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Community-Based Restorative Justice in Northern Ireland: A Neo-Traditionalist Paradigm?

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This article critically assesses the scholarly representation of community-based restorative justice (CBRJ) schemes in Northern Ireland. These schemes, which emerged in working-class areas following the republican and loyalist ceasefires of the 1990s, have been the subject of intense political debate and a growing body of academic literature. I argue that the academic depiction of the schemes in republican areas ignores the substantial progress made by revisionist political scientists and historians in understanding Provisional republicanism. By failing to take that research into account, CBRJ scholars are in danger of not simply promoting vague, de-contextualised policy prescriptions, but of actively reproducing republican understandings of political developments.

Keywords: restorative justice; Northern Ireland; historical revisionism

Introduction

Reflecting on the 'revisionist debate' that engulfed Irish historiography and politics in the 1980s, Roy Foster remarked that 'revisionism' was a logical part of the discipline of history: '[it is] a recurrent and cyclical thing ... the newest commentators on Irish history [are] in fact now revising the revisionists' (quoted in Gray 1993, 10). The corollary of this is that we may also expect a persistent counter-response from various groups and individuals whose cherished beliefs and identities may be affected or deconstructed by historical inquiry. The use and manipulation of the past by politicians is, of course, a favoured subject for historians and political scientists (Todorov 2003); however, the particular focus of this article is on how the pervasiveness of the neo-traditional, anti-revisionist[1] project can be gauged in the claims made by certain self-entitled 'conflict transformationalist' academics about the Northern Irish 'Troubles' (Eriksson 2009, xix; McEvoy and Ellison 2003; Shirlow and McEvoy 2008), and in their prognoses for the future of the region. Specifically, the article will concentrate on the representation of community-based restorative justice (CBRJ) schemes in Provisional republican areas in Northern Ireland,[2] and will critically assess the depiction of the conflict and the claims made by the champions of those schemes in the light of recent empirical studies by historians and political scientists.[3]

CBRJ schemes in Northern Ireland and elsewhere seek to tackle anti-social behaviour and mediate in neighbourhood disputes; they are staffed by community

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workers who volunteer their time and efforts to keeping their local areas safe places to live in. Importantly, they provide an alternative to the criminal justice system in instances of low-level antagonism—with more serious crimes involving violence remaining the preserve of the 'traditional', formal justice system. Champions of these schemes see them as essential components in moving republicans away from a 'culture of violence' towards a new-found respect for dialogue, mediation, and conflict transformation (Eriksson 2008). Indeed, the apparent success of the schemes has led to calls for the 'Northern Ireland model' to be rolled out across England and Wales (Lyon 2009; Prison Reform Trust 2009).[4]

This article does not advocate the disbandment of the schemes, but rather seeks to highlight how the academic representation of the schemes often serves to propagate a Provisional republican discourse (see Ashe 2009 for a notable exception to that tendency). While I outline the moral problems involved in having ex-terrorists involved in the schemes in Northern Ireland, I also acknowledge the fact that the schemes along with those individuals are embedded in republican communities. However, the key point the article makes is that concerns over the residual and at times overt paramilitarism within those areas cannot be glibly dismissed as middle-class naïveté (Shirlow and McEvoy 2008, 1), but that, in fact, until it is acknowledged we are left with skewed assessments of the real political, social, and moral benefits, costs, and limitations of CBRJ in Northern Ireland. Specifically, this article makes two claims regarding the academic representation of the schemes: Firstly, scholarly support for the schemes is often based on inflated and untenable claims regarding their potential for resolving conflict. Secondly, and more problematically, the scholarly literature places the schemes within a narrative understanding of the conflict that is exceptionally similar to that of republicans. I suggest that the blindness to this similarity relates to the internalisation of a neo-traditionalist mindset and that it actively contributes to a (re)production of republican discourses.

Resurgent Anti-Revisionism

CBRJ champions display many of the tendencies that revisionist historians noted in their critics (Foster 1986; Laffan 1991; McBride 2007)—for example, the propensity towards selective quotation; an overly empathetic approach to their subject; and vague, unsubstantiated findings. To this list, CBRJ advocates add the promotion of politically loaded policy prescriptions. Although academics and moderate political parties such as the (mainly Catholic and nationalist) Social Democratic and Labour Party (SDLP) have expressed concerns over the participation of ex-prisoners in the operation of the CBRJ schemes (Knox and Monaghan 2002; SDLP 2006), the revisionist debate illustrates how republicans use particularistic understandings of the past to further their political interests in the present. As historians have pointed out, a key feature of the republican project during the conflict was to use the past as a justification for killing those people they perceived to be their enemies (Laffan 1991; Patterson 1997; English 2003; Murray and Tonge 2005; Hopkins 2009). This 'instrumentalisation' has, if anything, intensified since the ending of the armed campaign in the 1990s (Alonso 2007; McDonald 2008; McDowell 2008; Frampton 2009).

Despite the fact that professional historians were quite comfortable with being described as 'revisionist', in the republican usage the term carried pejorative under-

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tones. Thus, the 'school' of historical revisionism was denounced as a political project, while its practitioners were self-indulgent iconoclasts who had turned their backs on their Irishness and sought to tear down all that Irish society held to be important. Revisionists, in this understanding, drained idealist heroes such as Pearse and Connolly of their self-sacrificing virtues and rendered the idyllic historical narrative of Irishmen constantly struggling against Britain before eventually triumphing in 1921 as a complex of disjointed stories that each generation refashioned in the shape of their own needs. As one critic argued, by the 1980s, revisionists had ridden roughshod over the story of 'the nation, represented by great men, women and movements, righteous insurgents, and brave soldiers, inspired by right ideas and acting rightly' and that it propagated 'moral judgements' that did 'not serve the well-being of the nation' (Fennell 1988, 23–25).

Although these attacks rarely engaged in any substantive form with the empirical evidence presented by historians, Sinn Féin has continued to use the term to convey the political message that revisionist historians are anti-nationalist, anti-Irish, and anti-Catholic.[5] Yet, as one historian has pointed out, the republican denunciation of 'revisionist history' more often than not serves as a smokescreen for its own 'spinning of the past'. This 'spinning' often takes the form of a specific narrative of the conflict based on the idea that 'what was really going on all those years was a struggle for justice and equality, a kind of civil rights movement with teeth' (Murphy 2003). This narrative draws a direct line linking the struggle for civil rights in the 1960s and the 1990s peace process:

> It is in the nature of British rule in our country that up until now [injustice, unfairness, and inequality] have been perpetuated and defended by the use of force by the armed wing of British governments and their surrogates. It is in the human condition, and particularly in the Irish context, though this is also universal, that armed aggression is met with armed resistance, particularly and especially when there is no alternative ... But the IRA [Irish Republican Army] is not merely an army of soldiers; it is an army of political activists and it has demonstrated again and again amazing tenacity, determination and commitment ... The reality is that there would be no peace process if it were not for the IRA (Adams 2002).

Brendan O'Leary has spearheaded a renewed academic assault against historical revisionism.[6] O'Leary's critique of what he describes as 'imperial historiography' (2007, 187) does not simply 'correct' historians' research, but involves implicit political inferences—particularly, in relation to the extolling of Irish nationalist narratives. In this regard, his arguments shine a light on the surreptitious links between CBRJ and conflict transformationalist scholarship and the neo-traditional project. O'Leary's critique of revisionist literature draws on two tactics. Firstly, he reprises the ideas expressed in Brendan Bradshaw's seminal (1988/89) article, arguing that, 'In a comparative perspective, it is the catastrophic past, with its long-term repercussions, that explains the emotional and intellectual wellsprings of Irish nationalism' (O'Leary 2007, 188). The crux of Bradshaw's argument was that what he called the 'value-free principle' of historical inquiry hampered the accurate rendering of the 'Irish historical experience' (Bradshaw 1988/89, 337). O'Leary,

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likewise, complains that only a respect for the 'catastrophic components of the past' explain Ireland's present institutional arrangements and 'collective mentalities' (2007, 188).

While Bradshaw proposed 'empathy' and 'imagination' as the key to historical interpretation, O'Leary's conclusion is much more radical in that it apparently involves the abandonment of history as a scholarly discipline altogether. This is evident in O'Leary's second suggestion that, Irish nationalism can only be explained through 'social-scientific' methods: hypotheses should be generated from theoretical literature, 'Secondary materials—*and sometimes appropriate primary materials*—should be used to appraise the merits' of these hypotheses, and the conclusions subjected to comparative analysis (O'Leary 2007, 192; added emphasis). In other words, scholars should start with what they know and work backwards, empirical and archival research should take a backseat to secondary sources; and the contribution of historical choices in the construction of ideological projects is downplayed in favour of systemic explanations.[7] While the post-hoc approach allows O'Leary to claim that Richard English ignores mainstream nationalist theorising, revealingly, it also allows him to miss the fact that English's conclusions support the more recent insights of constructivist research (English 2006, 374–375, 431–506; see also Brubaker 2004). Before looking at how exactly CBRJ aficionados mirror these anti-revisionist tendencies, it is necessary to offer a brief outline of CBRJ practices in Northern Ireland.

Community-Based Restorative Justice in Northern Ireland

The alienation of working-class republican and loyalist communities from the state was a key factor in the persistence of the paramilitary campaigns for over three decades. One consequence of that alienation was the development of 'informal' justice practices in which paramilitary punishment shootings and beatings filled the gap left by the effective absence from those communities by Northern Ireland police force, the Royal Ulster Constabulary (RUC). Although the beatings allowed republicans to maintain dominance over the areas, anecdotal and ethnographic evidence suggests that the practice was strongly supported by local residents for reasons of vengeance, justice, and deterrence (Sluka 1989; see also BBC 2009). This informal justice system continued during the paramilitary ceasefires of the 1990s until political pressure on Sinn Féin to conform to accepted democratic standards and support non-violence encouraged paramilitaries to work with local community activists in establishing alternatives to the beatings. A similar process occurred within the loyalist areas of Belfast and two groups emerged in the late 1990s espousing restorative justice principles—the loyalist group, Northern Ireland Alternatives (NIA), and in the republican areas, Community Restorative Justice, Ireland (CRJI) (Auld *et al.* 1997; Winston 1997). Following their establishment, NIA set up four centres in Belfast and CRJI 14 across Northern Ireland. The Rowntree Foundation and Atlantic Philanthropies, the funding and charity institution of the American businessman Chuck Feeney, sponsored these centres in their initial phase (Ashe 2009, 301).[8] However, since July 2008, CRJI has agreed to work with the new police force, the Police Service of Northern Ireland and has been supported by the Northern Ireland Office (Thornton 2008).

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Restorative justice practices are often contrasted with the traditional criminal justice system. These practices typically consist of four main elements. Firstly, all affected parties ('stakeholders') should be included in the response to crime—namely, the victims, the wider community, and the offender(s). Secondly, restorative justice repudiates the idea of punishment for punishment's sake but, rather, stresses that offenders should take responsibility for their actions—thus restorative justice schemes deal with offences by requiring perpetrators to make reparation or restitution for their crimes. Restorative justice schemes are essential in providing spaces for victims, the community, and offenders to meet, and these 'conferences' facilitate mediation and dialogue. Thirdly, the restorative justice model views crime as a breakdown in social relationships and thus emphasises that victims and communities should play a role in overseeing that reparation and the incorporation of the offender back into society. This idea of reconciliation links with the fourth key feature—an emphasis on the behaviour rather than the individual. Thus, offenders are required to offer an explanation of their actions, but they and the other stakeholders concentrate on finding alternatives to those actions in the future (Marshall 1999).

The restorative justice model has been severely criticised on normative and theoretical grounds (Knox and Monaghan 2002; Roche 2003; Dignan 2005). Declan Roche, for instance, has warned that the tendency to sideline the state may compromise the accountability of CBRJ schemes and foster the expectation that 'success' depends on apologies, forgiveness and reconciliation (2003, 35). James Dignan, meanwhile, has questioned how CBRJ champions define 'community', the measures they use to designate who should 'participate', and the methods they use to interpret what the interests and wishes of the community are when handing down reparation agreements (2005, 98–100). The response of CBRJ advocates is unequivocal—restorative justice programmes enjoy higher approval ratings among victims of crime than traditional criminal justice processes since they are quicker, give prominence to victims' sentiments. CBRJ advocates also point to growing levels of support from within the police and the criminal justice system owing to the fact that since restorative justice schemes deal with minor misdemeanours, they facilitate the police being able to spend more time on serious offences and statistics that show that restorative justice processes have lower levels of recidivism than traditional processes (Marshall 1999; Johnstone 2002; Sullivan and Tifft 2006).

As pointed out above, the main criticism of restorative justice schemes in Northern Ireland stems from the deep unease felt by mainstream political parties over the fact that not only were paramilitaries involved in setting up the schemes but that convicted terrorists continue to play prominent roles in their day-to-day operation. Critics point to the fact that some CBRJ workers hold overlapping memberships in CRJI, the IRA, and Sinn Féin. These critics claim that CRJI is little more than the 'IRA with a different coat on' (MacKean 2006). The underlying arguments relate to a concern over accountability and vigilantism and the suspicion that, for republicans, CBRJ constitutes a means of maintaining control over its heartlands in the absence of more overtly violent methods (Knox and Monaghan 2002). The fact that Sinn Féin has been a vocal supporter of the schemes has done little to discourage those concerns (Keenan 2006, 4). Indeed, Sinn Féin has actively supported the propagation of the schemes on both sides of the border—a fact that has troubled

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constitutional nationalists in the Irish Republic such as the former Taoiseach Garret FitzGerald who has warned that republicans are effectively setting up their own police forces, thereby undermining the constitution and social fabric of the Irish state (MacKean 2006).

Again, however, academic champions of the schemes point to seemingly irrefutable empirical facts. Firstly, they argue, the communities in which the schemes are presently based are highly cohesive and self-consciously reified working-class communities. The implications being that mainstream political parties such as the SDLP are either playing politics or that they naively fail to comprehend the fact that individuals from those communities encounter different opportunities and hold different values than the liberal, middle-classes.[9] Secondly, these champions argue that there is no real alternative to the schemes or the fact that ex-terrorists must contribute (McEvoy and Mika 2002a, 63). Furthermore, they argue convicted terrorists play a vital role in these working class communities—they, their actions, and their variant of Irish republican ideology are accepted as sensible and morally correct by the inhabitants of those areas; some ex-prisoners lead highly visible lives as committed community workers; in addition, ex-prisoners comprise almost a quarter of the unemployed population.[10] The champions of CBRJ therefore argue that the issue is broader than prisoner inclusion and that the calls to exclude prisoners are deeply offensive to the political and personal beliefs of the inhabitants of the areas the schemes serve (Auld *et al.* 1997, 41–42). Thirdly, champions of CBRJ argue that the claims of vigilantism and IRA hegemony are wildly overstated and lack any empirical foundation. On the one hand, they argue, the schemes are inclusive of all community groups—including women's groups and church organisations—and all social classes and minority interests. Rather than republican control, what the schemes really represent is local people taking control of their own futures (Eriksson 2009). The schemes have evolved naturally, they claim, to move beyond merely providing an alternative to punishment beatings and shootings into 'broader mediation and conflict resolution work' (McEvoy and Mika 2002b, 540).

Community-Based Restorative Justice and 'Sneaking Regarders'[11]

This section examines the narratives constructed by CBRJ aficionados, and argues that they systematically ignore the critical analyses of the Provisional republican project, opting for an empathetic interpretation of republicanism that verges on benign fabrication. Although the champions of CBRJ claim that their findings are objective and based on criminological methodology (McEvoy and Newburn 2003; Mika 2006), a closer reading suggests that they simply reproduce their respondents' sentiments.[12]

In his intervention in the revisionist debate of the 1980s, Michael Laffan (1991) described the anti-revisionist mindset as being fundamentally insular and dismissed their attacks as vague. In a similar fashion, CBRJ aficionados indulge in claims-making based on a numerically limited cohort (Shirlow and McEvoy 2008), and conflate the explanations of change by ex-terrorists with broader structural

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transformations—all the while offering little evidence for either development, let alone a link between the two. To put the matter more simply, of course the Northern Ireland conflict had a political element—many ex-prisoners were ideologically driven and remain so, and it is unlikely that the majority would have spent time in gaol had it not been for the North's specific historical and political environment. Likewise, many would not have been imprisoned or committed serious violent actions had they not been conditioned and inculcated as impressionable youths (Alonso 2007). However, as I point out below, the obsession with labelling actions as 'political' obscures the fact that the republican and loyalist campaigns were fundamentally sectarian and 'terroristic', and undoubtedly criminal. The obsession also obscures the moral point that, even if the campaigns were perceived as being 'political', that still does not absolve the paramilitaries of responsibility for their actions (McGrattan 2009). Furthermore, at an individual level, alternatives existed—the vast majority of people in Northern Ireland did not become involved in the paramilitary campaigns.

The fact that CBRJ aficionados do not seriously interrogate Sinn Féin's policy agenda suggests that the narrative rehabilitation of ex-terrorists is no more than a framing device upon which the scholars hang their commitments to 'conflict transformation'. Thus, the exact direction or nature or extent of change within Provisional republicanism or among the ex-prisoners is never queried.[13] Instead, CBRJ champions develop a narrative of transformation which they carefully link to other transitional scholarship. With a nod to the transitional justice literature, for example, Kieran McEvoy and Tim Newburn (2003, 4) argue that criminology and restorative justice are essential to any conflict transformational model:

> At both the macro and the micro level, restorative justice theory and practice offer a template for addressing harms which fits broadly within the increasingly accepted requirements of transition from conflict.

Again, the core problem here is concerned with who defines those 'accepted requirements'—in particular, the question is left open as to how or whether it is even possible to find requirements that are acceptable both to terrorists and their victims (Simpson 2009). In fact, by framing victims' and the wider public's concerns solely within the perspective of ex-prisoners, Peter Shirlow and Kieran McEvoy actively write-out contradictory points of view and ignore the experience of victims. For example, although they fleetingly refer to unionist discomfort with the early release of paramilitary prisoners, they claim that this could be perceived as a disingenuous attempt, by unionists, to hide their own 'moral culpability in the reproduction of conflict'. The wrongness of unionist perceptions is linked to the idea that the prisoners were in fact politically motivated, which Shirlow and McEvoy misleadingly tell us was accepted 'd*e facto*' by the British government in the Good Friday Agreement of 1998 (2008, 11–12), again, conveniently ignoring the counter-factual of what would have happened had the government refused to release the prisoners. In other words, by relying on the constitutional mechanism to prove motivations Shirlow and McEvoy end in a tautology—that is, the agreement's early release provision admitted a political dimension to the prisoners' crimes, but the agreement itself would not have been reached unless that provision was included.

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The rhetorical strategies deployed in whitewashing unionist beliefs are also implicit in CBRJ champions' extolling of working-class community activism. Although they defend the schemes as inclusive and differentiated, CBRJ aficionados ignore the possibility that the schemes might actually contribute to a destabilising influence as part of Sinn Féin's tactics of triggering local grievances in order to insinuate itself into communities (Frampton 2009). These rhetorical strategies, most problematically, extend to the effective silencing of victims' voices. For example, in one of their rare references to the activities (or crimes) that led to the actual imprisonment of these ex-terrorists, Shirlow and McEvoy simply reproduce their (the prisoners') accounts with no attempt to provide any historical context, let alone provide a response from their victims (pp. 114–20). Thus, the temptation to dwell on these actions must be resisted since it leads to the continued 'stigmatisation and demonisation of politically motivated former prisoners', who are, after all, 'agents of conflict transformation'—also, we should remember, that 'attitudes to victimhood also help shape the ideologies of [paramilitary] groups' (p. 115). In short, all 'sides' suffered 'harm', everyone was a victim, and everyone has a responsibility to move beyond the past (Shirlow and McEvoy 2008, 120).

Rather than examine the exact nature of ex-prisoners' changes, CBRJ aficionados reproduce a range of, tendentious and sanctimonious arguments. For example, Kofi Annan's espousal of reintegrating former 'combatants' and 'fighters' is treated as a mantra by many CBRJ advocates in Northern Ireland—regardless of the specific situation in Northern Ireland where the 'fighting' amounted to little more than a seemingly endless series of assassinations (mainly of unarmed individuals) and bombings.[14] This lack of any definite sense of context characterises the unpublished report (Mika 2006) that aficionados frequently cite as an authoritative source and as evidence of the potential of the Northern Ireland CBRJ schemes to foster conflict transformation (McEvoy and Eriksson 2006, 322; Ellison and Shirlow 2008, 41; Eriksson 2008, *passim*; 2009, 134; McEvoy and Shirlow 2009, 42). Harry Mika's research, which was carried out on behalf of Atlantic Philanthropies, states that when these organisations 'take on a new case, it automatically means that at least one verified incidence of planned violence or exclusion has been avoided' (Mika, 2006). Despite this work forming the basis of subsequent publications by Anna Eriksson, McEvoy, and Shirlow; none of them have as yet pointed out that Mika's description is either (i) untrue; or (ii) positively selective. Eriksson (2008, 244–245), for example, describes how in 2001 CRJI became involved in the case of a 13-year-old boy *after* the IRA had beaten him (equally surprising is the fact that this case is highlighted as an example of the positive work carried out by CRJI.). Further, Mika's methodological remit is wholly mealy-mouthed regarding the concept of 'planned violence'. As another case study cited by Eriksson reveals, the IRA has lifted 'exclusion' verdicts, but have continued to impose 'curfews' while the CBRJ process is ongoing (Eriksson 2009, 88). The selective methodology, however, suits Mika and his colleagues who see CBRJ as a remedy for rather than as a symptom of paramilitarism.[15] Thus, he claims that

> If the overall number of potential paramilitary punishments ... remained relatively constant in the impact areas [that is those areas in which CBRJ schemes operate] over time, we would expect the number of actual

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> shootings, beatings, and exclusions to fall proportionately as the number of NIA/CRJI cases rose (Mika, 2006).

An alternative way of thinking about the problem might be that CBRJ 'cases' should not only replace paramilitary attacks in proportional terms, but that in a situation of conflict transformation and a peace process, *both* indices should be falling. In fact, this should also be the case if CBRJ schemes really were a remedy for intra-communal contention. The specific circumstances of Northern Ireland, in which terrorist organisations were being encouraged to disarm and accept constitutional methods, are missing from the accounts of CBRJ aficionados—a lacuna that casts serious doubts over the proposals for rolling the Northern Irish model out in England and Wales. Indeed, the lack of awareness or interest in the broader political context means that CBRJ scholars ignore the role that persistent unionist opposition, resistance, and agenda-setting tactics played in bringing Sinn Féin into the democratic system (McGrattan 2010a, 130–140). These tactics, together with the changed international political climate post-9/11, were major factors in convincing republicans that participation in government required getting rid of their weapons (Bew 2007b). Instead—and in an unwitting echo of Gerry Adams's hagiographic flourishes—CBRJ advocates argue that the political, military, and moral leadership shown by ex-terrorists was not only courageous but was instrumental in embedding the peace process (McEvoy and Eriksson 2006; Eriksson 2009; McEvoy and Shirlow 2009).

The failure of CBRJ champions to analyse Sinn Féin's long-term policy agenda or to try to contextualise the role that ex-prisoners have played in the peace process in relation to other groups is, in part, a methodological lapse linked to their source material. In fact, the literature of CBRJ advocates is highly dependent on interviews with ex-prisoners and the post-hoc application of legal and criminological theory. Revisionist historians and political scientists who have progressed the debate on republicanism such as Anthony McIntyre (1995) or Henry Patterson (1997) are rarely cited, despite their works being widely available before the surge of pro-CBRJ research in and after 2001. Instead, CBRJ champions prefer the narrative of the IRA being a natural and inevitable response to the continued British presence in Ireland and cite the traditionalist histories of Jonathan Bowyer Bell (1993), Patrick Bishop and Eamon Mallie (1987), and Tim Pat Coogan (1987) as authoritative sources on republican politics (McEvoy and Mika 2001). One effect of this evidential bias is that CBRJ champions actively seek to depoliticise the restorative justice project, ignoring, for example, how Sinn Féin has used its promotion of the schemes to criticise the SDLP and the Irish Labour Party. Thus, SDLP concerns about the initial constitution of the schemes were described as 'attacks on what are widely regarded as a progressive and valued community facility' (McLaughlin 2006). The 'attacks' were reported as evidence of the SDLP's distance from the nationalist community and its strategic failure in jumping 'too soon' in supporting policing reforms (Kelly 2005). In the Irish Republic, meanwhile, Sinn Féin used its support for the schemes to score points over what it depicted as tepidity from its Labour Party rivals in addressing working class concerns (Ó Snodaigh 2007).

The use of traditionalist source material and the failure to contextualise republicans' actions and policies leads CBRJ advocates inevitably to the eulogising of the

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ex-prisoners who are involved with the schemes. These prisoners, we are told, now demonstrate considerable leadership skills (McEvoy and Eriksson 2006; McEvoy and Shirlow 2009)—these having been honed during their imprisonment where they spent their time reading Paolo Freire and 'negotiating' with the prison authorities (see Ashe 2009). What specific relevance Freire might have to post-conflict Northern Ireland is never explained. Nor do CBRJ advocates elucidate how negotiating with prison authorities equips these ex-terrorists for working with disaffected youths—although Eriksson's example of a curfew and a residual threat brings to mind unpleasant echoes of the intimidation and threats issued to prison staff and their families, not to mention the 29 murders of prison officers, that occurred during the conflict. CBRJ champions claim that ex-prisoners are respected because they have 'done their bit' for their communities and that they know better than most people the effects of violence (McEvoy and Eriksson 2006, 328; McEvoy and Shirlow 2009, 41). These claims are not only euphemistic but misleading. For example, in contrast to McEvoy and Eriksson's (2006, 327) allegation that 'no one within the respective constituency can question [ex-prisoners'] commitment', many nationalists criticised IRA actions including the killing and disappearance of Catholics throughout the Troubles. Furthermore, although Kofi Annan's commitment to the re-integration of 'fighters' is taken as an infallible pronouncement by CBRJ aficionados, critics have likened the idea of allowing ex-terrorists to question and judge people's private lives as 'letting the lunatics run the asylum' (FitzGerald 2006, 14).[16]

The pro-CBRJ literature therefore is built on blatant lacunae—including the airbrushing of victims' issues, the role of unionists, and the concerns constitutional nationalists have expressed about CRJI. If those lacunae were simply scholarly mistakes we might expect random bias in the findings; however, when they all point one way then it is reasonable to conclude that another agenda is in play. In fact, not only have CBRJ advocates internalised a neo-traditionalist mindset; they often glibly reproduce the Sinn Féin narrative of the conflict—particularly as regards the role of the British state. At first glance, this is surprising, since McEvoy and Ellison (2003, 45) claim that criminologists possess special insights into the operation of the state since the concept forms a central part of their discipline. Yet, they and their colleagues frame CBRJ in republican areas as a liberationist-type struggle of committed, disciplined, and self-sacrificing working class communities taking on an overbearing and historically oppressive state.

Political scientists and historians working on republicanism have largely disavowed this simplistic and dichotomous Weberian vision in favour of social movement and neo-Marxian explanations. For example, Patterson has highlighted republicans' perpetual dilemma that social reform invariably means coming further into contact with the 'absorptive capacities' of the British and Irish states (1997, 12). Kevin Bean has also argued that republican politics have evolved with the tacit support and acquiescence of the British state, particularly at the community level where inward investment and social amelioration has brought revolutionary locales within the broad auspices of the British state. While Bean points out that 'a state within a state' does exist in these areas, with republicans participating in the operation of community organisations, the British state, as the greater repository of resources, continues to exercise the 'whip hand' (2007, 47). In this perspective, CBRJ schemes

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have evolved with the support of republicans, but only within the boundaries of what the British state deemed to be acceptable practices (Bean 2007, 125).[17] Such notions of 'soft power' do not appear in the criminologically inspired narratives of CBRJ champions. Instead, they reiterate the 'nationalist' version of the peace process, claiming that 'the British state has often been in the position [of] "catching-up" with the other protagonists'—again, presumably, 'protagonists' in this context does not include Ulster unionists but refers to other nationalists and the Irish government (McEvoy *et al.* 2002, 204; original emphasis).

The tendency towards a benign and over-empathetic rendering of republicanism does not stop with the airbrushing of unionists, constitutional nationalists, or victims' concerns from the narrative. At times, CBRJ advocates directly import republican terminology: thus, it was IRA 'activists'—not 'volunteers', let alone 'terrorists'—who engaged in 'hunger strikes to the death as well as [unspecified] widespread acts of violence' (McEvoy *et al.* 2002, 181). CBRJ aficionados reproduce republican narratives and take what are often self-serving accounts of sacrifice and commitment at face value. This is due to their belief that restorative justice 'resonated with the republicans' value base' (McEvoy quoted in Eriksson 2009, 61). Inevitably, this belief leads them to repeat the (uncorroborated) idea that republicans emphasise 'collective debate and dialogue' (Shirlow and McEvoy 2008, 144). This should be placed in direct contrast to the most recent history of the republican movement, which argues that on a number of issues the Sinn Féin leadership carefully shaped the terms of debate and pushed forward its agenda through 'a potent mixture of coercion *and* consent' (Frampton 2009, 119; original emphasis). Similarly, the tendency to take ex-prisoners' and CBRJ workers' opinions at face value contrasts starkly with the curt treatment CBRJ aficionados afford to critics of the schemes. Thus, spokespersons from the SDLP 'confess' their fears that republicans would try to make political capital out of CRJI in a similar fashion to their tactics over decommissioning (Eriksson 2009, 151). Again, while the 'SDLP commented' that inspections of the schemes by the Criminal Justice Inspectorate would be inadequate, loyalist and republican ex-prisoners are given lengthy quotations explaining their views (Eriksson 2009, 154).

The neo-traditionalist approach comes full circle when CBRJ scholarship is taken up and utilised by Sinn Féin in pursuit of its own particularist agenda. This is seen clearly in the linking of police reform with restorative justice. Thus, in 1997 in a discussion paper co-authored by McEvoy, the point was made that one reason for the RUC's lack of confidence in republican areas was because of its use of 'petty criminals as "informers" on suspected loyalist and republican activists in return for financial inducements and more lenient treatment' (Connolly 1997, 22, cited in Auld *et al.* 1997, 39). A similar argument resurfaced in Sinn Féin's 1998 submission to the police reform commission, appearing under the section on 'Community restorative justice' 'it has to be remembered that the RUC has actively encouraged local criminality by recruiting young people as informers and using them to provide intelligence for its counter-insurgency functions' (Sinn Féin 1998, para 3.4.2).

McEvoy and Mika reproduced the argument, again, in a 2002 publication outlining and supporting CBRJ:

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> On the republican side in particular, the RUC's lack of acceptability or legitimacy in working-class communities and their usage of local criminals as informers has meant that a couple of generations have had little experience or knowledge of 'normal' community policing (McEvoy and Mika 2002b, 536).

The possibility that the debate over CRJI funding allowed Sinn Féin to stall on accepting police reforms in order to squeeze further political concessions from the British government is not raised in this literature (Frampton 2009, 174). Rather, the CBRJ scholars create, reproduce and maintain a republican party-line on restorative justice and police reform.

Conclusion: Restorative Justice and Structural Change

According to CBRJ champions, restorative justice is essential to conflict transformation (McEvoy and Mika 2002b, 553; Eriksson 2009). Northern Ireland, they claim is undergoing a profound transition, and, borrowing from Galtung and Lederach, they argue that all peace processes require root and branch reforms (McEvoy *et al.* 2002, 192). Of course, CBRJ champions do not admit that this kind of wholesale change is also exactly what republicans want. Rather, they claim that CBRJ is a democratic process that promotes 'bottom-up change' and empowers local working class communities. Precisely what exactly unites these communities in terms of specific beliefs or ideological principles is never examined. Nor does the apparent concern for victims of crime extend to those most affected by the past actions of the 'activists'.

Although the vague claims and speculative apparatus that CBRJ advocates construct around the notion of conflict transformation mirror the claims made by anti-revisionists, that construction does little justice to the work of the individuals who genuinely aspire to making their communities better places to live in. As I pointed out above, while restorative justice may boast lower recidivism rates and higher victim approval than traditional criminal justice (Prison Reform Trust 2009, iv), the failure to appreciate or contextualise the presence of paramilitaries obscures the significance of those findings and the potential value of CBRJ in Northern Ireland. The article has avoided the idea that CBRJ should be abandoned, but rather I have suggested that the attempt by specific academics to link CBRJ to wider conflict transformation practices actually perpetuates the political discourses of one constituency in Northern Ireland. The effective distortion of CBRJ by these scholars relates to the fact that they have internalised a neo-traditionalist narrative understanding of the conflict and have ignored the cumulative insights of over a decade's worth of revisionist research on Irish republicanism.

Even though the construction, refinement, and reproduction of republican policies are profoundly troubling developments in purely academic terms, the distortion is not simply political. For while it is true that anti-revisionism has always been a political project whether in Ireland or elsewhere (Figes 2009), the underlying argument of this article is that the avalanche of pro-CBRJ scholarship amounts to no less than the negation of history. The early work of Kieran McEvoy with paramilitary prisoners is illustrative of this problem (McEvoy 2001). In that work

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McEvoy pointed out that prisoners' narratives could take on a life of their own and effectively contribute to the construction of collective memory. The embedding of peace required, he stated, the avoidance of 'an anodyne history-lite version of what went on over the past thirty years' (p. 358). This requirement may be contrasted with the position paper he authored for Healing Through Remembering—a Northern Irish group that favours generic 'truth recovery' and 'storytelling initiatives' (McEvoy 2006). This group is, like CRJI, sponsored by the Northern Ireland Office, and its ideas have reappeared in the proposals of the government's Consultative Group on the Past in Northern Ireland (McGrattan 2009). These links should not be surprising, for just as restorative justice seeks to do away with the explanations and verdicts handed down by judges, Healing Through Remembering seeks to do away with historical inquiry and render historical judgments subservient to the experiences of those who were involved directly in the violence of the past three decades.[18]

Recourse to contemporary evidence, the idea of asking for whose benefit a story is being told, the deconstruction of actions and omissions—in short, the tools and techniques of historians—are rendered meaningless in the neo-traditionalist assault on the peace process. However, the problem that remains for CBRJ scholars is that outlined by Michael Laffan regarding anti-revisionists a generation ago: since their narratives and discourses are only sustainable within an insular, self-referencing environment the mass of awkward questions regarding terrorists' actions and the Northern Ireland conflict, the increasing weight of archival evidence about individual decisions and omissions, along with the existence of victims' voices all represent substantial obstacles to suppress in the long term.

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Notes

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1. As Brendan O'Leary has pointed out, any the opponents of historical revisionism face an initial terminological problem since 'anti-revisionist' implies a willingness to 'embrace having a closed mind'; (2007, 192). Michael Laffan suggested several expressions including 'recidivists', 'conservatives' and 'neo-traditionalists' (1991, 15). Although this article refers to 'revisionist' as a shorthand description of a range of empirically driven research, it would be a mistake to infer from the term that a 'school of revisionism' exists. Indeed, given the fact that historical revisionism is based on a critical approach to sources and to existing historiography, any such an inference would be logically problematic.
2. Although Sinn Féin has largely appropriated the term 'republicanism' in Northern Ireland, many nationalists in the North and the South of Ireland differentiate their own understanding of what the term means from the violent, nationalistic, and sectarian connotations associated with the Provisional Irish Republican Army's armed campaign (see Bean and Hayes 2009 for a recent analysis of 'Provisional' republicanism). For ease of reference, the article uses the term republican to refer to the Sinn Féin constituency.

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3. Similar arguments could possibly be made regarding the emergence of an anti-revisionist or 'white-washing' culture within loyalism (Gallaher 2007), the persistence of paramilitarism (Bloomer and Edwards 2009) and the tendency of certain academics (for example, Harris 2008) to concentrate on loyalist 'strategic values' while utterly ignoring the value system that drove them to kill innocent Catholics; however, while restorative justice schemes operate in loyalist areas, they, like loyalist politics in general, are marginal to wider unionist politics. From their establishment in the late 1990s, loyalist schemes themselves were severely curtailed by the paramilitary organisations; and, unlike the schemes in republican areas, were set up only in Belfast and cooperated with the police (Ashe 2009).
4. While it is still speculative and beyond the remit of this paper, the policy (agreed by both Labour and the Conservatives) of eventually devolving justice powers to the Northern Ireland Assembly raises serious problems regarding the potential for political manipulation in the area of restorative justice.
5. See, for example, the vituperative response to the idea that the Sinn Féin leadership may have allowed the 1981 hunger strikes to continue for electoral gain (Bobby Sands Trust 2009; McKeown 2009).
6. See, in particular, O'Leary's (2007 and 2008) long reviews of two recent landmark histories, Richard English (2006) and Paul Bew (2007a). A political scientist and consociational theorist, O'Leary has previously expressed profound suspicion of historians, for example, praising a book edited by his one-time colleague and some-time co-author, Paul Mitchell (along with Rick Wilford) for not being 'contaminated' by any ' "pure" historians' (O'Leary 1999, 150); original emphasis).
7. An in-depth critique of O'Leary's approach to Irish history and the manipulation of the historical record by consociationalists is beyond the remit of this article—see, however, McGrattan (2010b and 2010c).
8. Feeney also donated to Sinn Féin from his personal fortune, helping the party to maintain its Washington office during the peace process; see http://atlanticphilanthropies.org/news/news/chuck_feeney_interview_in_irish_america, accessed 30 July 2009.
9. Shirlow and McEvoy (2008, 10), for example, argue that the very rigidity of republican and loyalist communities provides a basis for straightforward dialogue and conflict transformation. Although the SDLP supports the schemes in principle, it campaigned for greater accountability and transparency for the schemes and called for the CRJI to support police reforms; see, for example, SDLP 2006.
10. McEvoy *et al.* (2004, 665) cite figures compiled by the republican ex-prisoners' group, Coiste na n-Iarchimí that 15,000 republicans were imprisoned during the conflict. By 2005, this figure is accepted without attribution (McEvoy and Shirlow 2009, 33). However, in 1993, Fionnuala O'Connor (1993, 99) put the figure at 5,000.
11. A colloquial term used to refer to those Catholics and Protestants who, during the conflict, displayed ambivalent attitudes towards republican and loyalist paramilitaries.
12. The uncritical, de-contextualised reproduction of ex-terrorists' ideas often saturates whole research projects—Eriksson (2008, 256), for example, extends her 'sincere appreciation to all the hard-working and committed individuals who work and volunteer for CRJI and Alternatives. They not only provided me with unprecedented access, but were extraordinarily generous with their time and knowledge during the research period and beyond'; while I do not deny CBRJ workers are committed, a basic methodological query relates to why Eriksson declines to reflect in any way in her text on why these workers gave her such access, or for who's benefit their responses were made.
13. Frampton (2009), for example, has recently offered a tepid appraisal of the changes within Provisional republicanism, arguing that while the 'means' (armed struggle) may have changed, the 'ends' of Irish unity and the perception of the illegitimacy of Ulster unionism have remained constant.
14. Virtually the same quotation from Annan's 2004 speech at the University of Ulster appears in, among others, Ellison and Shirlow (2008, 49); Eriksson (2009, 129); McEvoy and Eriksson (2006, 325); McEvoy and Shirlow (2009, 35); Shirlow and McEvoy (2008, 164).
15. The most recent PSNI statistics reveal that 41 punishment attacks occurred between April and June 2009—a three-month figure that equates two-thirds of the previous year's total; http://www.psni.police.uk/security_situation_statistics_-_district_breakdown_-_fy.pdf, accessed 25 August 2009.
16. The Northern Ireland Rape Crisis and Sexual Abuse Centre has consistently complained about the activities of CRJI, alleging, for instance, that its members have been connected to suppressing evidence of rapes in Belfast, of holding conferences between the victims and perpetrators of rapes, and of threatening women (FitzGerald 2006; MacKean 2006). Eriksson also includes a case study where sexual abuse was a mitigating—though, apparently for CRJI, an unheeded—factor in an intervention over drug and physical abuse involving a young woman (2009, 86–87).
17. In part, this strategy of delimiting Sinn Féin's power may explain the efforts of the British state—in the form of the Northern Ireland Office—to ensure that CRJI worked within protocols (NIO 2007) and the 2008 decision to sponsor CRJI.

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18. One of McEvoy's reasons for rejecting the possibility of an historical commission, again, reprises an elite-popular binary and misrepresents historical analysis. Thus, he argues, that historians (along with economists and political scientists) 'could spend considerable energies arguing about the "real" levels of discrimination ... or the "true" intentions of the Dublin government ... [and] it would not be difficult to envisage the process becoming an increasingly arid series of technical debates which might only sustain the interest of the political elites' (2006, 91).

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