**Truth Friction in Northern Ireland: Caught between Apologia and Humiliation**

**Introduction**

Truth recovery sits within transitional justice and is understood as a requirement for post-conflict healing, the restoration of faith in institutions and wider issues of redress. Some of what forms truth seeking becomes truth friction when expressive interpretations and insinuations form demands for truth but non-revelation by ‘self’. Truth-seeking when presented as intuitive and without any adequate examination of authenticity, contrary experiences, opinions or broader examination is the inversion of conflict-transformation (Easterly, 2007; Nagle and Clancy, 2010). Friction is riddled not only with contradiction and obscurity but purposefully revolves around it. Like all contradictions the demand versus denial axis cannot be solved without the resolution of that incongruity. Paradox is the main impediment to achieving truth-centred reconciliation as the transparency of demand works hand in hand with concealment of knowledge, with demand for truth amplified to aid the obscuring of harm done.

That inversion is located within the binary between both state and non-state combatants who understand that offering up truth is deemed hazardous when it risks destabilising a carefully constructed image of the past and a ‘moral’ mandate to render other truths as secondary (Skitka, 2009). The social power of selective truth-seeking is both demand and denial centred but is not a property in and of itself but part of the multiple fields through which force is imagined and contemplated (Elizabeth 1994, 2003). Selective truth-seeking is riddled with strategies, tactics, and approaches and is not a regulated contract of equalisation between adversarial groups but more a model of perpetual battle (Foucault, 1979). Such political contestation defines its own boundaries, sensitivities and set of practices around victims. As noted by Miers (1989, p. 4);

‘the concept ‘victim’ is essentially contested, involving the social construction of particular persons and the harms that they sustain in a process (often replayed and repeated) of claim… ’

Truth friction is centred upon processes of stigmatisation and counter-stigmatisation and as argued herein is posited between narratives of humiliation and apologia. We position apologia and humiliation as near contingent through performance and act and as destabilising rhetoric which undermines more authentic truth and healing processes. Stigmatic shaming, constructed through criminalisation practices, is reacted to by forms of apologia which have evolved not merely as defence but as alternative forms of blame-casting centred upon the premise of counter-accusation. Accusation, irrespective of the source, is power-laden and conditional to such an extent that allegation and counter-allegation drive the reproduction of truth-seeking through which denial or the obscuring of wrong-doing acts as an ideological weapon. We find within the rhetoric of condemnation and counter-condemnation, linked to victimhood, forms of communicative unreasonableness that subverts the presentation of shared emotions of harm, fear and phobia that were symptomatic of conflict and intensified by both state and non-state violence.

Truth-seeking in Northern Ireland can rest upon suspect applications, inauthentic interpretations and sectarianised ‘values’. That does not mean that we dispense with truth seeking as it is a valuable part of the journey for victims and survivors with regard to redress. However, the painful reality is that the demand for truth on the one hand and the denial of it on the other is so prevalent and embedded in ideological practice that it disrupts the capacity to take a reasoned and indeed fair approach to the past (Stevan, 2006). No reasoning over structure, justice or fairness can function fairly within a sectionalised construction of harm and the contestations therein.

In explaining why truth-seeking in Northern Ireland has been bogged down by the political agency of truth friction we argue that the moral and other obligations that structure ‘self’ with regard to victimhood are problematic forms of discourse ethics tied to oppositional forms of subordination, manipulation and the reproduction of social and cultural antagonism (Habermas, 1990). Given the impasse over truth recovery we need to understand that Northern Ireland is located within discourses of legitimation that cannot solve the tautness between humiliation and apologia. The inability to agree that the construction of victimhood is subject to approval or disapproval, contest and contestation and choice and rejection is not only a binary but as Strauss reminds us it is also a failure to understand such sectionalism;

‘as political things, if one does not take seriously their explicit or implicit claim to be judged in terms of goodness or badness, of justice or injustice… (Strauss, 1959 p.12).

In arguing that the political things of truth friction are articulated through frameworks of apologia and humiliation this papers examines corrosiveness within discourses of truth-seeking. Ultimately, it questions the idea that a correct institutional fix can be assembled without proper recognition of forms of truth seeking as merely proxy conflict.

**The quagmire of truth-seeking in Northern Ireland**

Truth seeking in Northern Ireland has been addressed by a voluminous and evolving body of academic work. Lawther (2011) presents the role that denial and silence plays in censuring the emergence of truth, while Brewer and Hayes (2014) have urged that former combatants should seize a moral opportunity to take ownership of past behaviours through developing a transparent process that erodes the destabilising frameworks of counter-allegation. Truth seeking they argue should also be paralleled by capturing the multiple voices of victims so as to shift beyond anecdote and the manipulation of those voices by political actors. Arguing as they do that ‘…many of the claims about the effects of such truth recovery mechanisms rely more on normative conviction than robust empirical evidence…’ (2014, 73).

Hamber and Wilson (2003) have argued that the potential to shift beyond sectarianized constructions of harm requires more grounded and unofficial approaches to truth-seeking through which victims examine their shared burdens and reactions to harm in order to create space for mutual recognition and a parity of esteem. McGovern (2017) and Lundy (2011) have also presented emotive analysis of state collusion which they theorise as an illiberal ideology of practice and denial. McGovern accurately arguing that this illiberal ideology is ‘an enabling fiction’ (2017, 308) of narrative control and self-censure, a process and strategy of denial that is not unique to the state

Ferguson et al (2010) analysed the tortuous question of who and what is a victim and have pointed to the strength and resilience of alternative views regarding the past as a mix of moral disengagement and symptoms of exposure to violence. They also allude to biased truth seekers who they deem as peace process spoilers. In a similar vein Breen Smith (2007) understands the dispute between victims and combatants as a contention over a moral landscape of culpability through the notion of victims as moral beacons. Despite the piecemeal nature of truth and inquiry into Northern Ireland’s past there have been useful and dynamic efforts around oral history projects, attempts at more citizen centred responses and courageous acts of truth-giving and inter-community dialogue. Public apologies have been issued in a manner that once would have been deemed unfeasible. David Cameron in responding to the Savill Inquiry stated that ‘the conclusions of this report are absolutely clear. There is no doubt, there is nothing equivocal, there are no ambiguities. What happened on Bloody Sunday was both unjustified and unjustifiable. It was wrong’. Furthermore, former Sinn Fein deputy First Minister Martin McGuiness declared “I am absolutely prepared to say sorry to people whose lives I have affected” while former loyalist leader David Ervine contended that he had been involved in a ‘dirty and pernicious little war’ (Shirlow, 2012).

What much of academic work advances is the idea that denial and non-disclosure could be removed through frameworks that could be arranged to bring information forward so as to accommodate the needs of victims. Those frameworks such as Eames/Bradley (CGPNI, 2009) and the Haas/O'Sullivan (Northern Ireland Executive, 2013) initiatives were each bogged down within the quagmire of sectional interests and opinions. The intention of such structures and approaches is that they will be a panacea to victims’ needs when the correct institutional fix and structures of governance are delivered. Such thinking downplays that such fixes are not identified by political actors as being sites of trauma recovery or conflict transformation but as structures within which to apportion blames and re-enact the conflict and its polarity. Even within the most recent version that is the Stormont House Agreement (SHA, 2014) there is no sense that its outplaying will mend the social fabric of a divided society. The structures of it are for the location of truth (which is disputed) without any notion of how, beyond victims’ needs (which are disputed), what information disclosure will mean in terms of societal recovery. As the seasoned observer Susan McKay (2014) notes the landscape in which the SHA is located is dependent upon an over-burdened Police Service of Northern Ireland, that ‘the credibility of Sinn Féin’s support for a truth process is fatally undermined by Adams’s insistence that he was never in the IRA’, that it had been predicated upon the Northern Ireland Executive commencing welfare reform and that there is an evident dichotomy between families seeking and being refused legal aid while the British state spends exorbitant funds upon its own lawyers and legal advisers. In addition, significant decommissioning has meant that there is a low forensics base upon which to undertake rigorous investigations. There are also multiple examples of groups demanding truth while at the same time denying it to others, In addition, the main political parties are opposed to an amnesty which is centred upon a demand for the ‘other’ to be punished even though that punishment may affect their supporters. They are probably aware that the potential for their and the ‘others’ supporters to end up in prison is low which means that that the rhetorical stakes around it are profligate.

The SHA is set within three key strategies and related frameworks that include the Independent Commission on Information Retrieval (ICIR), the Historical Investigations Unit (HIU) and the Implementation and Reconciliation Group (IRG).

ICIR is designed as an independent body that would be designed akin to the Independent Commission on the Location of Victims’ Remains. In some senses its conception is an admission that information will not emerge via normal means such as courts or truth commissions. The evidence to be provided on deaths will not be disclosed to law enforcement or intelligence agencies and will be inadmissible in civil and criminal proceedings. Evidence and members will be given immunities and privileges under international law and will be exempt from freedom of information requests, data protection and related legislation. The voluntary nature of engagement by families and former combatants does provide some mechanism to participate in information recovery and delivery but the notion that information may leak and then be presented for prosecution may have consequences in terms of the latter’s trust and confidence in the process. Moreover, it is acknowledged that ICIR will not have the same investigatory powers of HIU or the capacity to measure the authenticity of the information provided.

HIU, which will work towards prosecution, uptakes the case load of the Historical Enquiries Team (HET) and the Police Ombudsman. It has been designed to have clear disclosure powers and the capacity to compel state agencies to deliver relevant papers and evidence to assist its various investigations. It was designed to be more attentive to victims’ needs than HET and more reflective of European and recent domestic judgments that demand more sufficient and effective investigation of conflict-related offences. The decision to prosecute, after investigation by HIU, will remain determined by the Director of Public Prosecutions. During and after the SHA negotiations the UK Government pledged that it would make full disclosure to the HIU with the caveat of ensuring that ‘no individuals are put at risk, and that the Government’s duty to keep people safe and secure is upheld’. Thus far that caveat has disabled the SHA given republican claims of British state concealment and obstruction.

The IRG, whose membership will comprise academics, will oversee themes, archives and information recovery in order to produce a report or timeline regarding conflict–related violence. It is assumed that it will operate without political interference although the bulk of nominees will come from political parties. Its remit is to support wider reconciliation efforts, produce an understanding of the past and challenge sectarian asperity. How it will do so is not evaluated and/or explained. Overall, and despite some initial political agreement, endorsement and financial support from the Irish and British states the SHA has since the recent collapse of the Northern Ireland Assembly been in abeyance. More generally the capacity to gain a suitable institutional fix has been undermined by the On the Runs issue, multiple examples of denial and non-disclosure from the state and former combatant groups and the Boston Tapes controversy.

HET did not lead to a significant number of prosecutions. After the first 1850 case reviews by HET there were 2 convictions and 11 prosecutions. How HIU will expand upon that low conviction rate is not defined. By its cessation in 2014 HET had examined 2422 cases of which 1706 were completed, 658 left open of which 290 were in assessment, 70 in allocation and 298 in review. HIU will now investigate those and other remaining cases. The work of HET had been organised chronologically which now means that cases that came later on in the conflict may be more rigourously examined than previous cases which highlights a further lack of congruency. All military cases the HET had examined will be re-opened as will those in which families did not accept HET findings. It will also prioritise those cases with the best evidential opportunities.

We should not dismiss either HIU or HET as it does provide evidence to victims and survivors that were not available to them. HET through forensic analysis was able to prove that the ten Protestant workmen shot dead at Kingsmills in 1976 were killed by the IRA who had denied responsibility. However, the prosecution root that was HET has been dogged with claims of bias towards state and loyalist forces and the research of Lundy (2011) showed that there was less rigour applied when investigating state violence. Again and within the emotive landscape of victims the contestation, denial and the obscuring of corporate evidence, by state and non-state forces is deliberate. The SHA may make the process more capable but it remains lodged in an environment of purposeful non-release of information. Moreover, and despite some examples of evidence destruction state records are held whereas there is no equivalent information held by paramilitary groups or legal authority to demand such information is provided. This is a further example of unevenness in terms of the information available to HIU and therefore a potential unevenness regarding prosecutions and evidence recovery.

In the fallout over the SHA some 150 British soldiers have demanded investigations into attacks upon them and deaths of their colleagues while McGrattan and Hopkins (2016) adopt the position that the fallout over evidence provision has been deployed as a recent electoral tactic as part of a wider process of self-legitimation. The language and divisions over SHA do not appear to position a new capacity to engage in non-adversarial ways. At present there is no articulation regarding how its structures will develop notions of shared responsibility, forgiveness and gestures of and for reconciliation. Despite the proposed formation of the IRG there appears to be no clear framework for integrative learning or any notion that the process itself may have in-built problems and further potential to reproduce truth friction.

Evidence that such approaches are problematic is allied to Dawson’s (2007) understanding that the characteristic of memory and attitudinal frameworks have developed victim hierarchies in a manner that precludes uncomfortable realities and the subjugation of the ‘others’ suffering. As Lundy contends the piecemeal and distorted approaches to the past have led to ‘…a vacuum which is filled by almost daily media reports that drip feed toxic revelations about the atrocities of the past raising more questions than answers’ (2011, 90). While Lawther (2012, 4) has shown that the desire for truth recovery is blunted by denial and silence and that ‘… republican commitment to truth telling is uncertain’. With regard to public utterances of regret that have emanated from state and non-state actors Lundy and Rolston have summed that, with regard to state and non-state combatants they ‘…fall short from the ideal, not least in avoiding the specific use of the word ‘apology’ (2016, 105).

Much of this and the literature noted above were correct to advance versions of transitional justice and to highlight obligations upon the state and indeed other combatants to meet their responsibilities. But there are other reasons why truth-seeking has not achieved a linear path which need to be attended to that are linked to truth-seeking agents ‘comfortableness’ and their involvement in truth friction. Accounting for and re-shaping that environment is as important to truth-recovery as is the pursuit of legal and other processes. As Kotkin (1998) reminds us narrative construction around a violent past is a formidable political instruments and a problematic agency allied to tropes of victimisation. Therefore, justice, truth and memory may be required to challenge injustices but those have to be agreed as injustices to affect settlement between antagonists. The past is nuanced not due to fading memories but due to purposeful inconsistences and flawed knowledge production. For the protagonists involved in truth-friction there is no grey area or dichotomous rationalizations which are the responsibilities required for conflict healing.

Memories and demands regarding the past do not surface organically but are practised and ambiguously preformed and the idea that these will be solved by legal or other allied institutional fixes is challenging (Villalón, 2015). As Burke (1989, 103) reminds us the tropes and language of those who tussle over the past only ‘impose their versions of the past and support laws and policies that satisfied their interests’. The language of victimhood and demand strives to confirm the rightfulness of ‘their truth’ (Jelin, 2003: 26), while hierarchies of victims are socially reproduced.

Victimhood is entwined in social practice but when selective it can reinforce and normalises the use of violence and it is not evident despite the SHA’s capacity to capture information or to prosecute that such behaviour will change. In Northern Ireland the extreme performances of selective truth claiming that subjugates other harms is at times founded upon an assertion that one form of violence was legitimate. Any such normalisation of violence aims for an essentialist form that purposefully subverts an inter-community logic of societal restoration.

The structures of truth-recovery may be conceived upon the foundations of achieving equity but are instituted upon the problematic of the problem creator being tasked as solver within the context of their developing an institutional fix that does not remove their bias. As Aughey contends with regard to the political dichotomy over victims;

‘…unfortunately, these do not solve problems. At best they displace them, at worst they compound them. People will not be fooled nor will their opinions be radically altered…The real danger is that politicians will deceive themselves. A world of political manipulation becomes further divorced from everyday experience and the consequence is an electorate become disillusioned, cynical and confused’ (2010, 4).

**Apolgia versus Humiliation**

For Irish republicans and Ulster loyalists the conflict was caused by layers of injustice, collusion, misplaced loyalty, faulty class alliances, dupery and discrimination. Apologia, within those organisations, is identified as an act of defending ‘self’ with the non-admission of guilt centred upon a desire to lay out the circumstances of conflict and the contingency of environment and action. Humiliation seeking, tied to a criminalisation discourses operates within unionism, the British and Irish states and sections of Irish nationalism and aims for non-state actors to show contrition figuratively, emotionally and in practice through an admission of guilt uncoupled from the assertion of extenuating or mitigating circumstances. Blame casting directed at non-state forces aims to separate the accused from moral worth but in reaction to counter-accusation aims to undermine the moral authority of the accuser. The desire of apologia is to view violent action as legitimate or contingent upon structural, material and symbolic violence such as employment and housing discrimination, histories of oppression, pro-state violence and state collusion. For those who seek to stigmatically shame a fundamental flaw lies in apologias failure to support the rule of law and the legitimacy of the state.

Apolgia is founded upon a core that refuses to accept stigmatisation and the attendant process of humiliation (Benoit, 1997). Contrition by ‘self’ is interpreted as erroneous, flawed and is understood as a conflict-centred demand. Aplogias challenge the ‘others’ construction of hierarchies of victimhood and views that construction as an exacerbation of the stigmatising process. Humiliation is rejected as it is understood as atonement without contextual meaning. This does not mean that those who reject humiliation do not invoke the language of regret, mistake and the causing of hardship upon victims and survivors but apologia aims to define and preserve an ethics of action and belief and also transform the ‘other’ into accepting the view that violent enactment was conditional upon human rights abuse and state structure.

Stigmatic shaming in rejecting the conditional understands non-state violence as the violation of the law and contends that the self-worth of apologia is inimical to the restoration of ‘dignity’ which can only be achieved through accepting guilt. Humiliation is thus centred upon the demand of expiation and operates as a form of institutional practice that purposefully undermines the opportunity for equal relationships within a post-conflict setting. For those who promote stigmatic shaming the reasons for it are sound. Those who have engaged in non-state violence are transgressors who themselves demeaned individuals through torture, expulsion, threat and ultimately life-taking.

Despite evident differences between those who uphold stigmatic shaming and apologia there are strategic similarities between them. Both operate a catalogue of approaches including denial, blame shifting, accusation, evasion of responsibility and provocation. Blame casting through stigmatic shaming and apologia is conditional for several reasons. Both perform public address, allegation and counter-allegation, forms of self-defense, posturing, symbolic violence, bolstering of constituency value, sentimentality and being above doubt. The difference lying in the selection of evidence advanced to either promote stigmatic shaming or its rejection. As McEvoy and McConnachie (2012, p94) assert ‘putting it simply, people can be either victims or perpetrators at different times depending on a whole range of variables – these are not static categories’.

Shirlow and McEvoy’s 2008) survey work of conflict-related prisoners found that a third lost a family member, half a relative and 92% a friend in a conflict in which 0.3% of the population were killed or maimed. It is fair to assume that such persons as well as state combatants and those living in intense sites of violence had a more destabilising experience of conflict than the wider population. Such a reality for those who support stigmatic shaming appears irrelevant. Therefore, if we are examining the similarities between apologia and stigmatic shaming then we should move beyond taxonomies and understand that both are form-over-function centred and a contest that is not based upon mere defensiveness but also offensive rhetorical action. Both in producing ‘proof’ and ‘truth’ aim for vindication, claims of community fealty and purification from allegation (McGee, 1990).

Humiliation and apologia are essentially contestations between different rhetoric conditioned by the duality of conflict as experience of shaming via the ‘other’. They are effectively contingent not only due to the relationship between experience of conflict that constructed the ‘abstract core’ of respective belief but the intermingling of oppositional rigidities which can only operate if there is an alternative ethno-sectarian position. The power of apologia and humiliation is in effecting an agency of rhetoric within which both are accuser and victim (Koesten and Rowland 2004). Neither can restore or reveal better relationships between the two as truth claiming is a device that maintains self and rejection of the ‘others’ notion of remedy as both adopt ‘formalised statement of accusation’ Ellwanger 2012 27. Humiliation and apologia understand each other as transgressive and in communicational terms but are unable to be, beyond ‘self’, persuasive. The power to control truth cannot achieve rhetorical primacy which strengthens rhetoric as scorning, invective, antagonistic and belligerent. Neither possesses an unadorned truth as conflict itself forms a cognitive metaphor or what Heifer explains as a forensic discourse of duality with;

‘…properties arising from the forensic rhetorical situation include a need for persuasion, narrative and evidence, and to work within a situation of conflict and strict regulation, while rhetors bring to their rhetorical task such critical capabilities as power, voice and expertise, and critical orientations such as ideology and identity. It is in the articulation and intersection off all these elements that we can see the legal process as profoundly rhetorical rather than revelatory’ (2013 p. 462).

Northern Ireland is caught in what Brewer and Hayes identify as the public sphere of victimhood which is complicated by the ethno-sectarian construction of Northern Irish society which meant that violence was experienced in variant ways. Republican violence being responsible for the death of some 774 civilians of whom the majority (487) were Protestants. Some 816 of the 845 members of security forces were killed by republicans who understood such violence as anti-colonial but for the majority of Protestants such violence was mere terrorism. The 267 deaths of civilian Catholics by republicans also affected nationalist judgement especially with regard to the experience of wider strategies of intimidation by republicans of nationalist communities. Loyalist violence was more sectarian with some 80% of their victims being civilian Catholics. The state, designated as an honest broker by the majority unionist community is understood by republicans and nationalists as a facilitator of loyalist violence and through its military operations an agent of collusion, torture and mistreatment of the minority Catholic population. Such complexity echoes Miers (1989, 5) notion that ‘…labelling people as victims and events as victimising assume a critical significance’.

**Legislating for and Countering Humiliation**

We here delve into the rhetoric of public address that is humiliation and apologia. These examples are taken from the debates within the Northern Ireland Assembly during the bill stages of the Civil Service (Special Advisers) Bill. These public displays of apologia and humiliation are riddled with allegation and counter-allegation, denial, forms of self-defence and other rhetorical strategies. Other features include posturing, symbolic violence, the bolstering of constituency value and sentimentality. The debates related to the agency of assertion that is labour market vetting of conflict-related prisoners allied to law and linked to the organizational effects of pull and force that forms and is formed by the politics of legitimacy, proxy conflict, institutionalised shaming and the political responses between respective constituencies (Bourdieu, 1977). For those who support methods of shaming and control the exclusion of conflict-related prisoners from fair employment practice is a purposeful post-incarceration punishment. Those who reject humiliation posit a counter-narrative linked to repeal of such legislation as an acknowledgement that conflict has ceased and thereby justice delivery should be tied to a project of and for transitional justice.

Within the Northern Ireland Assembly in 2011 each of the then 12 Departmental Ministers and the two Junior Ministers were entitled to one Special Political Advisor (SPAD) each. The First Minister and deputy First Minister were permitted four each. Controversy surrounded the appointment in 2011 of Mary McArdle by the Sinn Féin Culture and Arts Minister Carál Ní Chuilín. McArdle had served a 14 year sentence before being released under terms of the Belfast Agreement. Her imprisonment was related to the killing of Mary Travers and the attempted killing of her father a Catholic magistrate and her mother, Jean. The attack had taken place outside St. Brigid’s Catholic Church in South Belfast. The Provisional IRA claimed that such an attack was ‘legitimate’ as Thomas Travers ‘dispensed British justice’. Even in a society that had become somewhat inured to violence the attack sparked repulsion as it was conducted at a place of worship and had led to the death of a popular teacher and young woman. In the conflict in Northern Ireland around 90% of fatalities were men which led to more gendered antipathy for the harm caused to women (Shirlow, 2012). Claims that her killing was accidental were disproved by forensic analysis which added an additional layer of criticism after the Provisional IRA sued that Mary Travers had died due to a bullet passing through her father’s body. McArdle was the only person imprisoned for the attack and she has constantly been encouraged to provide evidence against the others involved.

After controversy broke regarding her appointment McArdle stated regret and that the murder was a tragic mistake. She offered to meet the family (a request that was not accepted) but assumed there was little she could do to beyond that to address their grief[[1]](#endnote-1). She stated that she had played a;

‘…constructive and positive role in winning and maintaining support for the peace process within the nationalist and republican community, not least among the community where I live and which has suffered enormously from the past conflict’[[2]](#endnote-2).

This statement indicates a form of apologia linked to bolstering. McArdle’s comments as a form of public address asserts self-worth through highlighting her desire to end violence and support peace-building. In positioning that the community in which she lives had ‘suffered enormously from the past conflict’ she offers up self-defence and bolsters her activity by stating that she is from a harmed community. In response Ann Travers sister of Mary summed that such a response was due to discomfiture;

‘Rather than Mary McArdle and Sinn Fein saying her death was a mistake, what they should be saying is Mary Travers’ murder is an embarrassment which has come back to haunt us’[[3]](#endnote-3).

The McArdle family stated that although they supported prisoner re-integration and the peace process they felt that such a high profile appointment did not factor in the distress caused. For the family Sinn Fein had to remove their stance that the magistrate was a legitimate target and that Mary McArdle should provide evidence on those involved in the killings. The appointment, they argued, had not factored in re-traumatisation of the McArdle family. Ann Travers was to write that there was also need to account for the ‘…madness Sinn Fein and the IRA had created’, that they ‘have shown callous disregard for human life’ and lacked the ‘courage to truly confront the devastation your actions caused’[[4]](#endnote-4). With these statements we again locate the rhetoric of public address, allegations that Sinn Fein are malignant as they react only to ‘embarrassment’ and the invocation of stigmatic shaming with their actions described as ‘madness’, ‘callous’ and lacking ‘courage’. Both speakers affect sentimentality but offer bolstering as either specific to a community belonged to or membership of the wider community that was opposed to such violence.

The case was also linked to allegations that one of the killers had been protected from prosecution as they had been a state informant. A Northern Ireland Police Ombudsman report in 2004 did not sustain the claim made by Thomas Travers of police collusion but did note that Special Branch had frustrated efforts to gather evidence from a search of a suspected safe house, and had also "failed to share all relevant intelligence with the murder investigation team". Mr Travers did not withdraw his allegation and was angered that he was criticised for raising such contentions. He was to be awarded costs against the Police Ombudsman and sections of the original report concerning his allegations were removed[[5]](#endnote-5). These allegations of collusion were linked to the loss by the RUC of a gun used in the attack[[6]](#endnote-6). A person acquitted for the killing has been named as an RUC Special Branch informant[[7]](#endnote-7) while another self-disclosed police informant has made similar allegations[[8]](#endnote-8).

In the noise and clamour of the appointment Jim Allister leader of Traditional Unionist Voice advanced the Civil Service (Special Advisers) Bill. The Act maintains that a person is not eligible for appointment as a SPAD if the person has a serious criminal conviction determined as under section 5 of the Act that included imprisonment of 5 years, a sentence of imprisonment for life, an indeterminate custodial sentence under Article 13 of the Criminal Justice (Northern Ireland) Order 2008, a sentence of detention during the pleasure of the Secretary of State or the Minister of Justice, a sentence imposed under Article 45 of the Criminal Justice (Northern Ireland) Order 1998 and/or a sentence of detention during the pleasure of the Governor or the Secretary of State imposed under section 73 of the Children and Young Persons Act (Northern Ireland) 1968.

If a minister was to appoint such a person, ‘that person may refer the proposed appointment to the Department of Finance and Personnel’[[9]](#endnote-9). SPADS who held or gained convictions whilst in office would remain or be appointed under 3 (5) of the Act if they had … ‘shown contrition for the offence to which the serious criminal conviction relates…taken all reasonable steps to assist in the investigation and prosecution of all other persons connected with the commission of the offence’ and the ‘views of any victim of the offence, or where a victim has died, the views of any close family member of the victim’ had been accounted for[[10]](#endnote-10).

During the debates concerning the Bill an intervention by Sinn Fein’s MLA Daithi McKay stated a form of apologia linked to self-defence of republican motivation as understood by the State’s role in perpetuating conflict;

‘The Bill legitimises the conclusions and findings of a system in the past that introduced internment, forced people to sign confessions for acts that they had nothing to do with and protected the RUC and the British Army from even receiving a sentence of five years or more’.

In response and through counter-allegation Dolores Kelly from the Irish nationalist Social Democratic and Labour Party itemised that violence against informants/alleged informants undertaken by the IRA was humiliating, egregious and had denied victims their human rights.;

‘The Member talks about people being tortured and having confessions beaten out of them. People who were alleged to have been informers were found on the border with a black bin bag over their head, having been shot through the back of their skull. What appeals mechanism did they have?’

The debate that took place during the Bill stages also invoked religious imagery and occidental culture as indicated when Ross Hussey an Ulster Unionist MLA stated that ‘…the person who brought (*Mary McArdle*) this whole thing about was there when Ms Travers's sister was callously murdered. She did it. She is guilty. She is guilty as sin’. What is presented here is an emotive and evocative denial of McArdle’s self-worth due to her being cast as a wicked and fallen perpetrator. In responding McKay was to reject such stigmatic shaming and the use of terms of humiliation, repentance and contrition and summed that the Bill’s intent was to inspire disgracing narratives that only recognised a one side-assertion of blame apportionment. As he argued "Sackcloth and ashes" is the term that comes to mind when I look at some of the proposals. That is not the correct approach to rehabilitation, especially in the context that we have here. A lot of the main actors in the conflict did not go through the court system, such as those who were members of the British Army, the RUC and others’.

An examination of one of the final debates in the Northern Ireland Assembly (20th May 2013) provides a further opportunity to analyse the discourses around apologia and humiliation setting. That debate was linked to a Social Democratic and Labour Party amendment which wished to remove the word contrition with the term regret. Jim Allister, the architect of the Bill clearly invoked the invalidity of the term regret which is a central part of the apologia rhetoric;

‘Amendment No 8 wants to replace "contrition" with mere "regret" — not even "remorse", just "regret". My concern is that that amendment, as worded, would be open to the abuse and usage of someone making a bland, meaningless declaration such as "I regret all deaths in the Troubles and acknowledge the grave consequences inflicted on many". That is such a meaningless affirmation that it robs the requirement for remorse, contrition and real regret of any substance’.

What we observe is a rejection of apologia and notions of regret and a purposeful distancing from that term. As indicated in the Act contrition is required as one part of employment as a SPAD. In essence, a law was to be passed that was attached to a term that has no basis other than the notion that contriteness is an act of repentance and thus in symbolic terms an acceptance of sinning of ordo salutis. Remorsefulness figuratively understood as requiring mercy for transgressions, cleansing from iniquity and purification through law. Legal salvation achieved in the trinity of contrition, full confession and the blessing of the victims and survivors. Jim Allister detached the capacity of apologia to offer regret and acceptance of harm caused and in a spectacle of closing down regret as a core tenant of apologia challenged the notion that McArdle possess true contrition as he invokes notion of self-worth required to hold a senior political position;

‘some terrible things were done and great anxiety and consequences inflicted on many. I just do not think that that is good enough. That is why I say that contrition, which imports real remorse and shows that someone is genuinely sorry for what they have done, is not too much to ask for the holding of such a position. Does anyone think that the person appointed who gave rise to the Bill has genuine remorse or contrition?’

Beyond the religious foundations of contrition it is not evident what contrition was to mean or how it was to be measured by the review panel. Even in terms of religious dogma the gaining of forgiveness through acts of contrition has variant meanings and practices. This could only mean that contrition is relatively defined and seeks a public humiliation and forgiveness nexus. For those who advance apologia such acts of contrition are unacceptable as its offering would disrupt the ‘absolute core’ of belief. Such demands of confession are not unique to lustration practices but are at their most problematic when they are centred upon collective guilt and are framed by the stigma agent. For those who supported stigmatic shaming the punishment of imprisonment is not enough given that those placed before the courts generally offered and maintained the counter-assertion of guilt resting elsewhere. What we generally observe is the use of contrition as a technical qualification which stresses ever more punitive treatment.

Enacting and offering contrition was, as offered by Jim Allister, not only a matter of symbolic remorse but also of material act. As with other features of stigmatic shaming the speaker collectivises not only the guilt of the offender but bolsters his rhetoric by invoking a claim to speak for all victims and their needs. Denial asserted in a silence around state violence. Within this account the self-worth of the offender is furthered by questioning by Allister and their failure to inform on others. Further evidence that humiliation-seeking views the non-contrite as baseless and their non-actions intangible;

‘…as affording to victims something real, tangible and meaningful. It is about demonstrating to them that they matter in this society, and that what was done to them matters in this society. That is why, when we talk about someone being remorseful, regretful and contrite about what happened, you would expect that there would be the follow-through of having tangibly done something about it, instead of a situation where someone can pick up a gun…, be convicted of that, and never help the police to solve who gave them the gun, what they knew about it in advance, or any of that’.

For shaming agents there is no space to understand the impacts of discriminatory governance, multiply contrasted victimhood, the reaction to intra-community and state violence and fears regarding ethno-sectarian threat. In the final responses by Sinn Fein led by Mitchel McLaughlin it was argued that the Bill undermined commitments made in the Belfast Agreement and was retrospective in nature. Here we have the rhetoric of fact and stigmatic shaming regarding those who supported the Agreement but who were now distancing themselves from the commitments to prisoner reintegration that they had made. Their ‘shame’ lying in their rejection of obligations that were ‘laudable’ and ‘positive’;

‘The Bill will attempt to put in place a blanket prohibition that flatly contradicts the section of the agreement that relates to former prisoners. People voted for that at the time, and they negotiated and discussed with their eyes wide open. They (*Ulster Unionists, SDLP, PUP and Alliance Party*) knew exactly what they were signing up to, and there were certain very laudable and positive reasons and purposes for doing that’.

In his final summation McLaughlin like Allister stigmatically shamed the agency of violence but with regard to the state. A rhetorical device that similarly positioned blame casting that was allied to a version of silence of responsibility levied at McArdle. Silence here situated as the non-prosecution of security force members and thereby the closing down of truth. Where Allister had sought equality for victims McLaughlin sought an equalisation of criminalised and non-criminalised acts;

‘What else did the British Government do? This is where I come to contrition: the British Government made it clear that no police or soldiers would go to court. Contrition? Regret? Sorry? What does it mean when people adopt the position that, when it comes to ex-prisoners, we require a standard that we will not apply to servants of the Crown?’

Of course, the conjecture of those supporting stigmatic shaming was fanciful. It may create the non-employment of SPADs with convictions but the likelihood of anyone placing them self in front of the review panel was whimsical. The aims of the Act were probably more symbolic than material. Interestingly, neither side in acts of self-defence acknowledged the others claims regarding their responsibility for the conflict. This is a classic form of rhetoric based upon operationalising quietness and thus maintaining self-worth while deploying blame casting. Both claim value in the bolstering of respective constituencies of support. Within the exchange of constituency bolstering we observe Sinn Fein speaking to the tortured, interned and victims of state collusion and Bill proponents speaking for the tortured victims of their violence. Neither noting that irrespective of the source violence had driven sectarianised asperity and significant emotional and psychological consequences of harm and injury. Both forms of rhetoric being more involved in rhetorical strategies than a broader perspective of multiple sources and reproduced forms of violence. Instead, what was observed is a case in which ‘rhetoric is understood as a highly persuasive form of discursive practice that arises from a perceived need to persuade an audience to act or react according to the speaker’s goals’ (Heifer, 2013, 463).

The presentation of variant demands for contrition and their rejection are not acts of semantics but of discursive assemblage based upon contingency. To not invoke or to accept contrition would to be to disrupt political and cultural identity, loyalty and the totemic construction of belief. Disputation over the meaning and causes of harm are as contingent upon belief as they are dependent upon challenging oppositional discourse. Such language and the closed end nature of demanding and refuting contrition fail as a transformative device as its outcome depends upon the agency and ultimately the yielding of the ‘other’. It is the tussle between accounts of contrition and the agency of victimhood and culpability that engenders the necessity of apologia as assertion and its veracity as unverifiable. As Heifer opines;

‘Rehtors bring to the situation a number of critical capabilities and orientations arising from their own agency and from structures in society: power, voice, identity, expertise and ideology. They then make strategic use of available semiotic resources to weave together the persuasive rhetoric that is forensic discourse’ (2013, 468).

**Conclusion**

The discursive assemblage around challenging or reproducing humiliation and apologia are problematic not simply in terms of the negative effects that create asymmetrical styles of exchange within which the variant interpretations of conflict are outplayed through proxy. Proxy may be an improvement upon violent enactment but it maintains the fracture, sectarian cognition and disruptive characteristics that are supposed to be healed in the post-conflict process. The exchange concerning criminalisation does not advance a re-negotiation of meaning as the receivers of that interchange remain tied to their respective and ‘absolute core’. This re-locates Northern Ireland discursive battles in an ever repeating cycle of recrimination. In effect, humiliation seeking whether the admonishment of the state or paramilitaries reproduces the structures of conflict that have elsewhere through re-negotiation been altered.

The environment in which truth-seeking and denial operates creates tension and uncertainty which is only manageable through the endorsement of a ‘pseudo’ version of reality and within which fact is converted into image (McGee, 1990). Thereby, and despite attempts at truth recovery a dominant rhetorical situation reproduced through ’a decisive rhetoric of manipulation’ (Downey 1993, 58) that subverts rational and fair approaches to the past remains. Without understanding and accounting for that manipulation the capacity to bring much needed meaning to the debate on truth recovery versus truth friction remains impotent. In many instances the practice of seeking truth operated through denial is so prominent that it destabilises institutional approaches capacity to be fair.

Aughey, A. (2010) *The Art and Effect of Political Lying in Northern Ireland*, Irish Political Studies, 17, 1-16.

Benoit, W. (1997) Image repair discourse and crisis communication, Public Relations Review, 2, 177-186.

Bourdieu, P. (1977), *Outline of a Theory of Practice*, Cambridge: Cambridge University Press.

Breen Smyth, M. (2007) *Truth recovery and justice after conflict* (Abingdon, Routledge).

Brewer, J. and Hayes, B. (2014) *Victims as moral beacons: victims and perpetrators in Northern Ireland,* Contemporary Social Science, **6**,73-88.

Burke, P. (1989) *History as social memory* in Butler Thomas (ed.), Memory: History, Culture, and the Mind. Malden, MA: Blackwell, 97–113

CGPNI (2009) Report of the Consultative Group on the Past/Robin Eames & Denis Bradley, Co-chairs of the Consultative Group on the Past (Belfast: CGPNI), available online at: <http://www.belfasttelegraph.co.uk/opinion/just-let-us-do-our-job-13375825.html>

Connerton, P. (1992) *How societies remember*, Cambridge, Cambridge University Press.

Curtis J. (2014) *Human Rights as War by Other Means: Peace Politics in Northern Ireland*, Philadelphia, PA, University of Pennsylvania Press.

Dawson G. (2007) *Making Peace with the Past? Memory, Trauma and the Irish Troubles*, Manchester, Manchester University Press.

Downey, S (1993) *The evolution of the rhetorical genre of apologia* Western Journal Of Communication, **57,** 42-64.

Easterly, W. (2007) *Economic Origins of Dictatorship and Democracy,* The Economic Journal, **117**, 169–174.

Elizabeth, J. (1994) *The politics of memory: the human rights movements and the construction of democracy in Argentina*, Latin American Perspectives **21**, 38–58.

Elizabeth, J. (2003) *State Repression and the Labors of Memory*, Minneapolis: University of Minnesota Press.

Ellwanger, A. (2012) *Apology as metanoicx performance: punitive rhetoric and public speech*, Rhetoric Society Quarterly **42**, 307-329.

Ferguson, N., Burgess, M. and Hollywood, I. (2010) *Who are the Victims? Victimhood Experiences in Postagreement Northern Ireland,* Political Psychology, **31**, 857–886.

Foucault, M. (1979) Discipline and Punish, New York, Vintage.

Habermas, J. (1990) Moral Consciousness and Communicative Action Cambridge, The MIT Press.

Hamber, B. and Wilson, D (2002) *Recognition and Reckoning- The way ahead on victims issues,* Democratic Dialogue, Report 15.

Heifer, C. (2013) Revelation and Rhetoric: A Critical Model of Forensic Discourse, International Journal of the Semiotics of Law, **26**, 459-485.

Jelin, E. (2003) *State repression and the struggles for memory*, London, Latin American Bureau.

Koesten, J. and Rowland R. (2004) *The rhetoric of atonement*, Communication Studies, **55**, 68-87).

Kotkin, S (1998) 1991 and the Russian Revolution: Sources, Conceptual Categories, Analytical Frameworks, **70,** 384-425.

Lawther, C. (2011) *Unionism, Truth Recovery and the Fearful Past*, Irish Political Studies 26, 361-382.

Lundy, P. (2011) *Paradoxes and challenges of transitional justice at the ‘local’ level: historical enquiries in Northern Ireland,* Contemporary Social Science, 6, 89-105.

Lundy, P. and Rolston, B. (2016) *Redress for past harms? Official apologies in Northern Ireland,* The International Journal of Human Rights, **20**, 104-122.

McEvoy K. and McConnachie K. (2012), *Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy*, European Journal of Criminology , **9**, 527–38.

McGee, M. (1990) Text, context, and the fragmentation of contemporary culture, Western Journal of Speech Communication, **54**, 274-288.

McGovern, M. (2017) ‘*See no evil’: collusion in Northern Ireland*, Race and Class, **58**, 46–63.

McGrattan, C. and Hopkins, S. (2016) *Memory in Post-conflict Societies: From Contention to Integration?* Ethnopolitics, **15**, 1-12.

McKay, S. (2014) *Northern Ireland's peace is haunted by ghosts who will not be silenced,* https://www.theguardian.com/commentisfree/2014/may/04/northern-ireland-gerry-adams-arrest-troubles-haunted-ghosts-past

Miers, D. (1989) ‘Positivist Victimology: A Critique’, *International Review of Victimology,* **1** ,3-22

Nagle J., Clancy M. (2010) *Shared Society or Benign Apartheid? Understanding Peace-Building in Divided Societies*, Basingstoke, Palgrave Macmillan.

Northern Ireland Executive (2013) *Haass Agreement* https://www.northernireland.gov.uk/haass.pdf.

Shirlow, P. (2012) *The End of Ulster Loyalism?* Manchester: Manchester University Press.

Shirlow, P. and K. McEvoy (2008) *Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland*. London: Pluto Press.

Skitka, L. J. (2009) *Exploring the “lost and found” of justice theory and research*, Social Justice Research, **22**, 9.

Stevan, W. (2006) *Testimony after Catastrophe: Narrating the Traumas of Political Violence*, Evanston, Northwestern University Press.

Stormont House Agreement HA (2014) ‘The Stormont House Agreement’, https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/390672/Stormont\_House\_Agreement.pdf on 14 April 2015.

Strauss, L. (1959) *What is Political Philosophy? And Other Studies*, Chicago, University of Chicago Press.

Villalón, R. (2015) *The Resurgence of Collective Memory, Truth, and Justice Mobilizations in Latin America*, Latin American Perspectives, 42, 3-19.

1. https://saoirse32.wordpress.com/author/saoirse32/page/131/ [↑](#endnote-ref-1)
2. See http://www.bbc.co.uk/news/mobile/uk-northern-ireland-13627500 [↑](#endnote-ref-2)
3. https://saoirse32.wordpress.com/author/saoirse32/page/131/ [↑](#endnote-ref-3)
4. http://www.belfasttelegraph.co.uk/woman/life/mary-travers-there-are-no-murals-painted-for-my-sister-28634860.html [↑](#endnote-ref-4)
5. http://cain.ulst.ac.uk/victims/docs/media/utv/na\_utv\_021107b.pdf [↑](#endnote-ref-5)
6. http://forum.forteantimes.com/index.php?threads/ex-judge-furious-at-mans-arrest.29273/) [↑](#endnote-ref-6)
7. (http://www.belfastdaily.co.uk/2013/05/31/ira-planned-to-kill-entire-travers-family-says-het-report/ [↑](#endnote-ref-7)
8. (http://www.belfasttelegraph.co.uk/sunday-life/news/special-branch-files-it-stinks-to-high-heaven-28400212.html [↑](#endnote-ref-8)
9. All of the Northern Ireland Assembly quote are from http://www.legislation.gov.uk/nia/2013/8/contents [↑](#endnote-ref-9)
10. http://www.legislation.gov.uk/nia/2013/8/section/3. [↑](#endnote-ref-10)