be dealt with, symbolically and concretely, and accounts of violent acts need to be heard—this is one of the strongest international lessons.

In this process, healing will not come for individuals who have been traumatised by past atrocities without the transformation of Northern Ireland from a place of 'low-scale civil war' to a society of relative peace and tolerance. We trust the views reflected in this report will assist to move it one more step down this road. 

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# Forgiveness and reconciliation

## Duncan Morrow

Forgiveness to the injured does belong; for they neer pardon, who have done the wrong (Dryden, 1688: 2,1, ii).

**T**here are many reasons to be nervous in writing about forgiveness and reconciliation. Few subjects descend so quickly into glibness or piety. Yet few lend themselves so easily to the cowardice of avoidance.

Just to acknowledge forgiveness and reconciliation as critical social questions is to invite disdain. Marxists seem to treat them as sentimental, 'bourgeois' constructs, irrelevant to the course of History. Yet, in all our experience, the traumas of injury and oppression acquire a centrality for human beings and groups that defies rigid adherence to 'scientific socialism'.

But even if we do build our politics on the real value of human persons and the possibilities of change and renewal, these

subjects are so fraught with danger that most politics—certainly good, secular, liberal, western politics—fights shy of them. We content ourselves with tolerance, with rights, with the limited state and with a comfortingly sharp division between public and private. And with good reason: there are few other subjects that show up the lack of depth in liberal sensibilities and illustrate the limit of the coercive power of the state.

Yet, beyond doubt, there are some political circumstances where success depends on our capacity to reach beyond what might be reasonably demanded—and some events that leave such indelible marks as to resist any glib instruction to get over them.

A rabbi asked his students: when, at dawn, can one tell the light from the darkness? One student replied: when I can tell a goat from a donkey. No, answered the rabbi. Another said: when I can tell a palm tree from a fig. No, answered the rabbi again. Well then, what is the answer? His students

pressed him. Not until you look into the face of every man and woman and see your brother and your sister, said the rabbi. Only then have you seen the light. All else is still darkness (Hasidic tale in Arnold, 1999: 32).

We speak of forgiveness far too cheaply. First, by always talking about the noun—forgiveness—we easily give the impression that this is a readily accessible, ready-to-wear object, with a predictable shape. Yet forgiveness is nothing more nor less than the result of forgiving: it takes all of its meaning from an active verb. To forgive is a human action, a deed that changes relationships—indeed the whole world—fundamentally.

According to the *Oxford English Dictionary of English Etymology*, the prefix ‘for-’ indicates exhaustion. At its root, to forgive means ‘to give totally’. This giving is qualitatively different from all other because it knows of no restriction. To forgive means that ‘what happened has no consequences for our relationship’. When I see you, I do not see the injury or the guilt, but you; I accept you, without restriction, back into my life.

This does not mean that we always heal totally, physically or mentally. Nor does it imply that we can restore the *status quo ante*. But it does mean that reality is no longer veiled by our frustration, guilt, hate or tears. It is in

this sense that forgiving recreates reality in a totally new way.

The first striking aspect of forgiving is this transformation: a relationship characterised by guilt and injury is changed into something open and real. The cliché that one shall ‘forgive but not forget’ may represent a brave compromise with the impossibility of complete forgiveness. But it sustains us in our predicament—of relationships filled with injury from which we cannot escape—even as it recognises that every other possibility may be even more difficult to attempt.

By selling an idea of forgiveness which does not free all parties from their debts, we ultimately tie each other up in powerful contradictions. Ideologically, we proclaim that everything is over; in our depths, bitterness and guilt live on. If we cannot forgive—and some of the injuries for which we so easily call for forgiveness strike so deeply to the core of who we are that they hardly allow for it—then it is better that we acknowledge our difficulties. Better, this, than to pretend to what we have not found, or to force others to mouth words that only redouble the injury.

Secondly, forgiving is always connected to ideas of guilt and responsibility to others. Guilt is the consequence of the offences for which we are responsible.

Ultimately, guilt is not even dependent on having wilfully committed the offence. In the end, it is not the intention to offend but the fact of doing something that hurts somebody that makes us guilty. Intention only makes the wrong clearer.

Guilt always exists within a relationship with somebody else whom one has wronged or with the community to which they belong. Paradoxically, it both isolates us from each other and ties us up more tightly, albeit in an increasingly destructive relationship. When we ask for forgiveness, we are asking for a restoration of our relationship and for the removal of the obstacles which our deeds and omissions have left between us.

Because guilt and even injury is within a relationship, forgiving and reconciling is only really possible if it is requested, or at least accepted. Without this mutuality, the absence of real forgiveness remains, at best, a hidden scar that continues to disfigure our life. One of our predicaments as a society is that for as long as no forgiveness is asked for, or accepted, it cannot be fully given. Because forgiving is about relationships, the old question of whether forgiveness precedes or follows repentance is beside the point. In either case, the scar remains until the relationship is healed.

Thirdly, the decision to forgive belongs irreducibly to the injured and cannot be



taken away from them. Jewish thinkers after the Holocaust have emphasised that only those who experienced the killing could forgive their killers. While in essence this must be correct, we might extend it. A killing destroys not only the dead but traumatises the living. Guilt

and injury are not limited to the person killed but to everyone so traumatised.

Thus, if relationships are to be reconciled, the living have to find a way not to forgive the damage done between the killer and the killed but that done to their own relationship with the killer and to those connected to him. This is probably even more difficult, but it may be the only chance of healing between the living after the horror of the murder of a loved one.

A state is a human community that claims the monopoly of the legitimate right to use physical force within a given territory ... The state is considered the sole source of the right to use violence (Weber, 1970: 78).

**F**orgiving is always a gift, something freely given: forced forgiveness is not forgiveness. Furthermore, forgiving is always going beyond justice and law, even against it. By definition only injustices—always breaches—need to be forgiven. Forgiveness is therefore only possible as a free decision rooted in the conviction that life depends on it. As soon as forgiving is brought into the realm of compulsion, it becomes a moralistic means to destroy the injured. It is this reality which separates interpersonal forgiveness from the realm of formal politics.

Of course, this is essentially no

different from the situation facing any victim of crime. While the state prosecutes murder, that same act limits all revenge. Personal forgiveness is neither sought nor required. After serving a court-imposed sentence, any debt is considered 'paid for'. In many ways, this gaping hole in criminal justice is the origin of the interest in restorative justice.

What makes forgiveness so burning in Northern Ireland is not that many victims are left with their injury, but that so many of the injuries are understood as the grief not only of individuals but of whole communities. Injury can thus make political demands and seek political action, with all the risks involved. The decision to forgive, or not, usually private in western societies, becomes of importance to everyone—because without it the political stability of the whole system is endangered.

If politics is limited in its capacity to enforce forgiveness or reconciliation, the question arises as to whether forgiveness and reconciliation are not ideas best left out of political calculations. And indeed this is the position of numerous political realists, for whom reconciliation should be conceived only in the narrow sense as better than war. Piet Meiring (2000: 74) highlighted the division over reconciliation in reflecting on the South

African Truth and Reconciliation Commission, of which he was a member:

On the one hand there were the lawyers and jurists and politicians who, their feet firmly planted on *terra firma*, warned that we should not be too starry-eyed about reconciliation. When the dust settles in the street, when the shooting stops, when people let go of one another's throats, be grateful ... that is, in our context, as far as reconciliation goes. Archbishop Tutu and the Baruti (priests), on the other hand, favoured a far more lofty definition.

Certainly, we cannot expect the hugs and tears associated with reconciliation between estranged friends to be the mark of the politics. Politics is as much about seeking agreement on the rules governing the use of force as a taking leave of it. Political peacemaking usually focuses on the crucial task of building a political system accepted by all—which 'enjoys a transcendent legitimacy'.

Unless political leaders devise something positive to replace war, a superficial absence of war masks a relationship in turmoil, where each party merely prepares for the next decisive shift in the balance of power. In the absence of political stability, all relationships are vulnerable to the intrusion of violence and the consequent erosion of society. In the long run, the security of a peace deal, and the depth of peace in

politics, can be measured by how much more it represents than the absence of war.

As Frank Wright (1987) has shown us, what passed for peace in Northern Ireland before 1968 was too often a surface tranquillity resting on an unstable balance of deterrence. The use of violence by one group against another always had the potential to evolve into a cycle of destruction and revenge, which could only be 'resolved' by victory and defeat. Where politicised groups of similar size and power engage in inter-group killing, as has occurred in Northern Ireland, there is considerable potential for these cycles to be endless.

Peace in such settings depends on new agreements about the law, political power and the use of force, reached only after considerable mutual injury. Political reconciliation between groups in public life depends on a certainty about the legitimate and illegitimate use of violence—whether exercised by or against them.

Forgiveness and reconciliation cannot be forced. But the quest for stable politics depends on the willingness of leaders to make a new political relationship in which they see one another as partners rather than enemies. This may require all sorts of 'confidence-building measures' (these *are* nouns), and the way to

reconciliation may depend on a series of choreographed steps. But no amount of technical expertise can remove the loneliness of the decision, or more likely the series of decisions, to trust (another verb).

The questions politicians seeking peace have to resolve are questions of price. What must we forego if we are to end the cycle of revenge? Or, even more starkly: what must we reconcile ourselves *to* if we are to establish reconciliation *between* one another? In an economy of revenge, in which there can be no rest while debts remain unpaid, what are the debts of injustice owed to us that we now have to forgive?

Reconciliation in politics will thus be characterised by many of the same dimensions as forgiveness between individuals:

- reconciliation cannot happen without a decision which represents a profound rupture with the past;
- the quest is for a new and transforming political relationship, only possible because of a willingness to forgive and be forgiven for injustice carried out in one's name in the past;
- after these decisions, the old world is only accessible from the new—it really is past;
- political debts are cancelled and no longer count except in the clear terms

conceived of in the agreement;

- guilt and injury are dealt with only in the context of the new relationship;
- there may still be reparation and readjustment, but these are freely undertaken and accepted;
- all public justice takes its bearings from the primacy of the new political relationship, and
- institutions are secure on the basis of mutual trust, rather than militant defence.

The extent to which politicians can make these decisions depends on their relationship with their supporters. In modern politics, leaders can only make peace in those areas in which their supporters give them a mandate. If that mandate is withdrawn, the politician is likely to be defeated.

The ability of political leaders to apologise on behalf of their people without being defeated is closely tied to the willingness of people to contemplate forgiving one another. Where injury and trauma are widespread, the task of reconciliation is an inevitably complex relationship between the achievable limits of politics and the capacity of traumatised communities to forgive and be forgiven.

Wise politicians stick to what they think their constituency can bear. Appearing to ask for, or grant,

forgiveness on behalf of people who have not been directly consulted is a risky business—seeming to force people into a relationship which they cannot yet contemplate. By far the most effective acts of leadership are not the results of policies but deeply vulnerable personal acts of contrition or forgiveness, which do not bind others but create space for movement and change. One thinks of Willi Brandt's spontaneous falling to his knees in Auschwitz, of Anwar Sadat visiting the Knesset, of Vaclav Havel asking forgiveness of Czechoslovakia's former German population and of Nelson Mandela donning a Springbok rugby jersey. In each case, a leader opened up new possibilities by taking a personal risk that invited a free response, rather than trying to legislate a new, politically-correct orthodoxy.

**B**eyond doubt, the Belfast agreement represents an attempt to replace conflict with something else. In this minimal sense, it is an experiment in political stability and clearly presumes a new political relationship. At the heart of the agreement is proclaimed the aim of reconciliation and the establishment of a new, fully legitimate political order. Formally at least, Northern Ireland is embarked on a journey away from the limited notion of peace, as absence of war,

towards a peace rooted in relationships. No matter what the claims of political realists, therefore, politics must engage with the question of forgiveness and reconciliation if the agreement is to represent more than a staging-post in the cycle of revenge.

Of course, the roots of the agreement are in cold political calculation. The unspoken dynamic was a new realism within republicanism and elements of unionism about the emerging international, especially British-Irish, consensus on the way ahead. In spite of its early rejection, both republicanism and Ulster Unionism were pincered by the Anglo-Irish process which they had rejected so vehemently in 1985: contrast the formal party positions then with the institutional substance of the agreement in 1998.

At the same time, the British-Irish process, supported vocally by the international community in the shape of Bill Clinton and Jacques Delors, presupposed something more than ceasefires. The move from ceasefires to agreement was the adoption by parties in Northern Ireland of the principle that peace is more than the absence of war.

In constitutional terms, the agreement presumes that nationalists agree to work a still-British Northern Ireland on condition that it is, so to speak, a

‘second republic’—constitutionally and institutionally transformed from the previous dispensation. This clearly presupposes entirely new relationships in Northern Ireland, in which a new legitimacy replaces an old one, reasons for violence disappear, accounts are reconciled and political debts are forgiven. So if the roots of the agreement were in *Realpolitik*, the plant can nevertheless only bear fruit if it is watered by a new political relationship in which the past ceases (at least over time) to be an obstacle.

But just to speak in such a language draws attention to the limits of the agreement. At the time of its promulgation, the leader of the Ulster Unionist Party had had no bilateral meetings with the leader of the party which was the biggest obstacle to his voters, Sinn Féin. Moreover, as time has passed, it has become clear that the new beginning affects only those things over which there is an unambiguous interpretation. There is a new government, but as yet no new relationship allowing generosity of spirit on unresolved questions.

In spite of the oft-repeated principle established by the Social Democratic and Labour Party leader, John Hume, that ‘nothing is agreed until everything is agreed’, it is clear that this line-drawing,

reconciling-of-accounts principle was not realised in the agreement. Indeed, part of the problem is an unrealistic expectation that the agreement represents an arrival at reconciliation, when it is nothing of the sort.

In addition, although the agreement presumes a new legitimacy for the consequent institutions, it appears that this is only partial. As Adrian Guelke has pointed out, it represents a recognition of different aspirations—not a full acknowledgement of legitimacy. Thus, the republican movement believes that it has made a pragmatic compromise with the ‘six-county state’ while withholding legitimacy from partition. Unionists, on the other hand, expect that the sovereignty of the UK in all matters not specifically regulated by the agreement will be absolute.

Finally, the new governmental system has yet to achieve its necessary monopoly of legitimate force. In the first instance, the fact that justice and policing remain Westminster matters reflects the inability of unionists and nationalists to construct a mature government for Northern Ireland. Furthermore, the refusal by paramilitaries to decommission is grounded in unwillingness to invest the organs of state with legitimacy.

Just as the great political motivation for conflict in Ireland—the border and its

future—has apparently been resolved, we find that our real difficulty is accepting as partners those we have not forgiven and cannot forgive. At best, we are operating in the realms of ‘forgiven, not forgotten’—meaning that we go on with each other but may easily return to the injury and guilt which has shaped our history. At worst, even those who are committed to working the agreement are vulnerable to a remembering or revitalisation of injuries past, leaving the door open to a return to the politics of the last atrocity committed by the overtly unreconciled wings of our ‘imagined communities’.

Progress in the quality of peace in Northern Ireland is thus inextricably tied up with something over which politics has no power: our ability to ask for and grant forgiveness to one another. Problematically, the agreement is formally constructed on the principle that we can avoid doing either, even though it cannot survive without both. This paradox is clearest in the agreement’s silence about our past responsibilities to and for one another. Not only is there no ‘war guilt’ clause; there was apparently no guilt.

In the absence of a clear victor, the agreement was probably only possible because it drew a discreet veil over questions of responsibility and guilt. In

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**‘The idea of a shared truth: I have no idea what it means, what a shared understanding could be, what a common history could be. I have no idea what any of those terms mean but I have a vision for the future. And the vision I have is to be able to live alongside other people without necessarily understanding them, but knowing that in them are a lot of things that I recognise in myself—and how do we work that out?’**

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an ideal world, this might provide the political cover for people, quietly but definitively, to leave their past behind. Meanwhile, in the real world everyone is left to maintain their own innocence, while nobody is released from the accusation of guilt by their opponents. Thus unionists can countenance nothing which recognises any responsibility for violence in the political structures of Northern Ireland, while SF continues to insist that these lie at the core of the problem. Republicans and loyalists see no requirement for serious apology to those left suffering and unionists insist

that paramilitaries have sole responsibility for violence.

While there are still debates about decommissioning and policing, neither side can quite let go of accusing the other of being up to their old tricks. And—who knows?—they may both be!

The programme for the early release of prisoners was a perfect instance of this problem. On the one hand, prisoners were released early, without any need to express remorse. Indeed, all organisations involved refuse any of the normal trappings of 'ex-offenders'. On the other hand, prisoners are not released from the legal pronouncement of guilt, carrying their licences with them—some to the end of their days. While one can understand and even admire the political ingenuity of the solution, such compromises embody the hole at the centre of the agreement: everyone is left innocent in their own terms, while remaining guilty in the eyes of their opponents. We have nowhere to acknowledge that our relationships remain clouded by our experiences and perceptions of injustice and injury.

In a conflict which has claimed nearly 4,000 lives, traumatised tens of thousands more and determined the residence, marriage and profession of hundreds of thousands further, it is always the unknowable others who are

responsible. There is no 'I' or 'we' who asks forgiveness. Official ideology hardly dares to locate any responsibility, and each side goes on giving every appearance of continuing to pin blame overwhelmingly on the 'other' while fiercely resisting any notion of co-responsibility.

Yet the evidence suggests that a political system failed to cherish all its children equally, a state found itself cutting corners off justice, a self-styled 'non-sectarian' ideology terrorised anyone who called themselves British and the Protestant working class colluded with death squads prepared to kill any Catholic. It is hardly surprising that victims groups are the fodder for every party seeking to undermine the agreement.

Forgiveness and reconciliation are the result of forgiving. They are characterised by the transformation of a relationship, so that previous injuries no longer block our relationships and lives. Memory, where it goes on, becomes a matter of humility and warning—not a weapon with which to destroy the other. But everything depends on the existentially critical decision to forgive, and a willingness to acknowledge responsibility or to be forgiven. There are already many instances of this in personal lives, but all the core political

organisations continue to demand their 'just us' (in the phrase of the writer Robert McLiam Wilson), at any cost to the present or the future.

Without a real willingness to accept each other into political life, all talk of reconciliation runs the risk of sentimentality while the injuries of the past sustain their dynamic but formally unexpressed poison. The gamble of the agreement is that time and 'confidence-building measures' will create the space for real changes to come to pass quietly and without humiliation. There is a fear that any process of truth-telling will snowball into a litany of charge and counter-charge, in which the whole 'peace process' will come tumbling down in a sea of recrimination. The alternative possibility is that without facing our need to forgive and be forgiven, reconciliation remains unattainable—even in its limited political sense.

So I say to you my friends, that even though we must face the difficulties of today and tomorrow, I still have a dream ... I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slave owners will be able to sit down together at the table of brotherhood. I have a dream that one day, even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice (King, 1968: 17).

**T**he absence of war, however relative, creates an environment in which dreams become thinkable. And the establishment of political structures, even imperfect, which draw people into new and unexplored relationships should not be dismissed. The successful defusing of the constitution in the agreement, as a reason for violence, is a huge achievement. But it is also necessary to be honest about the limits of what has been achieved in terms of relationships.

Political leadership needs to demonstrate, and reiterate, a vision of the agreement which promises and delivers a place for everyone. At one level, this is a simple matter of good governance and coalition co-operation. But it must, sometimes, include the visionary, which leads beyond a current impasse into something worth striving for. Much of this is already present in the seldom-remembered preamble to the agreement.

The genius of Martin Luther King's 'dream' speech was to articulate a vision, to acknowledge current reality and to embody that dream within human relationships rather than specific political formulae. This was a compelling dream, not a utopia to be imposed: it called both oppressor and oppressed into a new future.

Forgiveness and reconciliation are the *sine qua non* of any peace that moves

beyond the absence of war. In politics, their presence can be evidenced by increasingly secure arrangements covering a widening range of subjects. Reconciliation cannot be legislated, however; in its absence it can only be modelled and imitated, by people who take decisions and translate those decisions into their political, social and personal lives. In times such as these, leadership in Northern Ireland, at whatever level, means little more than fulfilling this task and exploring the consequences.

Some of those consequences may be extremely dangerous and unpopular with previous friends. The absence of legislative support makes any decision to forgive, or to accept forgiveness, a risk

which can only be reduced by the manner in which one responds to these decisions and by one's capacity to recognise the risks in small and seemingly insignificant changes. Even where we recognise the need for great changes, transition can be hell at times.

We commit all sorts of injustices at every step without the slightest intention. Every minute we are the cause of someone's unhappiness (Rankin, 1999: 5).

**T**here cannot be reconciliation unless ideologies of communal victimhood—which portray every act of 'ours' as an act of defence and every act of 'theirs' as an act of aggression—give way to a recognition of the injury 'we' have also done. In a spiral, we are victims not only of the last act of violence, but of the one which 'provoked' it (and the one before that and the one before that). Inevitably, 'we' are victims not only of 'their' violence but of 'our' violence to 'them'. Unless we can find our way to this recognition we cannot take real responsibility for the suffering, except as 'do-gooders'. Allied to this are the responsibilities of political leadership: forgiveness and reconciliation in action must be supported by those in authority or forever run the risk of being ridiculed.

Taking responsibility also means that politicians, including those in Britain and

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**'To me there is always the notion of scapegoating that goes on when we talk about the issue of victims and forgiveness and reconciliation ... The question is: whom do we forgive and where do we start? Do we forgive perpetrators, politicians, government, security forces, the silent middle class, churches, etc?'**

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the republic—as well as moral and community leaders—need to articulate their responsibility in failing to bring an end to violence. Clearly, paramilitary groups must come to terms with their own activities and injuries. But this will be impossible unless their personal and group responsibilities are contextualised within a wider acknowledged failure. To be guilty among the also guilty is one thing, to be guilty among the innocent quite another.

In practical terms, this means a formal acknowledgment that the material needs of those who suffered directly must be met by the public purse as a symbol of our responsibility as a society. This responsibility-taking by the community, in all its parts, means we can begin to memorialise the dead of the ‘troubles’ as a reminder from history about our relationships, within which we all played our inglorious part. ‘Honouring the dead’ might then become a decision to sacrifice no more on the altar of self-righteousness and ‘betrayal of the dead’ might come to be understood as the creation of ever more victims.

**I**f we speak too easily of forgiveness, it is usually because we have no sense of the scale of the injustice that is being forgiven. There is a legitimate fear that forgiveness is a political strategy of

denial, which forcibly pushes away the demands for equity of victims and survivors. What we are concerned with here is something quite different: what makes it possible for people to forgive and be forgiven, so that they are restored to ‘life’? As such, it has nothing to do with law but with a relationship which might even co-exist with continuing punishment.

The justice of forgiveness is ‘restorative’. This certainly means that things stolen must be returned where possible, that a debt to society is repaid in a variety of manners or responsibility is acknowledged into the future. Again, restorative justice can only really begin when perpetrators accept their responsibility. But once a relationship is established, justice is ‘matter-of-fact’ and not about revenge. It can even be undertaken freely by the perpetrator. This is true in relationships between communities and groups as well as between individuals.

Once again, leadership will be crucial to make such theories real. In political terms, this means a long process where those associated with the injuries caused by political groups to which they have allegiance acknowledge the cost of their politics to others. Other agencies, such as churches, might be encouraged to examine their relationships to one

another and their treatment of each other's members in this regard.

For long, we have associated forgiveness with the duty of the bereaved. And, indeed, many have behaved remarkably. Gordon Wilson is, of course, well-known but there have been many others like him. Without their examples we probably would not believe that forgiveness was even thinkable.

But if I have one plea it is this: stop crucifying the injured with this cruel demand. The critical question is asked of all the rest of us. If those who suffered most did so as victims of our relationships, then can *we* ask to be forgiven? By forcing those bereaved or injured into the decisive position, we destroy the weakest again and hide our own unwillingness to act in their despair.

**I**n political terms, there is much to do. Clearly, the agreement did not address the emotional relationships surrounding the use of violence, as illustrated by the disastrous divisions over decommissioning and the Patten report on policing. While both are apparently genuine security issues, there is a sense that the real problem with decommissioning is acceptance that the entire military strategy was misguided, while unionist objections to Patten are about an unwillingness to acknowledge

the participation of unionist institutions as 'cause' in this conflict.

A police force in which nationalists do not recognise themselves is not worth having. On the other hand, the serious concerns of those facing paramilitary attack cannot be dismissed as 'red herrings'—in a context where hundreds of families have to flee as soon as a dispute breaks out between paramilitaries, or mortar bombs are fired on police stations. Political reconciliation means the primacy of a search for a state which might eventually enjoy its Weberian monopoly of force—no matter how imperfectly such a search proceeds. The primary contribution of politics to peace in Northern Ireland is a credible reduction in the room for manoeuvre of the cycle of violence.

Social policy in this domain needs to avoid any idea that it is aimed at forcing people to forgive who have good reasons not to. Nonetheless, there is a responsibility to ensure that measures are taken to build relationships which can prevent the crises that have given rise to the present suffering. This does not only mean giving money to the latest emergency situation, although that may be important. It means building structures and practices in institutions and organisations which embed the principles of equity, diversity and interdependence

in everyday experience.

**T**elling our truth about our experiences is only useful to society if it is a mechanism for healing rather than destruction. Traditional liberal politics is extremely nervous of anything that promises more than it can deliver, preferring instead to provide minimum equity and to demand tolerance. There are good reasons for heeding this intuition—not least the extreme difficulty of creating reconciliation out of pain forgiven not by the victim but by the state. As it stands, most of the ideas for a truth and reconciliation commission in Northern Ireland represent demands for truth from others rather than a supply from ‘our’ side. Unsurprisingly, there are few takers for this proposition among those who were militarily active.

Paradoxically, each of us can only expect a public forum for truth-telling if we accept and acknowledge that many of the stories will highlight things done in our defence and in the name of sacred causes that ended in bloody murder. If we can really accept that, while telling of our own injuries, then we will have accomplished much of the reconciliation the whole process seeks.

A patient has not necessarily recovered because his most obvious wounds have healed (Ziegler, 1969: 60).

**M**uch of this is disturbingly distant from reality. There is no human society in which forgiveness is complete and reconciliation final. But in a small place like Northern Ireland, where a common future depends on our capacity to grow into some kind of open working relationship with one another, it is indispensable for stability. A justice which forces us to submit to one another, as ‘goodies and baddies’, is as unenforceable as it is undesirable.

Reconciliation is ahead of us, not behind—even if for many people it is already a reality. It is there in the small but enormous acts of forgiving and the political acts of working together. But it will not be complete until the even bigger task, of accepting our need to be forgiven for what ‘our’ side caused, has ceased to be the truth which dare not speak its name. **DD**

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## Response

**Brian Lennon**

I would like to start by adopting Duncan's own warning: that I will not do harm to victims by my words. As someone who has suffered comparatively little in the 'troubles' I am deeply aware of our capacity for such harm. There is an enormous amount in his chapter that is rich and challenging, and it helps to clarify our thinking in this area. Clarity is vital because without it we can all the more easily dump our responsibilities on to others.

Some points I would agree with are:

- we speak of forgiveness too easily;
- while the decision to forgive belongs to the injured, there is also a task facing the rest of us who suffer as part of a community, particularly where so many of the

murders were of individuals chosen because they represented a community;

- politicians, if they are to lead, need to bear in mind what their constituency can bear—both acts of contrition and forgiveness can open space for others to follow;
- both unionists and nationalists were pincered by the Anglo-Irish Agreement of 1985, in which the governments explicitly changed their relationship with each other and thereby set in motion changes in the relationships within Northern Ireland;
- while political leadership needs to show that the Belfast agreement can operate at a practical level, there is a need for 'the visionary' which leads beyond the current impasse;
- restorative justice can only begin when perpetrators accept their responsibility, and it has to do with a relationship which might even co-exist with continuing punishment; and, above all,
- we must stop 'crucifying the injured' with the cruel demand to forgive.

Having said that, for me reconciliation is a complex process, made up of at least the following elements: forgiveness, repentance, justice and truth.

Duncan uses the term 'forgiveness' for two quite different things. One is an act—and it is an act—which only the victim can perform (though we can speak of secondary victims in the wider community

who suffer from atrocities committed against people they do not know). A second reference is to the gift that the perpetrator receives.

For me, forgiveness is first and foremost something the victim does. I prefer to use 'repentance' for the tasks the perpetrator needs to carry out. The problem with using 'forgiveness' to cover both is that it is easy for a victim to be confused into thinking one is making demands on him or her—when in fact one may be making demands on the perpetrator. Using a different term, such as repentance, reduces the possibility of confusing the tasks facing the victim with those facing the perpetrator.

There is a second reason for this. People often confuse forgiveness and reconciliation. Understanding forgiveness as (a) something that victims are called to do whenever and however they can, and (b) something that the perpetrator receives may lead to the conclusion that if both occur we have reconciliation. Yet perpetrators need to do far more than receive forgiveness for reconciliation to exist.

They need to admit the specific wrong they have done. They need to take full responsibility for it, as Duncan stresses. They need to apologise for it—and that is different from merely 'regretting' it. They need to make restitution. And they

*may* need to ask for forgiveness: whether the perpetrator should do so is a judgement about how this will affect the victim and how he or she will receive it. Sometimes it is not appropriate to ask for forgiveness, because of the negative impact it would have—and the victim's needs have to be given priority at this point.

A second issue is the extent to which we need reconciliation. This, as Duncan points out, can be seen as a difference of emphasis between the political realists and—at least in South Africa—the priests, like Archbishop Tutu. Despite my vocation I find myself, though not totally, siding with the realists, taking their points very seriously and being cautious

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**'Justice is hugely controversial in Northern Ireland, because whatever side of the fence you're sitting on you will have your opinion of justice. It's very painful and it's very hard to watch, but it has to be faced and I believe that victims in Northern Ireland want to face it. I believe some perpetrators want to face it as well, and have made some steps to face the truth and start again ...'**

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about the ambitions of the 'priests'.

In the South African case, in practice too much emphasis was put on the task of victims to forgive, and too little on the task of repentance. One might not like the religious connotations of the term 'repentance', but I have yet to find a word that includes as many of the challenges facing perpetrators—which may be a comment on the difficulty secular society has in facing up to the need for repentance. As Duncan points out, secular courts do not deal with the issue. Nor did the South African TRC, at least directly. For good reasons, amnesty did not depend on the willingness of perpetrators to repent.

In our context we do not agree about our past, our present or our future. Again, Duncan usefully highlights that a strength of the agreement is that it allows all parties to hold on to their different versions of history. And this may work; only time will tell. It is worth noting the experience of the south in this respect.

After the civil war of 1921-23 there was very little repentance or offer of forgiveness. There was precious little justice and not much truth. Yet the south survived. That survival is perhaps taken for granted too easily. In the context of the time it could have collapsed as a state any time up to the end of 1945. But one

of the mechanisms it used to survive was to freeze each of the civil-war sides into a political bloc with no reconciliation.

What finally began to unfreeze the bloc was the advent of the pragmatists in the mid-60s, who were willing to move away from the civil-war rhetoric. The fact that this did not happen until then is instructive: time allowed space for the thaw to develop. It may be that because we are now in a much faster-changing world we do not need the same amount of time—but I would be cautious about such a conclusion.

I would dearly want to see repentance, justice, truth and—in so far as victims can stumble their way on that awful journey—forgiveness. I do not like living in a society where so much wrong goes unrepented. But at the formal political level, and at other levels of our society, we may have to put up with considerably less. That may be sufficient for us to buy the 50 years we need to allow the past to be somewhat more past than it is.

Duncan's statement that 'our real political difficulty is accepting as partners those who we have not forgiven and cannot forgive' is a more accurate statement about unionists than nationalists. For many unionists their problem is working in government with Sinn Féin, in the absence of any republican confession or apology. The issue for nationalists is

different: they need assurance that the institutions of the state will reflect their 'Irishness' and that they will be administered fairly.

Beyond that there is another issue: resentment. The key task for the Catholic community is to let go of resentment. That is not quite the same as forgiveness: forgiveness should be concerned with actual wrongs, not merely perceived wrongs. I am not suggesting that the Catholic community suffers only from perceived wrongs, but to get rid of resentment we have to be able to specify what the wrong was, who committed it, and what they owe us to get rid of it.

Duncan frequently alludes to the connection between letting go of debts and forgiveness. This is the emphasis present in the gospels: 'Forgive us our trespasses' reads in some versions 'Forgive us our debts'. But before one can forgive debts one has to specify what they are. Then either the debtor gives what they owe or one cancels the debt. Either way, both know where they stand. Resentment can often be about wrongs that are unspecified or where the perpetrator is unspecified. For instance, when nationalists say the British did us harm, which British are we talking about, and what is the harm they did? And when? What would it take to undo that harm? Or is it—and this is very often the case—impossible to

undo it?

It may be that what the Catholic community really wants is acknowledgment of the wrongs done against it by the state, by unionists and by loyalists. But if this is so, then a parallel task arises for nationalists: to recognise the wrongs they have done against the state and unionists. Not a vague, general recognition that wrong happens in 'wars' but a specific acknowledgment that specific acts were wrong. If we need a Bloody Sunday inquiry to recognise that the Derry murders were wrong, we need the same about Kingsmills and Enniskillen—and, I would argue, about the whole republican 'armed struggle' as well as instances of Catholic sectarianism.

Is, then, the Catholic task more to deal with resentment and that for Protestants more to deal with offering forgiveness in the absence of repentance? And what is the difference between these two tasks?

If one accepts that reconciliation is made up of the four elements of forgiveness, repentance, justice and truth, then a final question arises. Is reconciliation the most appropriate thing for us to be seeking in politics? Or should we be looking for something less ambitious, such as 'political healing' or 'a way to live in modest peace for the future'? In Northern Ireland today, each would be ambition enough. **DD**

# Commemoration and remembering



## Brandon Hamber

**R**ecently, while reading the diary of Deneys Reitz—best known in South Africa for writing about his experiences as an Afrikaner in the Anglo-Boer war of 1899-1902 and then in the first world war—I came across some of his thoughts about the Irish. Reitz (2000: 365) wrote of how, following his participation in the war (ironically then on the side of the British), he had gone to Ireland, arriving shortly after the Easter rising:

During one stage of the war, I had served with the 7<sup>th</sup> Irish Rifles in France and it struck me then as it struck me now, that the Irish politically resemble our Dutch-speaking element in South Africa. We too are more concerned with the sentimentalisms of the past than with the practical questions of today and tomorrow.

Regardless of its provocative nature, this assertion made me realise how far back

comparisons between South Africa and Ireland have been made. It also made me consider whether such comparisons arise from ‘sentimentalisms’, rather than systematic social or political analysis.

Obvious as it sounds, South Africa and Northern Ireland are very different places. Their similarity lies not so much in the structure of their conflicts, but in their psychological outcomes. This is typified by the responses of individuals, ranging from those who minimise the conflict and deny any complicity to those who have experienced extreme trauma and repression.

Reitz also conveys another myth—that some Irish, particularly now in Northern Ireland, are especially stuck in the past. All societies coming out of conflict draw on history to arm themselves for the confrontations of the present, which for the most part are real, historically and materially based. The extent to which the past is used, and its cultural and social manifestations, may vary, but in all conflicts the ghosts of the past enshroud the divisions of today. The way the past is used in Northern Ireland has its peculiarities, but it is not exceptional.

Reitz also implies that it is preferable to deal with ‘the practical questions’ of here and now, rather than spend time looking back—especially when the past

is filled with emotion. Even Nelson Mandela has argued at times that the past needs to be forgotten in the interests of peace. In 1996, at the inauguration of the Enoch Makanyi Sontonga Memorial in Johannesburg, he said (Hayes, 1998: 48): ‘Let’s forget the past, and concentrate on the present.’

Countries coming through conflict tend, in the name of pragmatism, to gloss over the fissures caused by decades of antagonism. Although this may be necessary in the short term, dealing with the past—and the needs of victims of political violence—is a continuing requirement, albeit difficult and fraught. And dealing *genuinely* with the past, and the experiences of those victimised by it, is as much about looking back as it is about pragmatism in the present.

**S**outh Africa attempted to deal with the victims of *apartheid* violence largely through one approach, the Truth and Reconciliation Commission. South Africa did not invent the truth commission—since 1974 there have been 15 around the world—but the TRC was to capture the world’s attention.

This was partly due to the international interest in the fight against *apartheid*. The South African model also promised an alternative way of peacefully resolving entrenched differences. So the

notion of using a truth commission to deal with political conflict gained momentum: Indonesia, Sierra Leone and Northern Ireland are flirting with the idea. But how well did South Africa fare?

Archbishop Desmond Tutu said that without the compromises made during the negotiations to ensure majority rule the country would have gone up in flames. From this perspective, the agreement by the African National Congress to grant amnesty to perpetrators of *apartheid* violence was a pragmatic choice. Amnesty was the cost—a high one for victims—of saving innumerable lives lost had the conflict continued.

Unlike in Chile, amnesty in South Africa was neither blanket nor automatic: conditions applied and the TRC was the vehicle. Perpetrators of political violence, from every side, had to disclose full details of past crimes. Simply put, it was agreed that justice would be overlooked, provided the perpetrators told the truth. Truth was considered vital to understanding what had happened, assisting victims to come to terms with the past and preventing its repetition.

Victims of political violence were also given the opportunity to tell their stories. The TRC then made recommendations regarding possible reparations, as well as proposals to prevent future human-rights violations. The TRC process began

in December 1995 and ended, technically at least, when the commission handed its 3,500-page report to then President Mandela in October 1998.

The amnesty process still continues. About 20,000 people came forward and told how they had been victimised under *apartheid*. More than 7,000 people applied for amnesty and, to date, nearly 800 have received amnesty for such crimes as murder and torture.

Public acknowledgment of past crimes was the TRC's greatest success. The brutal horrors of *apartheid* found their way, *via* the media, into the living-room of every South African. An undeniable historical record was created, and it will be very difficult for anyone to deny the impact of *apartheid* violence.

For a minority of victims, suppressed truths about the past were also uncovered. In some cases, missing bodies were located, exhumed and respectfully buried. For others, the confessions of perpetrators brought answers to previously unsolved political crimes—crimes which the courts, due to expense and inefficiency, might never have tried.

Yet for many the TRC began a process it was unable to complete. Many victims felt let down, and no closer to the truth than before they told of their suffering. Irrespective of the feasibility of investigating every case, victims' high

expectations were dashed, and in their eyes this undermined the commission's credibility.

Justice has remained a burning issue. Politicians may have been able to justify the exchange of formal justice for peace, but it has been difficult for victims to watch while the perpetrators have received amnesty.

Moreover, the government of Thabo Mbeki has been slow in responding to the TRC. More than two years since the proposals for reparations were tabled, they still have not been discussed in Parliament; nor, indeed, have the TRC's broader recommendations.

There have also been debates about the wider merits of the commission. At the very least, the reconciliation project—the TRC at its helm—brought South Africa through the transition with relative political stability. The humanist approach of Messrs Mandela and Tutu brought compassion to an extremely brutalised country. Despite the horrors revealed by the TRC, glimmers of humanity shone through and provided some hope for the future.

For some, however, reconciliation has become a mere euphemism for the compromises made during the political negotiations—compromises that sustained white control of the economy at the expense of structural change. From

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**'I don't think actually that what we're going to arrive at is a truth commission. I think we're going much more to see a series of truth processes that are going to be painful for everybody, because I don't think there is any right or wrong. I don't think that anybody is going to come out of that process with their head held high and nobody is going to come out and say: we were clean. Nobody was clean over the last 30 years.'**

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this perspective, the commission also missed the bigger picture by defining victims only as those who experienced intentional physical violence. Those who were not victimised directly in this way but suffered more broadly from the economic ravages of *apartheid* were excluded. Another, more cynical, view is that the *rapprochement* between the old and new *régimes* was a strategy to consolidate a new black *élite* under the banner of reconciliation.

These different perspectives demonstrate the complexity of issues of oppression and violence, and how past events shape the process of reconciliation.

In South Africa, the balance of power dictated the terms of the amnesty: the ANC had too little power to prosecute the perpetrators of *apartheid* violence, but enough to impose amnesty conditions.

**L**auding South Africa for its innovative approach—trading truth for amnesty—is meaningless without referring to its context. South Africa’s approach to reconciliation cannot be applied elsewhere without first analysing the power relations in that society.

While there may be sufficient political space in Northern Ireland for the re-opening of the inquiry into the Bloody Sunday massacre of 1972, it is unlikely that its politicians and the British government would agree to a broad truth commission embracing all the events of recent decades. In the context of its ‘imperfect’ peace, most parties fear that uncovering the truth could weaken their position and increase tension, rather than advancing peace at this stage (Hamber, 1998). A truth commission should be used to consolidate peace after a formal agreement has been secured, not mistakenly used to try to make peace.

This does not mean questions of truth and justice will disappear in Northern Ireland, or elsewhere. While power relations shape the path a country follows in the post-conflict phase, dealing with

the past cannot be put off forever.

In Namibia, 10 years after independence, there are now vocal calls from victims for an investigation into the atrocities committed by the South West Africa People’s Organisation in its camps. In Mozambique, people felt that a truth commission would be too risky, given the extent of violence committed by all sides during the civil war. But the past continues to play itself out, as people struggle to rebuild their lives in communities reeling from years of violence, injustice and suspicion.

**A** truth commission is just one vehicle of reconciliation: commissions of inquiry, tribunals and grassroots initiatives can also help victims and perpetrators come to terms with the past. Strategies for dealing with the past can also include the documentation of victims’ stories—in the form of books, archives, poetry, writing, theatre and song—as well as more structured truth-telling processes, ranging from counselling to commemoration through monuments and rituals. Governments, voluntary groups, communities or individuals can adopt such approaches individually or, ideally, in partnership.

Their importance, however, is in drawing public awareness to the plight of the victims of the past. They should be

used to mend relationships, not to alienate those from different communities. Many stories of the hardships and violence of the past in Northern Ireland are inevitably untold; these stories will need to (and will) filter into the public space. The challenge is for policy-makers, government and communities to find frameworks to deal with this eventually.

A truth commission is only one, limited, institutional framework. More importantly, a continuous process of dealing with the needs of victims should be put in place. A public debate on how best to deal with the past, and the needs of victims, is a necessary first step.

Only one aspect in this debate is universal: victims have a right to truth, justice and compensation in the wake of political violence. These 'universals' can, however, be more difficult to implement than at first glance. In the so-called interests of peace-making and political stability, leaders—and, often, the majority of people in a country—may limit these rights. This pragmatic choice may have benefits in the short term but will demand close attention as the peace unfolds.

Truth is a contested terrain in the post-conflict phase. Perhaps we would all agree that victims have the right to know what happened to their loved ones who

were killed or 'disappeared'. But, in one way or another, we all resist the truth about the past coming to the surface: each one of us is fearful.

A South African colleague, Grahame Hayes, eloquently captures this resistance (Hayes, 1998: 46):

the perpetrators fear the truth because of the guilt of their actions; the benefactors fear the truth because of the 'silence' of their complicity; some victims fear the truth because of the apprehension of forgetting through the process of forgiveness; and other victims fear the truth because it is too painful to bear.

He concludes that reconciliation takes place at the point where we struggle with understanding our own personal resistance to uncovering the past. This is a challenge to society at large, not just to those with political power.

At the same time, we should not fall into the simplistic trap of arguing that revealing (telling the truth) is instantly healing. Dealing with the truth, once it is out, is a complex and difficult process, which will plague Northern Ireland for decades. Nor does extensive trauma counselling equate with dealing with the past. Of course, victim support services are necessary, but an over-emphasis on counselling and support can deflect attention from the other needs of survivors.

Many victims are unlikely to divorce the questions of truth, justice, the labelling of responsibility for violations, compensation and official acknowledgement from the healing process. Therein lies the challenge: we can envisage setting up sufficient support services for all victims of political violence, but integrating their other needs—perhaps overridden in the name of peace, such as the right to justice—is infinitely more complex.

Models and policy initiatives need to look to the individuality of victims and their particular context, and to the long term. Governments supervising transition may find themselves at odds with victims, even communities, as the desire to move on politically is normally more rapid than for individuals. Individual recovery, over time, is linked to the reconstruction of social and economic networks, and of cultural identity (Summerfield, 1995: 25).

South Africa attempted to meet these multiple needs through the TRC. But even the commission was a flawed process: did it uncover enough of the truth and did it offer victims sufficient support, to offset the denial of their rights in the name of peace? Inadequate reparations and the compromise of amnesty exacerbated the problem.

It has been argued that South Africa

achieved a necessary balance between ensuring peace and guaranteeing some truth and victim support. Yet without broad, structural change, and continuing recognition that victims' rights to justice and reparation have been violated through the peace process, it is unlikely the TRC will ever be judged to have been sufficient.

**T**his provides some perspective on the debate as to how Northern Ireland can best remember, and commemorate, the past, and deal with victims and survivors. The rights to justice, truth and reparation are real for victims of political violence, and these principles need to be agreed. And it needs to be understood that, for the survivor of political violence, truth, justice and reparation are linked. Truth complements justice, justice can reveal the truth, and reparation is not only a right but is integral to the rule of law and to the survivor's trust in a just future. Reparation (and often punishment) is the symbolic marker that tells the survivor justice has been done; simply put, justice is reparation (Hamber, Nageng and O'Malley, 2000).

These rights, and the complex needs of survivors with regard to truth, justice and reparation, may not be attainable due to compromises made to ensure peace. But, if so, policy-makers and

government will be required to deal as best they can with the legitimate frustrations of victims whose rights have been violated—a less than ideal position.

Finally, I would return to Deneys Reitz. The maintenance of peace and social reconstruction in Northern Ireland will undoubtedly become the ‘practical work of today and tomorrow’ over the next few years. But if we want to foster genuine reconciliation in the region (and in South Africa, for that matter), we must have the courage to walk headlong into, and deal with, the ‘sentimentalisms of the past’—a process that may take as long as the past itself. **DD**

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## Response

**Avila Kilmurray**

**T**he past need not always haunt us, but can offer pragmatic solutions in the present if we are prepared to deal with it in a genuine manner. This is a particularly important point in Ireland, where we are often accused of dwelling on the past.

But it is difficult to talk about dealing genuinely with the past when we are still in the midst of a political struggle over the present and the future. Perceptions of history are an important part of that struggle, which has sharpened around the issue of victims—indeed around the very definition of the word.

Brandon commented on the importance of leadership rooted in compassion, rather than partisan passion. One of the most dismal legacies of the years since the Belfast agreement has been the spectacle of party-political struggle over

the 'ownership' of victims.

While the concern of some politicians is undoubtedly compassionate, for others any compassion has been selective. Perhaps we need a firmer sense of political stability to secure that leadership, although in South Africa the latter was instrumental in establishing stability itself.

Nor is the necessary confidence to confront issues of truth and justice yet apparent in Northern Ireland (or, for that matter, in Britain, where the government still finds it incredibly hard to come to terms with having been an active protagonist in the violence of the last 30 years). It is difficult when so many participants in the struggle still take refuge in moral certainties, a refuge they then deny to others.

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**'The most painful battle over the last few years has been over who is a victim and who is not ... We're still caught up in that: some deserved what they got and some didn't. It's a very difficult discussion but a very important discussion in relation to commemoration and remembrance.'**

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Brandon referred to the variety of potential approaches to recording the experiences of victims and perpetrators (and those who were both). Diverse approaches have been piloted in Northern Ireland; many have much to recommend them. Certainly, variety is necessary to reflect the different needs of victims themselves. If we engage in recording stories, however, we need to be able to deal with the messages—often conflicting messages—emerging from them.

The diversity of the interests, views, experiences and responses of victims is worth underscoring. If we are to take commemoration and remembrance seriously, we have to move beyond the who-is-a-real-victim? issue; otherwise, we are in danger of creating more hurt and controversy.

Brandon spoke of the need for clarity about the context. Unfortunately, that is the very thing that we do not have in Northern Ireland. Essentially, we still have two philosophical explanations of the recent—and not so recent—past. There are those who see a sharply divided society, formed on the basis of a sectarian head-count, with endemic discrimination, leading to violence. As against this, there are those who see Northern Ireland as a normal democratic society which experienced an aggravated crime wave over

the past 30 years.

This philosophical fault-line has destabilised the interpretation, and so implementation, of the agreement. It has also haunted discussion of the remembrance and commemoration of victims of violence.

Remembrance can take place on a number of levels: private, public and social. We all remember the facts as we know them—or wish to know them. Similarly, a local context will influence how we remember things. As the research by Smyth and Fay (2000) underlines, how people remember the violence and the victims as a Protestant in south Armagh or west Fermanagh will be quite different from how a Catholic will remember in inner north Belfast.

So much of our remembrance is like a kaleidoscope, but while we still have a divided society it will be difficult to appreciate its full extent. This is why it is very important to create space and opportunity to exchange perceptions, to check out memories against those of others.

One of the issues that dogs remembrance is lack of disclosure. This, in turn, gives rise to conspiracy theories about what did, or did not, happen in cases of violent death or injury. Any effective disclosure would require amnesty arrangements—and that is a difficult

issue for many people.

There is also the question of disclosure by the state. This is often seen as a concession to republicans—and as unwarranted, given little corresponding movement from that quarter. But should the state and paramilitary movements be judged by the same criteria? Many would argue that more should be expected of the former.

Public or social commemoration must be inclusive if it is to contribute towards overall healing. If not, it would do more harm than good. Northern Ireland is not yet at a stage where we could envisage a parallel to the Vietnam memorial wall in Washington, with its naming of the dead side by side. But there remain the options of developing a place—a forest, a park or the like—as a sanctuary of remembrance.

We are still at the stage of quiet, private remembrance—better than commemoration that is combative in nature. We need to create a range of spaces and develop a variety of approaches. We also should be wary of remembrance being overtaken by detached academic analysis, as this might further disempower victims and survivors.

Equally, we have to develop the shared context and confidence that will allow remembrance to be open to a more

general discussion and, where necessary, challenge. We need to work to create an inclusive kaleidoscope.

What we cannot allow is that we be told to ‘draw a line in the sand’—forget about the past and move on. As Brandon suggested, it is crucial that we learn to deal with the past in a positive manner. In any case, lines in the sand are invariably washed away. **DD**

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# Killings by the state

## Bill Rolston

I want to focus on one category of victims—those killed by state forces during the Northern Ireland conflict. Much of this chapter is based on interviews with 20 families who have campaigned for truth and justice in relation to the death of their loved ones at the hands of the state (Rolston, 2000).

State forces have been responsible for 10 per cent of all deaths during the conflict. The major perpetrator in state killings has been the army, responsible for over 82 per cent. Next has come the Royal Ulster Constabulary, at approximately 15 per cent.

State killings figured largely in the early days of the conflict. There were 62 deaths attributable to state forces before the most-publicised instance, Bloody Sunday, in January 1972. The worst year for state killings was 1972, when 83 people died as a result. In the three years

1971-73, there were 160 state killings, 45 per cent of the total of such deaths.

Civilian deaths constitute the largest category of victims of state killings—over 50 per cent. Almost all such victims were unarmed; the vast majority—86 per cent—were Catholic. The next largest category is republican paramilitaries, accounting for 37 per cent of state killings. Remarkably few loyalist paramilitaries were victims of state killings—only 4 per cent of the total. All but two of the latter killings occurred before 1975.

Many human-rights activists have referred to those killed by state forces as ‘forgotten victims’. They would argue that there have in effect been two classes of victims: ‘deserving’ and ‘undeserving’. The latter were presumed less than innocent or, worse, downright culpable—implicated in their own fate. Thus, at the top of the hierarchy of victims, were those deemed

'innocent'—usually women and children, usually killed by paramilitaries. At the bottom were members of those same paramilitary groups killed by state forces; they often attracted little widespread sympathy outside the communities from which they drew support.

Raising the issue of state killings while the violence raged was difficult. First, there was an unquestioned belief that the state does not act as a terrorist, and does not kill without reason or justification. Secondly, there was a presumption of 'no smoke without fire', despite protestations of innocence. Thirdly, these deep prejudices and presumptions were disseminated by powerful institutions, especially the media. And there was deliberate misinformation and manipulation of the media by state forces, ensuring that a partial or downright false story was the first in the public domain, and therefore the most likely to be believed and remembered.

Such was the power of this ideology that it was possible in the cases of state violence to override the most basic right to presumed innocence. Thus, it was usually presumed (indeed, often stated) in official accounts that children killed by plastic bullets were involved, or at least caught up, in riots—the implication being that there was contributory negligence.

To draw attention to victims of state killings was to risk being labelled 'soft on terrorism'. Criticism of the state's human-rights record was usually condemned as 'playing into the hands of the terrorists'. It was even worse for relatives who dared to demand disclosure or prosecutions: to agitate for such was to draw down the wrath of state forces. Vilification of the dead was echoed in the treatment of those who sought truth and justice.

In most cases, those interviewed said they had never been officially informed by the RUC or anyone else that the killing had taken place. Others were informed by the police or the army in the most callous of ways. As Peter McBride's body lay in his house awaiting burial, soldiers drove past shouting 'One down. One nil'. When Kevin McGovern's mother phoned the RUC to inquire about her son, she was told: 'You'll get his body in Magherafelt morgue.'

For many, the first intimation of the death was an RUC raid on their home. In such cases, relatives were convinced that the police were on a 'fishing exercise', searching for some information that might allow them to tarnish the name of the victim and thereby excuse their own involvement. Misinformation about the character of the dead person was highlighted by all interviewees.

In each case of state killing there have been two opposed versions: that of the state and that of relatives and human-rights campaigners. There is one way out of the dilemma of deciding which is correct. The state has the resources to be much more than an uninformed observer: it has the means to investigate these killings as systematically as those of every other person killed in the conflict. Has it done so?

The emphatic answer is 'no'. For example, campaigners in the case of the death of Louis Leonard pointed out that the RUC had made no attempt to seal off the scene of the crime: 'There was no investigation. Louis' case was a murder in a small village and it was never treated like you would imagine a murder to be treated.' The experience was similar for the family of Carol Ann Kelly: 'There was never a proper investigation into Carol Ann's death. They didn't do any measurements or take statements from witnesses. A lot of the local people went to Woodburn Barracks to give statements and they were told it wasn't necessary.'

Even the most obvious of police routines—the interviewing of those involved in killing—was often ignored. For example, the SAS undercover soldiers who killed three IRA members in Gibraltar were whisked back to England immediately and only interviewed two weeks

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**'I think as citizens we need the truth. For those of us who have supported the state and the security forces in the past, we particularly need to know who it is we are being loyal to, what they've been up to and whether or not we can mitigate that loyalty with a dose of what they've been up to.'**

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later.

Loretta Lynch, a campaigner in the case of Mr Leonard, summed up the conclusion of many relatives: 'Not only was there no investigation, but there was a concerted effort not to investigate.' Nor are such comments confined to relatives. After examining the RUC's investigation of the killing of six men in north Armagh in 1982, the then deputy chief constable of Greater Manchester, John Stalker, concluded: 'The files were little more than a collection of statements, apparently prepared for a coroner's inquiry. They bore no resemblance to my idea of a murder prosecution file.'

Yet families found themselves targets for undue attention by the RUC and the army. The harassment was usually verbal and highly offensive. The family of

Charles Breslin were subjected to numerous taunts, such as 'Charlie's a Tetley tea bag'—a reference to the fact that he had been shot at least 13 times. The brother of Seamus Duffy, killed by a plastic bullet fired by the RUC, was frequently harassed: 'Do you want to be the next?' he was asked. The younger brother of Pearse Jordan, shot dead by the RUC, received similar treatment.

This harassment was not confined to relatives of republican activists. Moreover, it increased the more the relatives became involved in political action to achieve justice. Robert Hamill was killed by a Protestant mob in Portadown; his family claim police nearby did nothing to intervene. According to his sister Diane, commenting on the attention she and her family had received from the police, 'If we had not stood up and said this was wrong, they would probably not have given us so much hassle.'

Despite the odds against them, many relatives hoped to gain some satisfaction by having their day in court—a trial or inquest. But there have been very few prosecutions in relation to state killings. And very few of these have led to custodial sentences. Even then, the guilty were often released within a few years.

Moreover, the experience of the inquest was usually a frustrating one. As a result of changes in the coroners' rules

for Northern Ireland introduced in 1981, inquests can only record findings as to the identity of the dead person and how, when and where he or she died. In addition, public interest immunity certificates were frequently issued, preventing disclosure of information on grounds of 'national security'. Police and soldiers implicated in the death did not have to appear, but could send unsworn statements.

**M**any of those interviewed were adamant that they did not want to see anyone imprisoned for killing their relative; given how much they had suffered, this showed remarkable tolerance and magnanimity. Others insisted that they wanted to see prosecutions, but a court case was seen as a means to an end—the truth.

At one level 'truth' refers specifically to the facts: there is no closure without disclosure. But, fundamentally, even if the facts, including the names of the perpetrators, are already well-known—and in many cases they are—relatives demand official acknowledgment of wrongdoing.

Kathleen Duffy, whose son Seamus was killed by a plastic bullet, put it this way: 'I just cannot understand how we don't get recognition. It's the same hurt, the same as any other murder ... I want

the same recognition as everyone else. I don't want to be any different. I want to be on the same footing as any other mother whose son has been murdered. I think I have the right to that.'

How can the relatives achieve this acknowledgment? One mechanism which has been tried in at least 19 societies in the past two decades—including, most recently, South Africa and Guatemala—is a truth commission.

A truth commission marks a symbolic break with the horror of the previous *régime*. It states unequivocally that what the state did—torture, 'disappearances' and killings with impunity—was wrong and should never recur. In conjunction with other legal and political changes, it may mark a turning point. Although a truth commission may appear simply symbolic, it is intended to underwrite a new consensus about human rights—without which there is no assurance that the future will be any different.

Some have argued that we are already at that point in Northern Ireland, and that elements of a definitive break with the past are present in mechanisms established by the Belfast agreement. The Patten commission on the reform of the RUC held a number of well-attended and animated public meetings, leading some of the commissioners to conclude that it was the equivalent a truth commission.

Some commentators have suggested the Saville inquiry into Bloody Sunday could become a mini-version. The Bloomfield report on victims proposed policies to allow relatives access to education and business start-up; similar policies emerged, for example, from the truth commission in Chile. The criminal-justice review recommended a broad range of reforms. Finally, out of the agreement came a human rights commission, alongside the UK-wide incorporation of the European Convention on Human Rights into domestic law.

But what distinguishes the current situation from that in most societies embarking on a truth commission is an absence of consensus on the legitimacy and purpose of these innovations. There are three ways in which these events are represented.

First, the changes are described as, at best, unnecessary and, worse, an attack on respectable institutions which have proven their worth in the defence of democracy—in effect, a victory for 'terrorism'. This is the position of many unionists.

Secondly, the reforms are presented as a welcome and appropriate recognition of political change. The 'terrorist menace' is potentially gone forever, so there is an opportunity to professionalise and modernise institutions. Such

changes do not, however, constitute any criticism of the past. This position is held by the British government.

Thirdly, the changes are deemed cosmetic and likely to be superficial. They do not represent the root-and-branch transformation required to achieve a break with the past. This is the position of republicans and some other nationalists.

So, we are not even at the stage at which other countries had arrived when they established their truth commissions. Nor does it follow that—if and when we did arrive at that point—a truth commission would magically solve all our



The argument of force—attending an IRA funeral in Co Tyrone

political problems. The South African Truth and Reconciliation Commission proves that.

Although it gained wider support in the society than might have been imagined and led to remarkable instances of disclosure and reconciliation, the TRC was criticised by some of those it might have been expected most to help. Thus, the family of the murdered black-consciousness activist Steve Biko objected to the trade-off of amnesty in return for disclosure. Even those who reluctantly accepted the necessity of such a compromise ended up feeling a sense of anti-climax. All their eggs, as it were, had been placed in one basket. No one event, no matter how wide-ranging, could hope to give everyone a sense of accomplishment.

For those who had suffered at the hands of the *apartheid* state there was the realisation that some of those responsible were never going to own up, that the truth would not be total, and that there would be often little more than a begrudging acknowledgment of injustice. And because the TRC was a one-off event, there was no second chance to bring about a closure.

Despite this and other shortcomings, the TRC had one irrefutable benefit for victims: it acknowledged the suffering they had experienced, it vindicated their demands for equal recognition, and it laid

down a powerful social marker of condemnation of the actions of the state in the past and of good intent for the future.

Does this mean that there should be a truth commission in Northern Ireland? Some relatives say yes—aware that, as in South Africa, they may have to compromise. Truth may require less than full justice, especially in terms of prosecutions. Their compromise would be seen as the price that must be paid for building a future society where the protection of human rights is central.

That a truth commission however seems unlikely—in the absence of a consensus in the society that there should be such a mechanism—might suggest a pessimistic message. On the contrary, given that truth and justice cannot be guaranteed by one event—even one as significant as a truth commission—it follows that truth has to be built through a patchwork of events and mechanisms. Inquiries, prosecutions, the disclosure of documentation, public events and archiving of memories can in the end contribute to an acknowledgement that there are no second-class victims and that the campaigns of relatives of state victims have been justified.

As a society, we are not yet at the point of inclusiveness. With the agreement came the decision to release politically-

motivated prisoners. To ‘sweeten the pill’ for many victims and relatives, there was a balancing commitment to addressing their plight. The Bloomfield report offered a welcome focus but the sting in the tail of this new-found concern was the ‘forgotten victims’ and their supporters.

Relatives of those killed by the state have argued for equality of treatment, as held out by the agreement, and have won a place in the debate. But that debate is not yet over. For some, inclusion has been conceded begrudgingly; it is far short of heartfelt acknowledgment of wrong done.

Elsewhere, truth commissions have played a role in bringing about that acknowledgment. Whatever the mechanisms, true justice demands we reach that point also. **DD**

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# Response

**Dave Wall**

I believe that mechanisms must be found to enable a shared truth to be told. These must be based on reconciliation and reparation, not retribution. There are examples of processes from which we can learn, such as the South African TRC. But whatever process we adopt will have to be specifically designed to meet our particular needs.

Bill's paper only comments on killings by the state. Certainly, the state has a particular responsibility to act within the law; failure to do so fundamentally undermines all our human rights. In that sense the state is deserving of special attention in the search for truth. But the great majority of killings in Northern Ireland have been carried out by paramilitary organisations.

The combination of state and paramilitary killings has left a bitterly divided society. Identification of the wrongdoings of the state alone is unlikely to achieve reconciliation. The violence has been very intimate and localised. Victims often know, or believe they know, who killed their loved one. Often these people have lived in the same street, the same village,

the same community. This intimacy requires an approach to truth, justice and reconciliation that reflects this special nature of our conflict.

Bill accurately reflects that, in large part, victims are more concerned with knowing the truth than with retribution. But I do not entirely concur with the view that those calling for judicial inquiries see this only as a means of identifying truth. We live in a bitterly divided and punitive society. He reflects on the small number of prosecutions of British soldiers but the early release of Pte Clegg and others, and their return to the army, produced a very angry response. While this was expressed in the language of equal treatment, there was certainly a strong element of concern for retribution.

Bill also reflects that other countries had a consensus enabling them to move on to a truth-and-reconciliation process. In one sense that is correct: the TRC did follow extended and extensive discussion across South Africa. Yet, while there was considerable consensus, in the end the cooperation of the agents of the *apartheid* state, the security services, was only secured in exchange for amnesty. Therefore a truth-finding process (or commission) comes as part of the achievement of consensus, of restoring relationships. All sides have to believe they have something to gain.

He does correctly identify the disillusionment of many in South Africa after the conclusion of the TRC, but my understanding of its cause is that the South African government has failed to implement the recommendations in the TRC report about the compensation of victims. There is a view that there is an imbalance between an amnesty for perpetrators yet no compensation for victims.

**D**uring the visits of Alex Boraine, vice-chair of the TRC, to Belfast over the past two years, we discussed with a wide variety of organisations and individuals the relevance of a truth-finding process in Northern Ireland. The vast majority of participants felt the achievement of a shared truth was an important objective. Denial was not considered an option by many. How and when such a shared truth could be realised was, of course, not easy to identify; nor was the appropriate phasing with other political developments.

The discussions so far indicate key elements to address. First, whatever the process we adopt to achieve truth, it is an essential requirement in our quest for peace. Secondly, we need extended and inclusive discussion and debate. Thirdly, and most importantly, we need to establish the political and moral authority to support a truth-finding

process.

We do not yet know what kind of process, if any, will suit Northern Ireland in establishing a shared truth. It will not be the same as in South Africa but we will not achieve a political peace without mutual recognition of the nature of the past.

Dr Boraine identified three ways forward. First, we could 'put the past behind us' and engage in collective amnesia. But victims do not forget; to ignore this re-victimises them. In South Africa this was not considered a viable option and it is not a sensible option for ourselves.

Secondly, we could hold a series of trials or prosecutions. Alleged perpetrators would be charged and, if found guilty, penalised. This approach has serious limitations. Where would prosecutions begin and end? Would it be possible to reconcile different and conflicting communities if the resolution involved punishment? Arms are still widely available in Northern Ireland and those who hold them might seek revenge for any punishment handed out.

Thirdly, we could develop a restorative-justice approach, enable people to tell the truth so everybody knows what has happened, and contribute towards a common history: who killed whom and why? This would acknowledge what had

happened and why it had happened, establish accountability and responsibility for those actions, and enable some people to say sorry and to move on.

**W**hile there must be much fuller discussion with all stakeholders, the possibility of a structured truth-finding process will be dependent on the ability of our politicians to achieve a consensus on the way forward. Following on from Dr Boraine's earlier visits, it is now intended by September 2001 to submit to London and Dublin, and the Office of the First Minister and Deputy First Minister, a report identifying a programme of action that may lead to a successful truth-finding process.

The South African TRC was born out of a political settlement. While not all sectors of South African society trusted the new government, it gave the commission the authority and independence to carry out its task without interference.

The difference between the nature and role of the state in South Africa and in Northern Ireland cannot be overemphasised. South Africa had a new state. We will have the same state, albeit working in a rapidly changing political environment in the UK, Ireland and Europe. That state must also be part of any truth-finding process. It was difficult in South

Africa to get perpetrators who acted on behalf of the state to give evidence (many did but many in positions of command did not). Will it be even more difficult, where the state authorities have not changed, for the state to give evidence?

Does this again point us in the direction of a series of inquiries, rather than a truth commission? What does this indicate about those inquiries in terms of amnesty for witnesses, reparation for victims and the relationship with any prosecutions?

I think inquiries will play a significant role in the development of a consensus about the need for a defined process. As more evidence emerges of the truth of our conflict, there will be greater need on all sides to see the story from all sides, to develop a shared truth.

In the same way that the Belfast agreement was established and its implementation is continuing because there really is no other show in town, I believe we will develop a consensus as to the need for a defined and inclusive process of truth-sharing. Inevitably, this will involve trade-offs between perpetrators and victims. It must be sensitive to our intensely localised conflict. It may well involve a combination of elements: inquiries about identified events, a more general process for other incidents and some mechanism for very local support

and mediation.

Whatever the mix of mechanisms and strategies, it must be aimed at reconciliation and restoration. I do not believe that a process based on retribution can produce closure.

In its 'Declaration of Support', the Belfast agreement reflects the values that will be at the heart of a truth-finding process:

The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual respect, and to the protection and vindication of human rights for all.

We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South and between these islands.

Our task must be to help the political parties to identify a process that can lead to a shared truth, based on these values.

I conclude with the following questions taken from the report of one of Dr Boraine's visits (Boraine, 1999):

1. What special measures are required to deal with our intensely localised

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**'Ask the victims again what it is they want. Some of them say they want inquiries, some of them say they rule out the issue of prosecution and punishment altogether, but what most say is they want the truth ... facts and acknowledgment.'**

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conflict?

2. How can we achieve a change that removes the sense of the need to defeat the other side?

3. How can we all learn to challenge our own allegiances, to manage without the comfort of our own reference group?

4. How can we begin a process of healing in the absence of a political settlement? What are the steps we must take; what is our goal? Is this completely independent of the political process or are they intertwined?

5. How can we avoid the dangers of those who want to identify the 'true' victims, to establish a hierarchy of victims with the worthy and unworthy?

6. Will our community be prepared to tolerate an amnesty provision? Should this be a blanket provision or relate to specific incidents?

And, perhaps most importantly, and where Bill's paper began:

7. Where there has been no radical change in government, how can the state be persuaded to tell the truth? 

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# The 'discovery' and treatment of trauma

**Marie Smyth**

**Trauma** n (pl -ata, -as) wound, injury; painful psychological experience etc, emotional shock, esp as origin of neurosis. **Traumatic** a (The Little Oxford Dictionary, 1969)

**Trauma** (trow-mã) n (pl -mas -mata) 1. A wound or injury.  
2. Emotional shock producing a lasting effect upon a person **traumatise** (trow-mã-tiz) v (**traumatized, traumatizing**) (Oxford American Dictionary, 1986)

**T**rauma has more than one meaning and it is not always clear. The word is used to refer to both physical and psychological wounding. Perhaps this should suggest a more holistic approach—that both the physical and psychological be borne in mind. Moreover, in a culture increasingly influenced by the popularisation of psychology, and by highly specialised and demarcated services, material circumstances can be

ignored, often at our peril.

The psychologising of everyday life (Shorter, 1997) and the decreased tolerance of psychic pain associated with increased expectations of happiness (Giddens, 1993) provide a broader social context for any discussion of trauma. In his polemic on the history of psychiatry, Shorter (1997: 290) writes:

Since ancient times, both boys and girls have become anxious about scary stories. Yet it would have occurred to no one across the centuries to give psychiatric diagnoses to these anxieties about phantasms, not at least until the advent of 'post traumatic stress disorder' (PTSD), a syndrome initially associated with the trauma of combat. Whether a distinctive veteran's psychiatric syndrome involving stress actually exists is unclear. But even if it exists, once PTSD became inserted in the official psychiatric lingo, the popular culture grabbed it and hopelessly trivialised it as a way of psychologising life experiences. By 1995, therapists were talking about 'PTSD' in children exposed to movies like Batman.

According to one authority, 80 per cent of children who had watched media coverage of a crime hundreds of miles distant exhibited symptoms of 'post traumatic stress'. The anxieties of children themselves were nothing new under the sun. New was psychiatry's willingness to persuade parents that the quotidian problems of maturation represent a distinct medical disorder.

In this cultural climate, which Shorter deftly describes, 'everyone is a victim'. And terms such as 'traumatised' are used to describe effects as disparate as responding to a film and witnessing the killing of a close family member. The

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**'It is extremely difficult to make a generalised statement about what victims want—including that victims want the truth—because, in my experience of working with people, some people find the truth too difficult to bear ... However, I do think that we need the truth and that's a different statement. Let's not hang the truth on the necks of the victims: they have enough problems of their own to get on with ...'**

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increased cultural and social intolerance of psychic pain—allied with the growing use of psychotropic drugs for the management of unhappiness—and an increasingly individualised culture have created a context in which large, undifferentiated numbers of people can acceptably claim to have been traumatised. Yet this can only increase the demand on the diminishing supply of the milk of human kindness, and reduce the chances of those in dire need receiving their due share.

Nor do the supposedly more scientific psychiatric frameworks such as PTSD assist, since they themselves are artefacts of the same social circumstances. Young (1995) contextualises current thinking about trauma and traumatic memory in the emergence of new concepts of human nature and consciousness and of psychiatry as a medical speciality. PTSD does not exist as an independent fact: we have invented it as a way of summarising and bringing together things that were understood differently—or perceived as unremarkable—in the past.

**U**ntil the advent of the Bloomfield report (Bloomfield, 1998), scant systematic official attention had been paid to those bereaved or injured in Northern Ireland's 'troubles'. This was,

in part, due to the exigencies of the times: physical survival, rather than psychological well-being, was often the priority. Yet, even when the violence was at its peak, there was a Criminal Injuries Compensation scheme (also reviewed by Bloomfield) and a property-related Criminal Damages scheme.

Under the former, a determination of emotional distress was required for eligibility. This depended heavily on the opinions of psychiatrists who applied the diagnostic criteria for PTSD. Psychiatrists were employed as expert witnesses by both the plaintiff and the state, yet little consideration has been paid to the possible impact of these financial arrangements on diagnostic practice.

There have been suggestions that psychiatrists in Northern Ireland have adopted the PTSD diagnosis much less frequently than their counterparts elsewhere in the UK. One might conclude that this might have assisted the state in limiting its expenditure on compensation, and would have had ramifications for its distribution.

Thus, the determination of the existence of 'trauma'—its recognition, its manifestation in particular forms—or the lack of attention paid to it are influenced by financial, social, professional and political factors. Elsewhere (Smyth, 1998), I have discussed the issue of who

'qualifies' as a 'victim' in Northern Ireland. These matters are far from simple, and meaning is often contested.

The use of the term 'trauma' presupposes a universality of definition of experience and effects. Yet, as mentioned above, what is described as traumatic in one set of circumstances might be regarded as inconsequential in another. Attempts to systematise a definition, through the International Classification of Diseases (ICD) or the Diagnostic and Statistical Manual (DSM), have raised further problems—as the origins and history of the PTSD category illustrate.

**I**n war and other chronic danger, combatants and civilians experience severe and persistent fear. Such fear is, predictably, greater for some. Those whose lives are in extreme jeopardy, such as combatants, are supposedly equipped by their training to find ways of managing high levels of fear. Others, not so trained or habituated, or who have particular sensitivities, may experience strong fear, even when facing lesser risk.

Such severe fear produces a range of effects, variously described over the last century, arising from the experience of soldiers in the first world war and subsequent conflicts: 'cowardice', 'shell-shock', 'hysteria', 'malingering',

'commotional shock', 'soldier's heart' and 'disordered action of the heart'. After World War I, such conditions were dealt with by methods ranging from court-martial to psychiatry.

The psychiatric approach was rather inconsistent and sometimes brutal. Sufferers could be treated by electric 'faradisation' at the hands of Yealland, or by the 'talking cure' advocated by W H R Rivers (Showalter, 1987). Hunter (1946) pointed out that the army was the patient, even though the individual soldier was being treated: the goal was to get the latter back on duty so that the war could be won. A fictionalised account of the associated moral and clinical dilemmas is provided in Pat Barker's novel, *Regeneration*.

Young (1995) discusses the so-called DSM-III revolution, when the Council on Research and Development of the American Psychiatric Association established a task force to take diagnosis towards a standardised classification of conditions. The DSM-III, and subsequent editions of the manual, aimed to establish a research-based system of classification of diseases common to all theoretical orientations within psychiatry and psychology, tested in clinical trials and meeting validity challenges. None of the research, however, was conducted in societies undergoing conflict.

War-related trauma entered the diagnostic system through a series of debates and struggles relating to the experience of Vietnam veterans: the PTSD diagnosis as it appeared in the DSM was based on their experience. The standard tour of duty in Vietnam was 12-13 months and most veterans served only one, though some did two or even three. Most returned between 1964 and 1975 but the PTSD diagnosis first appeared in 1980.

This led to anxiety on the part of the authorities about the financial implications of providing treatment for service-related disorders, now including PTSD. Shorter (1997: 304) described these developments thus:

In the years after 1971, the Vietnam veterans represented a powerful interest group. They believed their difficulties in re-entering American society were psychiatric in nature and could only be explained as a result of the trauma of war. In language that anticipated 'the struggle for recognition' of numerous later illness attributions, such as repressed memory syndrome, the veterans and their psychiatrists argued that 'delayed massive trauma' could produce subsequent 'guilt, rage, and the feeling of being scape-goated, psychic numbing, and alienation'. In early 1973, the National Council of Churches organised a First National Conference on the Emotional Needs of Vietnam-Era Veterans. Out of this grew a nation wide

campaign to persuade recalcitrant psychiatric establishments to recognise the new disease. Once it became known how easily the APA's Nomenclature Committee had given way on homosexuality, it was clear that psychiatrists could be rolled.

PTSD first appeared in the third edition of the DSM, replacing the earlier 'gross stress reaction', a passing response to intolerable stress. The DSM now specified that the stress should be 'outside the range of usual human experience' and be sufficient to evoke 'significant symptoms of distress in most people'. The DSM then listed symptoms: persistent and distressing re-experiencing of the traumatic event, dreams, flashbacks, intrusive images, numbing, avoidance of situations that trigger memories of the traumatic event, hyper-vigilance evidenced through sleep disorders, inability to concentrate, irritability and so on.

PTSD was developed to deal with the reactions of soldiers who saw between 12 and 39 months of combat. It was also developed according to symptomatology that appeared after the soldiers were removed from the war zone, and where such symptoms and behaviour were clearly outside the population norm. Yet the PTSD framework is universally applied to conflicts such as that in Northern Ireland.

Unlike the average tour of duty in

Vietnam, in Northern Ireland exposure to conflict has lasted for almost three decades, which may well merit an examination of the applicability of PTSD as a framework in long-standing civil conflicts. The more recent differentiation between 'type one' and 'type two' trauma remains inadequate in the face of ongoing experience of violence. And the population of the region—particularly police officers and locally-recruited soldiers, paramilitary combatants and residents of militarised areas—have not left the 'war zone': this is not '*post-trauma*' experience.

Voluntary organisations offering support to those affected by the 'troubles' experienced a rapid increase in requests for help after the 1994 ceasefires in Northern Ireland and on subsequent occasions when the level of violence diminished. This suggests it is only in the post-conflict phase that the full psychological and emotional impact of armed conflict can emerge, yet help is also required while conflict continues.

The diagnostic criteria for PTSD differentiate between acute and chronic forms. The appearance of the syndrome is correlated with the severity of the stressor (Kaplan and Sadock, 1988), with 50 to 80 per cent of those exposed to a devastating disaster suffering from PTSD. The incidence in the population is cited

as being 0.5 per cent for men and 1.2 per cent for women. Onset can be from a week to 30 years, with about 30 per cent of patients recovering, 40 per cent retaining mild and 20 per cent moderate symptoms, and 10 per cent remaining the same or deteriorating.

Diagnosis of PTSD in Northern Ireland is probably lower than might be expected in such a protracted violent conflict (Fay *et al*, 1999). The lack of respite from violence is one factor. Psychiatric diagnosis is the sole prerogative of psychiatry in Northern Ireland, unlike in the US where several professions may diagnose, and differences in diagnostic practice (mentioned above) may account for some of the difference.

Furthermore, as already discussed, obtaining a PTSD diagnosis has been a prerequisite for compensation under the Criminal Injuries Compensation scheme for psychological and emotional injury as a result of the 'troubles'. The role of many in the psychiatric profession in assessments of litigants, as prosecution or defence witnesses, complicates the predominantly therapeutic remit of diagnostic practice.

In a continuing conflict such as Northern Ireland, a diagnosis of PTSD will be given when the diagnostic criteria are met—assuming, as does the DSM, that experiences such as shooting and

bombing are 'outside the range of human experience'. Yet for those living in the worst-affected areas, and for the mental-health professionals who treat them, militarisation, shooting, killing and bombing have been commonplace. This challenges the validity of such a diagnostic category in this context. Straker (1987) holds the view that PTSD is a misnomer where violence is ongoing, proposing instead '*continuous* traumatic stress syndrome'.

A further difficulty with the category lies with its origin in military psychiatry. Combatants' and soldiers' experience has played a defining role in the definition of a set of diagnostic criteria and concepts have then been applied broadly to civilians and combatants alike. In this field, as in many others, it is those with the power of weaponry and relationships with political leaders whose experience has been seen as the defining factor.

Significant departures between civilian and combatant experiences seem likely: the relative powerlessness of civilians, for example, would suggest they might experience war and civil conflict differently. Yet none of this is clear in current conceptualisations.

Similarly, age, gender and cultural differences in responses to violent social division are relatively unexplored, yet emerging evidence would indicate their

existence (Fay *et al*, 1999).

**T**wo polarised views of trauma are indicated by PTSD and Straker's alternative category. The latter sees the sufferer's context as the still violent society, the former as the consulting room—where the solution for PTSD is also seen as lying. Yet in many political conflicts, it is neither financially feasible nor socially desirable to offer clinical treatment to all those who suffer psychologically from exposure to violence.

From the available evidence (Fay *et al*, 1999), relatively few require intensive and specialised psychological help. For others who may have symptoms of trauma, and who can be sustained within community and family networks, perhaps other group and community interventions can prove less stigmatising and more empowering. Yet even for those for whom this kind of intervention is appropriate, accessibility to such services (for civilians) is often difficult. It is a paradox of modern warfare that while provision is often made by armed parties for the care and psychological rehabilitation of their members, that for the overwhelmingly civilian victims is often scant.

The mental-health professionals have from the outset been divided in their approach to PTSD and its antecedents. Rivers' 'talking cure' *versus* the shock



treatment of Yealland is still reflected in debates today, albeit in less extreme form.

The psycho-dynamically inclined tend to the view that exploration of the experience through talking—telling and retelling the story of the trauma—will 'wear it out' and achieve therapeutic results. Those of a more behavioural bent favour instead a 'reprogramming' to extinguish unwanted or dysfunctional responses. Other treatments, ('eye movement desensitisation reprocessing', for example) offer seemingly technical solutions which focus on apparently unrelated issues.

In the community, debates about

remembering the past have involved those who have been bereaved and injured 'telling their stories' to raise awareness of the suffering of those who have been hurt. The consumption by the media and the publishing world of 'fight and tell' biographies of former IRA, SAS and other combatants, and of those who have been bereaved or injured, is indicative of the 'market' for story-telling.

While these various forms of narrative can, on occasion, be socially valuable, and personally assist the 'story teller', there is cause for caution. The teller may be trapped in an identity which inhibits whatever personal resolution might be achieved. Moreover, while the focus of the story may be humanitarian—as what the market 'wants'—rather than on any political context, the teller may be caught up after publication in a maelstrom of political claim and counter-claim. This is not a process conducive to good mental health.

A further area of concern is the role of psychotropic drugs in 'treating' the distress associated with trauma. Many were shocked last year by a scene broadcast from Russia, where a woman bereaved through the wreckage of a nuclear submarine was injected with a tranquilliser—in full public view—after she expressed her anger at a senior politician. Yet more subtle and hidden

forms of such medication have been provided in Northern Ireland for almost three decades.

Evidence from South Africa suggests that drug companies regard the medication of, for example, adolescents diagnosed with PTSD as a worthy investment in research on the application of (exclusively) chemical intervention. Yet these adolescents have been traumatised in political violence and live in violent environments. This may present a new market for pharmaceutical companies; it may not, however, appear socially or morally attractive to the rest of us.

Finally, human-service professions have been hesitant to acknowledge the political aspects of work in this field. Distrust, partly stemming from this reluctance, has meant little open exploration of new and creative ways of supporting those who have suffered. A range of solutions must be found and made available, and no one method will serve all.

This, however, will require a multi-dimensional and multi-disciplinary approach, based on mutual respect between political actors, professionals and communities. A first step might be working to establish that respect. 

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## Response

**Karola Dillenburger**

A famous psychologist once said (Skinner, 1980: 127): 'One can picture a good life by analysing one's feelings, but one can only achieve it by [arranging circumstances that make it happen.]. We need to do something concrete to achieve a 'good life' for people who have experienced trauma. Marie consistently promotes a sensitive, yet sensible, practical and down-to-earth approach to the

problems of victims.

The 'troubles' in Northern Ireland have cost more than 3,500 lives, mostly of young adults (74 per cent were under 39) (Fay *et al.*, 1997). Some 7,000 parents have thus lost a child, some 14,000 grandparents a grandchild. An estimated 3,000 people have lost a spouse, affecting around 10,000 children, while perhaps 15,000 have lost a sibling. Some 45,000 may have lost an uncle or aunt and around 21,000 a niece or nephew.

All in all, more than 115,000 people may have lost a close relative. Northern Ireland is a close-knit society and people tend to have a large circle of friends. A conservative estimate (10 friends each) would mean that more than a million people would have a friend who has lost a relative.

Other statistics (*Northern Ireland Abstract of Statistics*, 1987) show that more than 30,814 shooting incidents, 8,304 explosions, 7,264 malicious fires and 12,306 armed robberies have resulted in more than 27,347 people (including 19,496 civilians) being injured. In a total population of one-and-a-half million, this means everybody has been affected.

The early years of the 'troubles' were the most vicious. Nearly 70 per cent of the dead were killed between the civil-rights marches in 1969 and the hunger

strikes in 1981.

**E**arly efforts to research the effects of intercommunal violence were fraught with difficulties. Local researchers had usually been educated in local schools and universities and had a life-long history of exposure to the situation they were attempting to explain. While this may have made them sensitive to the issues, they were categorised by their religious affiliations and thus unable adequately to study the 'other' community (Dillenburg, 1992). On the other hand, strongly held conventions and a wide range of taboo subjects (for example, perceptions of violence, religious beliefs and political attitudes) limited the topics they were able effectively to explore. This created an almost incestuous research culture.

The relatively small number of international researchers studying the conflict brought their own problems. They mostly conducted their fieldwork during a brief visit and returned to their country of origin to write up (Fields, 1973). They mostly did not stay long enough to understand the complexity of the situation. This 'goldfish bowl approach' (Darby, 1976) usually led to superficial understanding and limited impact.

Data about the psychological effects of violence during this period are scant.

Research was mainly concerned with the social-services response (Darby and Williamson, 1978), community relations (Whyte, 1978) and mental health (Lyons, 1971; Fraser, 1973). The data showed relatively low impact of violence on psychological health (Lyons, 1971; Fraser, 1973; Mercer, Bunting, and Snook, 1979). But the indications were that social services were slow to respond, community relations were deteriorating and admission rates to mental hospitals were rising.

In general, people were thought to be able to cope because they 'distanced' themselves from the violence—for example, by not discussing certain events or issues. Children as well as adults were thought to have adapted to adversity with characteristic human resilience (Heskin, 1980). As Mercer *et al* (1979: 157) put it, 'People are adaptable and apparently can eventually get used to this nearly wartime environment. It may possibly be this very adaptability which in part allows the situation to persist.'

Between the hunger strikes in 1981 and the ceasefires in 1994, violence decreased somewhat. About 30 per cent of 'troubles'-related deaths (1,119) occurred during these years. Psychological research gained momentum, with a particular emphasis on the effects on children (Cairns, 1987). Increasingly,

media attention focused on the problems of violently bereaved individuals (Orner, 1987; Taylor, 1989).

The research focus was also broadened by international psychologists who began to understand the issues more fully. Some came to Northern Ireland for repeated fieldwork (Higgins and Brown Diggs, *in press*), others worked with local researchers and stayed in the country for prolonged periods (Toner, personal communication), while still others settled (Dillenburg, 1992).

The first indication of long-term effects of the 'troubles' came from a study of widows who had lost their husbands in sectarian violence (Dillenburg, 1992): they showed significant long-term 'clinical disturbance' (Goldberg, 1978). These findings were confirmed by Curran *et al* (1990), who also found significant psychological distress in their study of the effects of the Enniskillen bomb in 1987.

While a picture of long-term psychological suffering was slowly emerging, a significant number of researchers still maintained that relatively few had suffered distress that merited clinical attention. The stresses experienced by most people in Northern Ireland were thought to be relatively short-lived.

The ceasefires from 1994 and the subsequent Belfast agreement of 1998 led

to a dramatic decrease in inter-communal killing. While violence has not ceased, recent political developments give hope that such deaths may eventually become a thing of the past. These developments have also led to a change in the psychological understanding of violent death in Northern Ireland. More and more evidence of long-term effects is coming to the fore.

For example, Hayes and Campbell (2000) point to the long-term stress caused by the shootings on Bloody Sunday in 1972. They found, 25 years on, that 61 per cent of relatives of the dead showed 'significant clinical disturbance' (Goldberg, 1978). Dillenburger and Keenan (1994) emphasised that violently bereaved widows showed psychological distress far exceeding that of the general population over 10 years after their loss. In fact, 67.2 per cent of their sample suffered significant clinical disturbance. Smyth and Fay (2000) illustrate the long-term suffering with vivid narrative. Their video account of the agony of the violently bereaved is chilling (Northern Visions, 2000).

Marie contends that, whatever solutions we offer in terms of treatment, 'no one method will serve all'. Whatever method we choose, however—be it focused on case or community, political, therapeutic, individual, family or society,

or all of the above—it has to be based on evidence.

The notion of 'evidence-based' practice is now so firmly established as the basis of accountable and professional social work that its definition is prominent in the recently published *Encyclopaedia of Social Work* (McDonald, 2000:123):

Evidence-based practice denotes an approach to decision making which is transparent, accountable, and based on a consideration of current best practice about the effects of particular interventions on the welfare of individuals, groups and communities. It relates to the decisions of both individual practitioners and policy makers.

The key question then for trauma practice in Northern Ireland is 'what is evidence?'. It seems there are many answers.

Traditionally, and as in many other places, trauma practice was based largely on *circumstantial evidence*: workers tended to 'establish a conclusion by inference' (*Collins English Dictionary*, 1991). It is easy to see the roots of this practice when one considers that the history of the helping professions is rooted firmly in philanthropy. In this context, for example, the categorisation of some victims as 'deserving' and others as 'undeserving' would be considered evidence-based.

Today the use of circumstantial

evidence is much more conspicuous and is maintained mainly under the auspices of traditional theoretical orientations and ideologies. Here workers over-interpret what a client says and make inferences about what a client means. The result is misunderstanding and wrongful labelling. The worker who bases the intervention on circumstantial, inferred evidence assumes that an explanation or underlying cause for the behaviour is identified. In fact, nothing is added to the analysis (Dillenburg and Keenan, 1997). The use of this kind of evidence is still promoted in some quarters but it is increasingly discredited by courts and inquiry reports (SSI, 1998).

Another kind of evidence is *material evidence* or 'in evidence', *ie* 'on display; apparent; conspicuous' (*Collins English Dictionary*, 1991). In the past this kind of evidence was often related to segregation. For example, the so-called 'peace line' is very much 'in evidence' in Belfast, dividing the two communities physically, keeping them apart. This kind of evidence seems particularly important in relation to victims. For example, the victims commissioner, Sir Kenneth Bloomfield (1998), suggested that the erection of a memorial building with surrounding gardens would be one important way to 'remember them'.

*Direct evidence* or 'testimony of a

witness' (*Collins English Dictionary*, 1991) is increasingly used in Northern Ireland with the aim of 'healing the wounds of the troubles'. There were some attempts to give victims a voice before the ceasefires (Dillenburg, 1992). But these were largely ignored (Cairns and Darby, 1998) and Smyth *et al* (1993) spoke of a sense of great silence, in which the motto was 'whatever you say, say nothing'.

The use of 'narrative as evidence' is only now being fully explored. Today many consider witness evidence a prerequisite to coming to terms with the past. In their recent book, Smyth and Fay (2000) have published many personal 'troubles' accounts; the film has already been mentioned. At the launch of both, Sir Kenneth spoke of the importance of giving victims a voice. Overall, there seems to be a consensus that (Hayes and Campbell, 2000: 708):

Telling the story and integrating the trauma into one's life is necessary for healing to occur ... Story telling provides perspective and closure regarding the trauma and narratives are important in the 'working through' phase of coping with a trauma ... Failure to work through may lead to chronic problems, even illness.

A growing effort is also being made to gather *empirical and statistical evidence* (Iwaniec and Pinkerton, 1998). While in

the past statistics were often accumulated in a haphazard fashion, today this is co-ordinated and structured. The Cost of the Troubles study is a perfect example (Fay *et al*, 1997).

*Evidence of effectiveness* is a measure of performance. It is 'productive or capable of producing a result, actual rather than theoretical' (*Collins English Dictionary*, 1991). Evidence of effectiveness is a relatively new concept in Northern Ireland. It is evidence that interventions do what they say they do—that they are effective in achieving the aim of the intervention. This is not a new concept in most other professions and it seems to be the



The effects are long-term

kind of evidence most victims want.

Ultimately, this is what we need for any intervention, treatment or policy, regardless of ideological or theoretical standpoint (Sulzer-Azaroff and Mayer, 1991; Mattaini and Thyer, 1996). We must move on from the notion that just because we have done something we have helped, and we can therefore feel absolved. We must gather the data to ensure that what we have done has had the intended effect.

**M**cdonald's entry in the recently published *Encyclopaedia of Social Work* sets the agenda for evidence-based trauma practice in Northern Ireland, as elsewhere (McDonald, 2000: 123):

Those who espouse an evidence-based approach to policy and [trauma] practice recognize the importance of a range of factors in decision making, including societal and individual values, practice wisdom and resources. However, they argue that the influence of these factors should be informed by a rigorous consideration of current best evidence available of the *effects* of particular interventions.

In Northern Ireland this challenge is beginning to take hold. There is much to be done. But it seems the call for 'evidence-based' and 'research-minded' trauma practice is putting pressure on academics to produce the necessary evidence. The same pressure now applies to

practitioners. They have a responsibility to evidence the effectiveness of their interventions.

The time has come for practitioners and academics to work together to establish a framework where clients have a right to the most effective treatment available (Van Houten *et al*, 1987). In the 21st century, victims should expect nothing less. **DD**

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# Compensation and reparation

## Sir Kenneth Bloomfield

**T**he *BBC English Dictionary*, which focuses upon the contemporary use of words, defines 'compensation' as 'money that you claim from a person or organisation to compensate you for something unpleasant that has happened to you'. 'Reparation', on the other hand, is 'the act of giving someone money or doing something for them because you have caused them to suffer in the past'.

For reparation, then, you look to some individual or organisation which has wronged you; for compensation, you may look elsewhere for an appropriate recognition of the hurt you have suffered. As victims commissioner in 1997-98 I concerned myself with both compensation and reparation, as chair of the Review of Criminal Injuries Compensation with compensation alone.

Reparation can come about by compulsory or voluntary act. When you bring

a suit before a court against someone who has damaged your person, your quality of life or even your reputation, the outcome can be a decision compelling the wrongdoer to pay damages to the plaintiff. As the litigation involving Count Tolstoy and Lord Aldington shows, such suits can on occasion have a problematic outcome. But reparation can also be made voluntarily, as an act of grace and/or acceptance of guilt.

As victims commissioner I was urged by a number of witnesses to press for the acknowledgment of wrongful action, whether taken by the state itself, by the police and army, by paramilitary groups or by individual citizens. Some of these witnesses also argued that a regional variant of a Truth and Reconciliation Commission could provide the setting for what one might call 'moral reparation'.

I was subsequently criticised in some quarters for not saying bluntly that the state and its agents had on occasion been

guilty of wrongdoing for which they should apologise, and for failing to recommend such a commission. But I had not then, and do not have now, the means to determine the truth of various highly controversial episodes.

If the courts and/or tribunals of some sort can demonstrate beyond doubt wrongful action by the state or its agents, unquestionably apology, coupled in appropriate cases with monetary reparation, ought to follow. As for a Truth and Reconciliation Commission, it remains my view that this could only have a truly beneficial effect if all the principal interests were to believe—even if for different reasons—that it would be helpful.

**M**y involvement in questions of criminal injuries compensation arose out of my earlier work as victims commissioner. In my 1998 report, *We Will Remember Them*, I had recommended ‘an objective, independent and wide-ranging review of the “fitness for purpose” of the compensation system’. The government invited me to lead such a review, with the invaluable support of Desmond Greer, professor of common law at Queen’s University, and Marian Gibson, an experienced social-work manager. We reported at the end of June 1999 and the secretary of state finally responded to our recommendations on July

26<sup>th</sup> 2000.

We had three big questions to answer:

- what should be the basis of an equitable system to compensate victims of criminal injuries?
- what should be the circumstances in which individuals should have the right to claim such compensation? and
- what should be done about individuals absolutely or relatively ill-served in the past?

These issues might be summarised as ‘quantum’, ‘eligibility’ and ‘retrospection’.

Systems of compensation for criminal injuries differ, not only around the world but within the UK. In Northern Ireland awards under the current law are made on a ‘common law’ basis, just like awards in industrial or other non-criminal injury cases. In Britain, on the other hand, a ‘tariff scheme’ introduced in 1994 provides for awards attaching a tariff value to specific, carefully defined injuries.

Other jurisdictions have taken a distinctly different approach in dealing with victims or certain categories of victims. In Israel, for example, support for the victims of terrorist action is analogous with the benefits of non-contributory insurance, with the injured person becoming a pensioner of the state.

Criminal injuries compensation is one of the matters not devolved to Northern Ireland but reserved to the secretary of

state. It follows that any new code of law for the region has to commend itself to the Commons, the vast majority of whose members do not represent Northern Ireland constituencies. Should people who suffer in Northern Ireland be more generously compensated than in similar circumstances in Britain?

Where there is no devolved responsibility, the arguments for 'parity' will always be strong, not least on the part of the Treasury. My colleagues and I could see very clearly, as our work proceeded, that adoption in Northern Ireland of a copy of the GB scheme would result in a considerable reduction in awards overall. And we took on board powerful arguments, from legal interests in particular, for the retention of the common-law basis.

But, frankly, we did not believe that a recommendation for no change would carry much conviction within the wider political system. What we recommended, therefore, was the retention of the common-law basis for the most serious cases, with a move to a regionally-calculated tariff for less serious injuries.

I am sorry that the secretary of state was not, at the end of the day, able to accept this compromise. Instead, he announced last July a decision in principle to move to a regionally-based tariff system. Given the inevitable pressures for

parity and the need for the Northern Ireland secretary to carry his colleagues, it is however a very important achievement that the starting point for a tariff system will be the historic level of awards in Northern Ireland, which by and large are substantially more generous.

We are promised, in due course, consultation on a draft order in council. I note that the secretary of state's statement envisaged a three-yearly 'review' by government of tariff levels. Government should not merely review the tariff but—if we are not to have an insidious, long-term devaluation of established levels—commit itself to uprating, from time to time, to take account of inflation.

The move to a tariff basis will certainly influence the quantum of compensation which future victims of criminal violence in Northern Ireland can expect. But we are unlikely to see new law in operation before 2002.

**H**owever the quantum of compensation is to be calculated, there will be prior questions about eligibility. When I spoke to victims during my initial commission of 1997-98, some very hard cases came to light, which deeply influenced my recommendation that there should be a comprehensive review. In that review, we were able to examine these issues in detail and make

recommendations for improvement. And the secretary of state has accepted that some changes are needed.

Hitherto, the scheme as operated in Northern Ireland has had a 'once for all' character: a settlement, once made, is final. So, if Mr X comes along a year after an award has been made on certain assumptions about his medical condition, bringing conclusive evidence that it has proved to be much more serious, the answer has had to be that 'your case has been decided and cannot be reopened'.

We recommended that a case should be eligible for reopening if the victim's earning capacity were to deteriorate as a result of the injury, to such a degree that allowing the award to stand would represent an injustice. It has been accepted in principle that cases ought to be reopened on such medical grounds, normally within two years of the original settlement, although with discretion to extend that in exceptional cases.

Another area of perceived injustice was in the recognition of psychiatric injury. Under the law up to now, a woman could pop into the village to post a letter and return home to the farm to find her husband dead or dying on the doorstep, but nevertheless be unable to claim for any resulting psychiatric condition because she had not been on the scene when the loved one was killed.

This requirement of presence at the spot will now be dropped, with claims entertained from persons with whom a 'close tie of love and affection' exists. A spouse, a cohabitant for at least two years, a parent or a child will be deemed to have such a close tie; but claims resulting from other relationships can be considered on individual bases.

A further very difficult and controversial area is the payment of compensation to persons—or to their relatives on their death—who have been involved in criminal activities. Many such claims do not relate to high-profile paramilitary or other crime, but to affrays outside bars or clubs or other relatively low-level thuggery. We might find it difficult to be asked as taxpayers to dig into our pockets to compensate someone for injuries sustained in a *fracas* in which he had been a far from innocent party. What is more complicated is the question of the weight to be given to *past* activities and involvements.

I met a still relatively young woman who had lost her husband through a sectarian murder. He had been a good husband, and she was convinced that throughout the marriage he had had no criminal or paramilitary involvement. But when she claimed for compensation it emerged that, years earlier and as a very young man, he had become a

member of a paramilitary organisation, and compensation was accordingly refused. The secretary of state has the right to remove this bar at his discretion but has seldom exercised it.

In accordance with our recommendations, there will in future be a more equitable approach. For criminal *convictions*, including convictions for paramilitary offences, the principles of the Rehabilitation of Offenders Act will apply, and a 'penalty points' system, akin to that in force in Britain, will be adopted. For those with paramilitary *links* (as distinct from convictions), the current ban will be replaced by a provision allowing the authorities to take account of character and way of life in determining whether any compensation should be paid and, if so, its value.

I regret, though, that the secretary of state has not felt able to accept our plea for a distinction between the activities of a claimant and those of a person whose death or injury gives rise to the claim made by another. I can, of course, see the difficulty in an injury (as distinct from fatality) claim: a person both guilty and injured could benefit indirectly if not directly from any compensation paid to the family. But I remain uneasy about the possibility of innocent children, in particular, suffering over the very long term as a consequence of parental activity.

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**'Every official dealing with this problem of hurt ... should ask himself or herself the question: would this be a suitable approach if I was dealing with a member of my own family? Because bureaucracy, and I was in it myself for years, can be very insensitive.'**

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**O**ne of the most difficult areas we had to consider was that of compensation for bereavement. Here there are questions of both eligibility and retrospection.

As victims commissioner and as chair of the review, I heard most harrowing tales from people who, particularly during the 70s, had lost close relatives, had expected some reasonable recognition of that loss from the state and society, but had found their entitlement to compensation limited to a very modest contribution towards funeral expenses. The plain fact is that the system looked almost solely at the economic loss sustained through the death of a close relation.

Thus the loss of a child too young, or a husband too ill, to earn represented 'no economic loss' for the purposes of the compensation system. Clearly, many people

regarded the sum offered in such circumstances as an insult, compounding the outrage flowing from the act itself.

This situation was improved with the introduction of 'bereavement awards' in 1988. Today, in addition to any other entitlement, £7,500 is payable to the wife or husband of the deceased or—where the deceased was a minor (under 18) who was never married—to his parents (if he was legitimate) or to his mother (if he was illegitimate). By the same token, a bereavement award has not been payable to the child or unmarried partner of a murder victim, or to the parents of a victim who was over 18 when he or she was killed.

We argued in our report for a more generous quantum and a redefinition of qualifying relationships. The secretary of state has accepted that a new Northern Ireland scheme should include spouse, cohabitant, parent and child (of whatever age). A spouse would receive £10,000 and other qualifying relatives £5,000, subject to a maximum of £50,000 in each case (as against the current total of £7,500 per case).

Yet, even with this improvement, relatives are unlikely to accept as adequate levels of compensation for the death of a loved one. I have used the word 'compensation' solely because it is deeply entrenched in law, but sometimes it seems

positively misleading if it can be taken to imply a making up for the degree of loss suffered.

That is why we recommended, and the secretary of state has accepted, the description of 'bereavement support payment'. In our review the task we undertook was to consider 'whether the State has made decent, adequate and timely provision, within realistic limits of total cost, for the recognition of the sufferings of victims and their ability to enjoy a decent standard of life in all the relevant circumstances, and all within an efficient, humane and sensitive legal and administrative framework'.

**O**ur terms of reference asked the review team to look both backwards and forwards. We were to look at the fitness for purpose of the arrangements for compensation 'in the light of the experiences of victims of terrorist violence'. We were also asked to consider how any shortcomings we identified 'might be rectified for the future in any new statutory framework'. But were we, then, to say to those who had been ill-served by the system at the time their claims fell to be considered, that 'the only solace we can offer is that others, in time to come, may benefit from your distressing experience'?

Having been a civil servant for almost 40 years, I was only too well aware of the

great prejudice against retrospective legislation and the cool reception which can await recommendations by any appointed body straying outside its given terms. But we encountered feelings of injustice so pronounced that we did not feel we could leave matters there.

So we recommended that, however belatedly, some recognition should be given to the hardships of those inadequately compensated in earlier days under the law as it stood. I am pleased that government has taken these issues on board, and that we can expect an enhancement of the funds so far committed to implementation of the Victims Commission report, specifically 'aimed at alleviating the financial hardships and other suffering inflicted on many by violence during the Troubles'.

I conclude with a word about 'the disappeared'. Ever since I met Margaret McKinney in a BBC studio on the day of my appointment as victims commissioner, I have done everything in my power to push this issue, this terrible injustice, up the agenda. I included in *We Will Remember Them* a very specific appeal for action. I returned to the issue on many occasions, ultimately drawing a constructive response from Mitchel McLaughlin. And I have most recently served as one of the two international commissioners seeking to facilitate

recovery of the bodies.

In our review, we called for some financial recognition of the special trauma experienced by these relatives. I am sorry that the decision of the secretary of state to act in the way we suggested has been characterised in some quarters as 'an insult'. Of course the sum mentioned is not enough; it could never be enough. But it is, nevertheless, a recognition and acknowledgement by the state of a very special and very painful trauma.

We proceeded on the premise that it is better to do something than to do nothing. I do hope that, on reflection, the decisions of the government can be accepted in that spirit. DD

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## Response

**Sandra Peake**

**A** great deal of attention has been paid—by individuals, community activists, victims organisations, academics and civil servants—to the issue of compensation. By and large, reparation, whether financial or moral, has been less to the fore. Sir Kenneth's paper focuses mainly on compensation, which

reflects its prominence when considering the needs of those directly affected by the 'troubles'.

There is no doubt that compensation is one of the most difficult issues facing those bereaved or traumatised. While the focus of the review team was on the proposed restructuring of the Criminal Injuries scheme, there are undoubtedly implications for those affected throughout the years of the 'troubles', whether at the hands of paramilitary groups, the state or individuals. The team was also asked to make recommendations which would affect those exposed to prior compensation legislation.

The terms of reference referred to 'victims of terrorist violence', thereby excluding those affected by the army or police. While many cases involving state violence may be dealt with by the Ministry of Defence or the chief constable and not by the Compensation Unit, the latter will only work with individual cases if the crown does not assume responsibility. Some may thus potentially fall between the two agencies and this is an area where further work is required.

Sir Kenneth highlighted changes to come: a move to a tariff system similar to that in Britain, recognition of psychiatric injury and recognition that the person affected may not have witnessed the incident. He also suggested changes

*vis-à-vis* persons involved in criminal activities, families whose loved ones have paramilitary links and implementation of new funds such as the Bereavement Support Payment.

While many of these recommendations will bring change, this will not however be evident until 2002. It is everyone's hope that by that time the killings and maimings will be events of the past. This poses the question of how we deal with those affected throughout the previous years.

According to the review, this lies in the hands of organisations committed to alleviating hardship and suffering, such as the Northern Ireland Memorial Fund (an independent charitable fund that seeks to promote peace, reconciliation and remembrance by providing practical help and support). While such initiatives have provided valuable assistance to many, they should not have the role of supplementing inadequate compensation. Indeed some people may be deterred from seeking such charitable assistance. Additionally, the Memorial Fund schemes tend to be directed towards specific items, which may not meet the needs of individuals as well as direct financial help.

There is no doubt that the review raised expectations of change. In the report there was the suggestion of £10,000

as a top-up award for those affected before 1988 and as payment for those who had not received compensation (such as families whose loved ones had disappeared). The rejection of the top-up payment by the government has undoubtedly added to some people's feelings of worthlessness and the opinion that the government does not think very highly of them. This raises difficulties for those who have never received compensation for whatever reason—such as lack of information or vulnerability at the time—as well as for those whose compensation was derisory, those excluded from compensation and those whose injuries have deteriorated over time.

The proposed system accounts for the deterioration of injuries in the short term, but loss of earnings, costs of future medical and social care and future medical diagnosis involve an element of guesswork. While it may be possible statistically to predict a group of cases, it is not possible to predict accurately the course of a single case over many years or long-term life expectancy. In the past this may well have led to payments not reflecting the true cost for individuals, nor the effect of a variety of factors on their lives. Marie Smyth suggests earlier in this volume that relative reluctance to diagnose PTSD in Northern Ireland may have reduced compensation expenditure and

affected its distribution. Could the same have applied to other areas, such as the opinion provided for the prognosis of physical injuries in terms of life expectancy?

**T**he reality is that no money will ever be enough; nor, in the case of bereavement, will it bring back loved ones. Many, however, associate compensation with justice and questions of 'worth'. At some stage the person may harbour a belief that compensation or litigation will somehow bring justice. They will inevitably feel let down after an award of compensation is made or where a case is dismissed.

For some the issue can compound the sense of outrage following the act itself and it can become entangled with the fate of the perpetrator. Particularly in cases where no one has been caught, some think the person who has caused their trauma will somehow be punished if they are successful. They often do not realise that the case is about compensation at law and that the only outcome may be receipt of damages from the taxpayer.

This 'outcome' may not always be viewed as a success and the process can leave individuals feeling more powerless and, in some cases, vulnerable. It can also leave some with a feeling that the traumatic event was not adequately

presented, and that it was their fault. O'Brien (1998) suggests that while the end of litigation may mean an end to going over events with various strangers, it is unlikely to leave the patient happy and satisfied. Major issues here, regarding the sensitive and respectful treatment of individuals, need to be addressed by the medical, legal and judicial systems.

Sir Kenneth refers to how the word 'compensation' is deeply entrenched in law but can be positively misleading. The change in terminology and practice with the Bereavement Support Payment is very important. People do have a right to decent, adequate and timely provision, albeit within realistic limits of total cost. The Human Rights Act will highlight rights issues more clearly, giving individuals a greater awareness of their entitlements.

**W**hile compensation seeks from another agency recognition of loss endured, reparation addresses directly the individual or organisation that wronged the victim. While some may focus on financial reparation, for many there is a need for moral reparation, the acknowledging of wrongful action.

Often, however, reparation is sought to no avail. The person responsible first has to be identified, yet often this

identity is not known.

Pursuing financial reparation *via* a civil action may be pointless given the circumstances of the perpetrator. The 'man of straw' legal term, implying that the person is not worthy of being sued, has prevailed in many cases during the 'troubles'.

As to moral reparation, acknowledgment of wrongdoing and hurt caused is important for the victim's inner healing. Such sought-after acknowledgment has often focused on state violence. The bulk of cases involving paramilitaries are unlikely to lead to acknowledgment of wrongdoing: such actions are deemed by their perpetrators as having been 'legitimate' with, to some degree, victims viewed simply as casualties of 'war'.

Reparation requires that:

- what has happened can be acknowledged,
- unquestionable apology can be given,
- wrongdoing can be recognised,
- the truth can be established, and
- (if applicable) financial reparation can be given.

The jury is still out on the applicability of the Truth and Reconciliation Commission to Northern Ireland. One of the prerequisites of reparation is a safe and secure environment and, as Sir Kenneth argues, all the 'principal interests' should believe it to be useful before

any commission or tribunal would be established. Whatever model is developed must be in keeping with the particular political, social and cultural dimensions of this conflict.

Peace is founded on justice, truth and charity. In the absence of truth, trauma will be passed on to the next generation and the one after that; and truth is integral to the healing process (Murray, 1998). But, for some, truth might well be unbearable. A variety of support mechanisms are required before any truth-finding initiative can be contemplated.

The concept of reparation should be explored further, with the recognition that for many the identity of the perpetrator is unknown. The questions we need to ask are:

- what is required for reparation to happen?
- what practical measures could be taken to promote it? and
- how can we move forward?

**B**oth compensation and reparation are of concern to those directly affected by the 'troubles'. In looking forward to a new system of compensation, it is important to acknowledge those affected by the pre-1988 legislation as well as current law. It is vital that the needs of all those affected are addressed and that the enhancement of funds by

government is sufficient to address the inadequacies of the past.

While no amount of money will be enough, compensation is a running sore that must not be used for political gain. All those affected must be recognised and treated with respect and sensitivity, and the issue must be maintained as a priority by all involved in the building of a new future. ■■■

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# Future policies for the past



**Brandon Hamber**  
**Dorte Kulle**  
**Robin Wilson**

**T**rying to carve out a future policy for dealing with the past in Northern Ireland is a sensitive and complex endeavour. To simplify matters, the issue needs to be dealt with at two levels.

The first is that of the individual who was victimised and who, over the years, has faced the huge difficulties involved in trying to understand, and come to terms with, what has happened to them. These experiences are not reducible to concrete or specific outcomes: the hurts of the past for victims are generally multiple and immeasurable. Furthermore, and only apparently ironically, for some their difficulties have become greater since the 'peace process' began.

That process, despite all the associated political progress, has confronted victims with the atrocities of

the past through prisoner releases; this is compounded by the reluctance of the state to probe further abrogations of human rights too closely, for fear of rocking the paramilitary boat. Moreover, the recent focus on victims has, perversely, put pressure on individuals who are not ready to reconcile themselves with previous atrocities to do so. And it has created a competitive discourse of 'victimhood', where different perspectives are fighting for the moral high ground—in turn, a source of further distress for the victimised.

The second level is this wider socio-political context. Even though we have the Belfast agreement, conflict is far from a thing of the past. The two main communities remain polarised—indeed, more polarised than ever—and a visceral issue is who is a victim and who is not, who is deemed 'innocent' and who author of their own fate. This debate, notwithstanding its manipulation by ethno-nationalist entrepreneurs, is an inchoate reflection of the fact that victims from all sides feel unheard by society at large.

Somewhere, within the social fabric of Northern Ireland, victims' pain is not being acknowledged, making them feel they need to compete with each other for social space, public recognition and attention, and financial support. This is most undesirable: society as a whole must

assume responsibility for creating a milieu in which victims feel they are taken seriously, no matter what their political orientation.

These few paragraphs demonstrate that dealing with the past is hugely difficult, in terms of both the human sensitivities involved and the policy and political issues. In Northern Ireland there is an expression 'History isn't merely the past: it isn't even over yet'. Flippant though it is, the foregoing chapters suggest that for both individual victims and the wider society the comment is a valid one. Past conflicts continue to play themselves out—if, thankfully, not as violently as before—while the old fissures hold firm.

**O**n the level of the individual, several important issues raised earlier in this report are worth reiterating. First, for those victimised by the violence of the last 30 years, and even today, 'compensation' for their loss, however vital, is inevitably inadequate. It fails to recognise the long-term nature of repair and restoration, and finance is inherently incommensurate with loss of life.

Services for, support to and treatment of the individual victim are at least as important—probably more so—and these need to be evidence-based. This requires a new relationship between victims and

service providers—particularly statutory providers who, for the most part, have failed to engage sufficiently with the impact of the conflict.

At the same time, the role of the voluntary sector and lay workers, as experienced and sensitive providers, also needs recognition, albeit with proper monitoring and evaluation. Additional services that focus on trauma and its effects, as well as a wide range of ancillary supports—dealing with disabilities, children’s needs, alcoholism and so on—may also need to be put in place.

Equally, it is important that holistic approaches are adopted, and adapted to the individual victim. This needs to start from the recognition of the injustice done to them and their various and multi-faceted needs—extending, as these do, over time.

In policy terms, this seems to imply the need for a minister, perhaps a junior minister, in government under the devolved arrangements. Here, victims responsibility lies with the Office of the First Minister and Deputy First Minister. Such a minister should not, as in the continuing Northern Ireland Office arrangements, simultaneously be a minister for security.

He or she would need to be supported by an effective, cross-departmental, integrated approach to assisting victims.

It is, of course, far easier to argue for ‘joined-up government’ than to actualise it, though the location of victims policy in OFMDFM is a good start. For that reason, there needs to be an effective voice for victims in playing a watchdog role over government.

Apart from victims groups coming together in a more coherent way to this effect—and there are obvious difficulties in achieving that, given the mistrust and fragmentation—an ombudsperson or commissioner should thus be put in place. Indeed, among other things, this person could seek to broker better relationships between victims groups and encourage networks in which all victims feel able to participate.

He or she could be mandated continually to challenge government, across the span of agencies and at all levels, to deal effectively with victims-related issues. The postholder would need to ensure that the debate about how Northern Ireland is to come to terms with a legacy of violence is put squarely on the table.

**A**t the broader societal level, solutions also need to be sought. Here, practical answers can be more difficult to find than providing victims with adequate support and social space to deal with their pain. One suggestion—

although it is one that not all in Northern Ireland would subscribe to—is that the search for truth and justice needs to continue.

In terms of truth, it seems unlikely at this point that there is going to be one event, such as a comprehensive truth commission, that will deliver all the truth about the past. We may all have to accept that there will be a series of events or episodes—trials, commissions of inquiry, investigative journalism, story-telling by victims and so on—that will bring out *some* dimensions of the truth for *some* people.

There simply is not the willingness on the part of all protagonists to tell the human truth of what they did. Much is buried in the inaccessible files of the ‘security services’; much more is buried under the protective *langue du bois* of paramilitary ideology. It is no coincidence that the ‘3Rs’ of this report—repentance, reparation and reconciliation—have been so absent from public discourse in this area. All are about ‘living in truth’—to borrow a phrase from the Czech president and former dissident, Vaclav Havel, where the implicit contrast is with ‘living in ideology’. The strongly implied underpinning of the Northern Ireland ‘peace process’ has been that, in the name of *Realpolitik*, an excess of truth would be highly undesirable.

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**‘Can we get to a position of shared history and shared memory? ... I just don’t think that is an obtainable goal, because we have, each of us, our own shared histories within our own community or across communities, and our own memory.’**

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The introduction to this conclusion has already demonstrated, if demonstration were needed, that policy and political initiatives in this area may perversely do more harm than good if not very carefully thought through—indeed, if not very sensitively discussed with victims’ representatives. A truth commission which purported to tell the whole truth, and nothing but, yet was widely seen as telling only some truth, and that shrouded in much ideology, could add insult to grievous injury.

Whatever the means of truth recovery, however, the surfacing of truth will be painful for all concerned: victims, perpetrators, witnesses and bystanders. This is clearly evidenced by the events and revelations of the Bloody Sunday Tribunal, although the pain that comes with the truth is a necessary step on the

road to healing. Few victims would say they would not want to know the extent of what had happened to a loved one.

Given the tenuous nature of the peace in Northern Ireland, the best approach may not be the adversarial style of the British or Irish courtroom. The focus on restoration or repair might favour the continental legal model of exploration and investigation. This is particularly true in a society where the violence has been largely (although certainly not exclusively) 'horizontal' in nature—within and between communities, rather than solely between the state and its citizens.

This type of violence demands a mainly horizontal solution, which focuses on rebuilding relationships and addressing the damage done to the social fabric by the violence of the past. Pursuing such matters exclusively through courts will not repair the trust—as well as community life and interaction—destroyed in this way. Nor indeed will it be able to elicit all the truth, often tacit and informal, about the nature and extent of such violence.

**T**he South African Truth and Reconciliation Commission uncovered, at least to some degree, the atrocities of the *apartheid* state. But one of its weaknesses—a weakness identified by

the commissioners in their final report—was that it failed to deal with this horizontal violence, manifest in the conflict between the African National Congress and the Inkatha Freedom Party, which claimed more than 14,000 lives between 1990 and 1994. Current levels of violence, including criminal and domestic violence, in South Africa suggest moreover that the social fabric has not been repaired, despite the commission's successes at the national level.

It is thus erroneous to think that there can be only one solution to addressing the past. It seems that when the conflict is primarily between an authoritarian *régime* and its people one solution—perhaps a truth commission or several commissions of inquiry—may be needed. It needs to be recognised that such a commission(s) or tribunal aims to render the state *as a whole* accountable for its responsibility in substituting coercion for rule by democratic consent. Hence truth commissions have hitherto taken place in societies emerging from dictatorship, that in South Africa following on from that in Chile.

In this scenario, a truth commission—or a commission of inquiry like the Bloody Sunday Tribunal—makes sense where the primary actor in an atrocity or atrocities involves the state. When the conflict

is within and between communities, however, other solutions may be required—solutions which address the micro-social impact of the conflict on everyday life. This is not to say that the distinction between what is state violence (and a violent response to it) and what is intercommunal violence is easy to make: it is not as, inevitably, the state intervenes in the latter and is itself a proxy target for it.

Nonetheless, there is a clear pattern to contemporary conflict which, ironically, makes Northern Ireland somewhat more modern and typical than its clichéd representation as a unique 17<sup>th</sup>-century hangover suggested. In today's globalised environment, inter-state wars over interests are increasingly rare, intra-state conflicts over identity increasingly common (Kaldor, 1999). In such 'new wars'—notably in ex-Yugoslavia in the 90s—the perpetrators of violence are less soldiers, more paramilitaries; tragically, too, the victims are less combatants, more civilians.

Where the responsible actors are primarily non-state, it is critical to bring citizens as a whole into the process of addressing what has happened. Inaction is often deemed 'innocence' in Northern Ireland. Yet such inaction—or, worse, covert support for ethnic protagonists claiming to act in the community's

name—is not the basis of a human-rights culture. On the contrary, each community from which perpetrators are drawn can otherwise be declared 'responsible' by the 'other side' *via* the construction of enemy images—enemy images so easily, and mutually, perpetuated. Every citizen is not a victim—but they can be deemed to be affected, if not damaged, in some way.

In a recent *Balkan Crisis Report* (Institute for War and Peace Reporting, 2000: 3), the notions of collective and individual responsibility were teased out by the Serb journalist Miroslav Filipovic, imprisoned by the Milosevic *régime* for publishing stories about atrocities by Serbian forces in Kosovo. Filipovic draws a clear distinction between the responsibility of the state and the responsibility of the population for the atrocities in Kosovo. In terms of the former, he claims that if wrongdoing has taken place with the sanction of the state this needs to be investigated and, preferably, result in a trial; he sees such trials as necessarily targeted at individuals directly responsible:

I do believe that the actions of Serbian citizens in the wars on the territory of the former Yugoslavia, including Kosovo, will one day lead to public trials, within Serbia or at The Hague tribunal. The whole point of my articles, in fact, is that no crimes were

committed by the Serbian nation or the Yugoslav Army as a whole, but by individuals through individual acts.

Filipovic's arguments highlight the importance of bringing the individual perpetrator into the picture. He clearly does not feel that the state is responsible alone, without the collusion of individuals. The denial of any *individual* responsibility by perpetrators displaces the fundamental question as to why particular individuals reacted in the violent way they did when the majority in their community did not. This poses some interesting questions for Northern Ireland, where there is much collective blaming on the one hand and diffusion of individual responsibility on the other.

From one ideological perspective, paramilitary violence is an automatic reaction to the existence of 'conditions of conflict' (O'Doherty, 1998: 157); from the opposite paramilitary pole, it is a *displaced* individual responsibility—that

of 'politicians' who stirred young men to sectarian murder. And for those who defend state violence, the collective behaviour of paramilitaries allows individual soldiers and police officers to ignore with impunity the human-rights conventions by which (unlike paramilitaries) they are, under the rule of law, bound.

The debate about dealing with the past in Northern Ireland will only move forward once individual, as well as collective, responsibility for acts of omission or commission—by the state and its services, as well as by paramilitaries—is openly acknowledged. The starting point should not merely be to blame, but rather to identify how those responsible can demonstrate genuine accountability for the consequences of their actions. Acts of remorse and restitution—another two 'Rs'—whether financial or symbolic, also need to be undertaken towards those injured or bereaved.

Where international human-rights conventions, such as the Convention on Torture, or international humanitarian law, such as the Geneva Conventions, have been violated, the law should, ideally, follow its course. It may as well be recognised, however, that the *Realpolitik* referred to above will constrain such developments. A senior Northern Ireland human-rights lawyer, surveying the legislation to ratify UK support for the

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**'If we're going to move forward together and if we're going to share our stories, then we have to give each other the right to be confused. And we need each other to try to find answers.'**

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International Criminal Court, asked only half in jest under which provisions on war crimes and crimes against humanity two leading IRA figures with public political roles might be arraigned before it.

Continuing his reflections on Kosovo, Filipovic writes:

Ultimately, I hope this will also involve a regional process of truth and reconciliation, through which people from all territories of the former Yugoslavia will reflect on the wars of the past decade and be brave enough to confess their mistakes, misconceptions, and unlawful actions.

In Northern Ireland, a typical—admittedly, in some cases, stereotypical—response from middle-class (particularly Protestant middle-class) citizens is to assert that ‘others’ have been at fault: I, who had nothing to do with the conflict, am not responsible in any way. Filipovic challenges us to see things differently: a cornerstone of reconciliation is that all citizens reflect on and confess their mistakes, misconceptions and, in extreme cases, unlawful actions.

The South African TRC tried to address both the broader social and individual responsibilities. Perpetrators had to come before it as individuals, though the commission reserved the right to hold the state and political parties responsible (and it did) for the actions of subordinates. At the time, the

commission argued that most in society, especially the (largely white) middle classes, were responsible because they had not tried to change the situation in which human-rights violations (from all sides) took place.

The debate in Northern Ireland needs fleshing out on two dimensions. First, can the truth behind ‘vertical conflict’ (between state and communities) only be revealed if it is *extracted*—through truth commissions, tribunals or inquiries? Secondly, can the truth about ‘horizontal conflict’ (between communities and within communities) only be revealed if it is *admitted*?

If the answers are yes, then, in terms of the former, we need to ask what are the trust-building mechanisms (or coercions) necessary to ensure the state and those who fought with it reveal the truth. A truth commission, or a similar body, could compel state witnesses to attend and subpoena documents from officialdom—but the prior political will to set up such a structure would remain a prerequisite.

Sub-state actors involved in ‘vertical conflict’ could also be difficult to draw in, as they can not be subjected to the same pressures or sanctions as officials. So far, paramilitaries have only been willing to express ‘regret’ for their actions, except the reference to ‘abject remorse’ in the

loyalist ceasefire statement of 1994—and that proffered only to ‘innocent’ victims.

Aside from the Bloody Sunday Tribunal—and that took decades of campaigning by relatives—the state has also proved highly reluctant to engage in an holistic process or admit to any wrongdoing. One of the authors was once on the receiving end of blatant misinformation by an army press officer about the slaying of three young thieves by undercover soldiers in west Belfast. Here, as in several other instances, the requirement in the European Convention on Human Rights that security personnel exercise force ‘which is no more than absolutely necessary’ was clearly transgressed—albeit not on such an egregious scale as at Bloody Sunday. Thus, the commission of inquiry and legal trial routes may be ways of forcing further truth to come out.

Again, however, the vast majority of atrocities were not committed by the army (still less the police). To get a larger truth-recovery process under way to deal with vertical violence, one of the parties engaged in ‘armed struggle’ in the past is going to have to break the deadlock by beginning a process of self-reflection or making the truth about past operations more public. This could be risky as its political enemies could use this information against it. At the same time,

however—as the African National Congress proved when it undertook its own investigation into atrocities committed by its troops in training camps—such an approach might challenge one’s opponents to begin also to come clean. It would, moreover, represent a hugely important signal, in the positive sense of the term, that a line was genuinely being drawn under the past—as against the ‘that was then, this is now’ stock response of today’s paramilitary-linked politicians.

But how can those who engaged in conflict—or those who still claim the conflict was not about them—be convinced that it is in their interests to admit to past complicity, omissions, commissions, misperceptions and denials? This takes enormous inward reflection. Acts of civic and political leadership can provide a model. When, for example, a senior cleric was asked by the Opsahl Commission on ways forward for Northern Ireland whether the Protestant churches should apologise for the discrimination experienced by the Catholic community under the unionist *ancien régime*, he fumbled in replying. A Scottish journalist whose family background was in the Communist Party, mimicking the latter’s weasel words about Stalinism, commented ironically: ‘Mistakes were made.’

Such reflection on the past can also be discomfiting, contextualising as it does

the individual responsibility rightly discussed above. It can result in an entire revision of simple lines demarcating 'good' from 'evil', the sheep from the goats, an unease which can even entail identity crises. Yet shaking up old boundaries in Northern Ireland is not only necessary: it also allows of a way in which all may believe they have something to gain from a society characterised by peace and a solidarity that stretches beyond roots. The agreement says that a peaceful and just society would be the true memorial to victims; all the more corrosive, therefore, that its protracted implementation has been against a backdrop of polarisation and continued, albeit lower-level, violence.

**A**t the time of writing, the agreement appeared more fragile than at any time since its promulgation. On the surface, this was about decommissioning, policing, security 'normalisation' and so on. But, as we explore the need for truth and justice in Northern Ireland, it becomes clear that what has eaten away at the credibility of the agreement is the issue of responsibility.

Among unionists, there is an underlying sense of moral unease about the failure of certain paramilitaries to take responsibility for the hurt they have inflicted (and continue to inflict).

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**'It is brilliant that everybody around this table would aim to move forward but the politicians do not seem to want to know and they do not seem to want to move forward. Until we find some arena where they feel comfortable enough to sit and listen and put their political agenda aside for just one day I think we're stuck.'**

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Amongst republicans, there is unease about the failure of the state to come clean about the past, as well as the failure of the conservative middle class—John Hewitt's 'coasters'—to acknowledge its complicity in the perpetuation of social division. For those who claim the conflict was not about them—and for some victims anxious to cling to a cause for comfort—there is a fear that revisiting (mis)perceptions of the past may destabilise moral and social universes; many feel they have lost values that characterised their society and that governments have compromised under pressure from 'terrorists' who are not held to account. For theological nationalists, meanwhile, the agreement is seen as

legitimising an executive that has no legitimacy unless sovereignty lies in Dublin.

These attitudes will always tend to lead people to point the finger of blame—a focus on the antagonistic ‘other’ which consumes the spirit of the agreement: tolerance and dialogue. If the focus is exclusively introverted and based on own needs and wants—those of an individual or of an imagined community—it will be very difficult to make a transition towards a relatively peaceful society. Tolerance requires the reconstruction of the individual victim’s and victimised communities’ feelings of personal safety, and overcoming the fear that violent acts might recur. And dialogue—listening, not just what Damian Gorman has called ‘waiting your turn’—is only possible when people see each other as fellow citizens, not adversaries.

Clearly, therefore, there needs to be more emphasis on the *long-term* process of reconciliation rather than a short-term truth-seeking event or institution. Fundamental distrusts, half-truths and accusations across communities continue to seethe below the surface. These need to be voiced and addressed in structured ways in safe places. Voluntary organisations, as well as government, have a responsibility to create such avenues and places, be they through community

groups or more structured forums.

In terms of the issues of forgiveness and reconciliation—fraught terms, as we have seen—new relationships need to be built in the present if we are effectively to address the past. In fact, it may well be a misnomer to talk of *reconciliation* in some locales in Northern Ireland. The word reconciliation implies that there *was* conciliation at some point and that it was ruptured and needs to be repaired. But in some communities forging relationships with the other has yet to take place, let alone being *reconciled* one with another. Cross-community involvement and the enhancement of trust need to be the foundation upon which any policy for dealing with the past is built.

But if reconciliation is a process, it can start even from bleak beginnings. What does need to be avoided is avoidance itself. Euphemistic phrases like ‘community development’ and ‘peace-building’, however well-intentioned, can mask the real challenges—often discomfiting, as indicated above—of cross-sectarian dialogue on controversial questions.

The lack of shared understanding of where we are going, where we have come from and how we got here has created a situation of moral hazard. This is typified by the question: is nobody guilty, or are we all guilty? The questions of guilt and

responsibility—from the person who pulled the trigger through to those who sanctioned such actions through commission or failing vigorously to oppose—have been pushed to the side as society in Northern Ireland has struggled to cope with the here-and-now and prevent further loss of life.

The difficulty of being in a state of transition—where the old social rules no longer apply and new ones are being forged—is that it is no longer helpful to look at the past in absolute terms. Clearly, everybody has had a responsibility for what happened, and what will happen, but we have to face the fact that some may have had, and may have, more responsibility than others. And we need to continue the quest for truth on a number of levels.

Similarly, while it is true that in some sense all of us have suffered over the last 30 years, it is an injustice to those who have been individually victimised not to recognise that they have suffered a great deal more. That means reconciliation is a complex process of trying to arrive at empathy and understanding, forgiveness and repentance on many different levels. Complex and morally fraught as this is, it is an inescapable process that all the people of Northern Ireland will have to undertake if we are adequately to come to terms with the violence of the past.

**C**onfusion, according to one of Brian Friel's characters, is not an ignoble condition. Or, as 'Belfast citizen' wrote to the *Times* at the outset of the 'troubles', 'Anyone who isn't confused here doesn't really understand what's going on.' This, strange as it sounds, is a healthy psychological state. It is healthy to avoid the certitudes that led us into battle in the past—healthy to abjure the fundamentalism of a single identity that can only be defined in antagonistic terms against another. It is healthy to undermine the conviction and clarity of those who think it virtuous to argue over who is a victim and who is not, whilst those victimised do not have adequate support. It is only when our static views of the past are challenged that we will be able to go beyond the enemy images that have justified atrocities.

This does not, however, mean that one can responsibly urge that 'confusion' simply be manifest and run unchecked. There is a need for strategic political leadership. This is not to say that all the wrongs in Northern Ireland were the fault of politicians, or to displace all responsibility for change on to them, but political leadership is a precondition of healing the wounds of the past.

South Africa's process of reconciliation may have been flawed in many ways, but it was the leadership of President

Mandela, F W de Klerk and others like Archbishop Desmond Tutu that gave the South African people hope and direction when the future seemed grim. At times, in Northern Ireland there seems to be the opposite tendency, continually to paint the future as dark and compromise as surrender—rather than a strategic choice made in the public interest.

Thus, politicians need to be challenged to take a greater responsibility in thinking about how the past can be addressed, both at the social and individual levels. And civil society needs to play a more constructive (and united) advocacy role in challenging political leadership.

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**‘The normal thing about justice is there is collective innocence and individual guilt. I don’t believe that’s the case in Northern Ireland. I *fear* that we have replaced it with refusing to accept any responsibility and, now that the paramilitaries have joined us ... we have collective innocence and individual innocence, which is catastrophic for the people who have suffered.’**

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At times, many politicians appear to think that peace and functional governmental structures—obviously vital—will be sufficient to take the society forward. On the contrary, lessons from elsewhere in the world, where there has been protracted violence linked to the political context, teach us that every effort needs to be made continually to address the legacies of distrust, as well as the pain of victims.

If politicians need to show greater leadership, they also need to begin to *admit* to their own failures in the past, without fear of the ‘peace process’ being completely derailed. Such acknowledgment can provide a good example for communities struggling to understand their own role in past conflicts. The idea of politicians, or some collection of people in this society, leading us towards a symbolic day of reconciliation, acknowledgment and apology is one worth exploring. The symbolic value of such events cannot be overestimated.

Similarly, voluntary organisations need to take a more active interest in developing mechanisms to address past conflicts. This should happen within and between communities and help begin the process of reflection about all our misperceptions of the ‘other’ over the years.

Politicians, and society at large, may also need to prepare themselves for the

fact that the past will continue to raise its head. The recent attempts to prosecute Gen Augusto Pinochet, decades after his actions, the issue of reparations for acts during World War Two by Germans against Jews, and the conflict over the genocide of the aboriginal people of Australia are cases in point. On a less dramatic scale, in countries such as Brazil, Argentina and South Africa, victims' needs have still not gone away, even when many years have passed.

It would thus be naïve to think that the needs of the 3,500 or so families who lost a loved one and the thousands of people injured in Northern Ireland could miraculously—or even with the maximum resources and the best of services—disappear in the short term. Like other countries wracked by political violence, Northern Ireland is in for the long haul in dealing with the impact of past violence.

In the agreement there is a call for finding common denominators, and many have recognised the apparent symmetries in experience of suffering during the 'troubles'. Some, however, still see all violent acts simply as an offence against humanity. This view may stop people committing such acts, but it may also dehumanise those who have. A more inclusive perspective accepts inhumane acts as a foregone part of the conflict and

gives an opportunity for both perpetrators and victims to move on with the acceptance of committed atrocities, while at the same time not trying to silence them.

This more humanitarian approach does not compel individuals to understand or sympathise with the perceived 'other', but to tolerate and respect diversity. In the current fashion for identity politics it is often forgotten that for diversity to flourish there has to be a common denominator of tolerance—in the light of the current public blame-game, aided by iconised enemy-images, this is all the more important. It is an ambitious project, but some people working with victims and perpetrators in Northern Ireland who may once have felt there was a time for 'an eye for an eye' might now be minded to 'turn the other cheek' and accept a different truth. This approach stems from a commitment to humanity—and an acceptance that inhumanity is an inseparable part of it.

Can there be forgiveness without acknowledgment of the inhumanity of oneself and of one's own side? Is it not necessary to admit to the ability to cause pain and to focus on the common inhumanity of people, along with their common humanity? From this point of view there would be less blaming, passing judgment and fighting for the moral high

ground, and more focus on the political circumstances and the back-grounds of individuals, in order better to recognise what might have led them to conduct inhumane acts.

This is not meant to justify violence, but rather to acknowledge that violence has been an integral part of the history of Northern Ireland and that, sooner or later, it has to be dealt with in a constructive way. A way of bringing in collective responsibility, along with the personal responsibility of the perpetrator, is to stress the importance of empathy. If everybody could recognise that they themselves or someone close to them would be capable of conducting so-called inhumane acts—and could explore the differences in perception of when a threat becomes serious enough for some to feel a pressure or responsibility to defend their ‘own side’ or retaliate for previous violations—then perhaps Northern Ireland could become a less ‘troubled’ society.

This would allow for public rituals to take place where the different sides could accept moral responsibility for their part and initiate processes of forgiveness. Over time, this might even lead to reconciliation. This is a long process and many struggles will have to give way for a new society where people can co-exist. The hardest struggle to give up might

even be the struggle for recognition of victimhood: the moral high ground is a powerful position, once secured, and leaves no justifiable room for others to criticise.

The layer upon layer of unfulfilled truth and justice, unexplored forgiveness and reconciliation, and much needed commemoration and remembering in Northern Ireland represents a long-term challenge, the outcome of which will never be certain. Many times we may find that we roll backwards. Yet without *looking* backwards we will not be able to go forward.

Moreover, there is an underlying message of hope as well as humanity in these conclusions, sober though they are. It is that we do not need to wait for Northern Ireland’s political class to agree—still less, for London, Dublin and Washington to agree for them—on an all-singing, all-dancing truth commission before we can make progress towards a future more reconciled to its past. In the end, such progress will largely be the product of a multitude of small, mutually-reinforcing acts, acts to which we all already have the capacity—indeed responsibility—as citizens to contribute.

The papers presented in this report and the discussion they stimulated represent one of those small acts. Hopefully, they will open up more debate.

Coupled with reflection, that is itself one way that we begin to share ideas as we endeavour to find a workable way to deal with the past. ■■

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