

Virtual Justice

Saville and the Technologies of Truth

The 'perfect crime' does not consist in killing the victim or the witnesses (that adds new crimes to the first one and aggravates the difficulty of effacing everything), but rather in obtaining the silence of the witnesses, the deafness of the judges, and the inconsistency (insanity) of the testimony.¹

Introduction

Bloody Sunday came back into the consciousness of the general public with the announcement by Prime Minister Tony Blair of a new inquiry on 29 January 1998. There had been an inquiry into Bloody Sunday in 1972 under the chairmanship of the Lord Chief Justice, Lord Widgery. Lord Widgery had come to the conclusion that some of those killed had indeed handled weapons or been close to individuals firing them and that, in general, the soldiers had behaved in accordance with their standing orders. According to him, the blame for the deaths lay with the organisers of the march:

There would have been no deaths in Londonderry on 30 January if those who organised the illegal march had not thereby created a highly dangerous situation in which a clash between the demonstrators and the security forces was almost inevitable.²

This official judgment by the highest judge in England generated profound and lasting bitterness in Derry and amongst the nationalist population of Northern Ireland. It stands as an enduring example of the distorted and fundamentally biased nature of the British law and justice system as it applies to the Northern Ireland conflict. Seamus Dunn comments: 'By any standards the Report is an evasive and complacent work, full of unquestioned certainties and veiled in the niceties and subterfuges of legal language'.³ A substantial and detailed analysis of the shortcomings of the report and the processes of Widgery's inquiry can be found in Dermot Walsh's book *Bloody Sunday and the Rule of Law in Northern Ireland*. In this he writes:

Twenty-seven years later it would be perverse even to suggest that the tribunal was successful in fulfilling its official mandate. The very fact that an unprecedented second tribunal of inquiry had to be appointed to investigate the very same matters is in itself powerful testimony of the failure of the Widgery Tribunal.⁴

In a wider sense, the new inquiry under Mark Saville was not simply a staging of an inquiry to determine a truth but a political intervention to help stabilise the ongoing problematic of a peace process. It is a strategic construct that seeks to establish the past in the present in a period of transition away from violent conflict. In his statement to the House of Commons outlining its function, Tony Blair concluded:

I believe that it is in everyone's interest that the truth be established and told. That is also the way forward to the necessary reconciliation that will be such an important part of building a secure future for the people of Northern Ireland. I ask Hon. Members of all parties to support our proposal for this inquiry.⁵

Reconciliation through truth and the moving towards a shared future, therefore, would seem to be its motivation. Certainly the travesty of justice that was the Widgery Report was an obstacle to peace that needed to be overcome. What the new inquiry pointed to was the recognition of a profound injustice, but one which, of course, had operated through the formalised procedures of the judicial system and its functionaries, who are well versed in the obfuscatory tactics of legal procedure, and which could make the emergence of clear and unambiguous truths seem, at times, very distant. At the heart of this legal process is a fundamental crisis of truth that the judges must seek to resolve through hearing witness testimony and examining visual material and all other elements of supporting evidence.

The demand for justice is, in this context then, a challenge to the law of the British state manifested in Lord Widgery's Report. Indeed, when Bernadette McAliskey, who, as Bernadette Devlin, had been one of the platform speakers on Bloody Sunday, was called to give testimony to the Saville inquiry, she stated that 'this should be somewhere else where the accused is not running the party'.⁶ Such a statement raises the question of whether justice can be achieved within the same legal framework as that which engendered the act of injustice in the first place. In a substantial analysis of Bloody Sunday and the issues of law, Angela Hegarty addresses this paradox: 'the question remains whether law is capable of providing that accountability and arriving at some form of truth'.⁷ It may just be the case that the framework itself is now different. It is barely conceivable that British Prime Minister Tony Blair would have anything approaching the influence on Mark Saville as that exercised by Prime Minister Heath when he 'reminded' Lord Widgery 'that we are in Northern Ireland fighting not only a military war but a propaganda

war'. Can the paradox of a system of law contradicting its own precedent and denying its own history then claim to legitimately pass judgment on the events described? It might be apposite to remember what Walter Benjamin had to say about any such institutional discourse: 'There is no document of civilization which is not at the same time a document of barbarism.'⁸ The demand for justice, therefore, is made by individuals engaged in a struggle for recognition and a particular kind of remembering. Injustice is always a singularity, a historically specific act that brings forth the ghost (the demand for redress) and the question is: can it ever be laid to rest?

Memory

Memory, both personal and collective, is essential for the work of justice, and therefore ghosts, as the intermediaries between the dead and the living, are key figures of justice, the heralds, if you will, of a justice that can never present itself.⁹

One of the most significant aspects of the new inquiry under Lord Saville was the level of technology mobilised to display, mediate and disseminate the proceedings. Clearly one reason for this was the very real need to be 'seen' to be acting fairly and objectively to overcome the deep-rooted cynicism towards the machinery of justice in the province amongst the Catholics of Derry and the North of Ireland. The British government was well aware of the need to satisfy the high level of scrutiny the inquiry would be under. Whilst not actually televised at any point, the visibility of the display screens, computer monitors, virtual reality software and online viewable witness testimony raised the inquiry to a particular kind of drama, a staging with a very clear sense of an audience in mind. But why was there such a high level of technological support for what was essentially a judicial investigation (importantly, one which was intended to be inquisitorial and not adversarial in nature) that would seek to establish the truth of the events leading up to and including the events of 30 January 1972? A key issue is the question of the individual memories of an event thirty years in the past of a group of people who had subsequently adopted a wide range of coping strategies in relation to what they had experienced. Coupled with this was a geographical space that was much changed from how it had been in 1972. Arguably, therefore, in different ways, this scale of technological support was needed to overcome the temporal and geographical 'gap' between the different experiential elements. Functioning, apparently, as a necessary supplement, it actually plays, as Jacques Derrida observes of such a concept, a rather more active role.¹⁰ We can see that there is, actually, always a technology at work with any system of law. Within the new Bloody Sunday inquiry technology was used variously to record, to amplify, to disseminate, to confirm, to

remind and to make visible that which is presumed to be primary: the speaking subject. But without the technology could it be said that there even was an inquiry?

Memory was necessarily at the heart of the process of establishing what counsel for the inquiry Christopher Clarke, QC, defined in the opening speech as the fundamental aim of the new proceedings: to establish 'the truth, pure and simple' of what happened on Bloody Sunday. In the dramatic adaptation of the inquiry there is a scene of a witness being questioned by a QC for the military as to whether they have or have not watched any films about Bloody Sunday or read any of the books on the subject: the premise being, presumably, that any testimony asserting a memory of the events could have been contaminated by subsequent representations. Given the repeated defence of many soldiers involved in the shooting that day that they were unable to remember important details (one was reported to have replied 84 times that he could not recall any events of the day)¹¹, the question of the reliability of witness memory was important. Crucially, then, the question of witness memory of Bloody Sunday raises difficult issues about experience, sense and narrative. Patrick Hayes and Jim Campbell in their book on the psychological trauma suffered by the families of those killed and injured on Bloody Sunday point to the nature of what processes of memory formation can be seen to be at work:

Unassimilated traumatic experiences are stored in what Horowitz (1997) refers to as 'active memory', accounting for the cycles of denial and intrusions with nightmares, flashbacks and the need to re-enact trauma. This process continues until the person develops a new mental schema, either positive or negative, to explain what has happened.¹²

As they point out, for some of those who witnessed actual fatal shootings what was most troubling were the gaps in their memory and unaccounted-for time periods when they know they must have been doing something but just could not remember: 'In an otherwise logical and detailed account [the witness] could not recall details of experiences that spanned a ten-minute period, from the scene of the shooting until he arrived home.'¹³ Similarly, Don Mullan recounts that, as the Paras attacked, 'I escaped through Glenfada Park but there are several minutes of that afternoon of which I have absolutely no memory'.¹⁴

Not surprisingly, accounts of the day by witnesses and participants on the march describe the chaos that ensued as soldiers started opening fire. It seems that the nature of the event itself means that it defies simple understanding that can be communicated as an absolute truth. Given what was perceived as hostile questioning by solicitors for the soldiers and the doubts then cast on witness testimony (typifying the fundamentally uneven nature of any legal exchange), the issue of confusion or

contradiction would seem significant. Yet, again, it points to the nature of memory of something such as Bloody Sunday as, by definition, tending towards the confused. Cathy Caruth writes of this experience and the relationship between the individual psyche and reality:

In its general definition, trauma is described as the response to an unexpected or overwhelming violent event or events that are not fully grasped as they occur, but return later in repeated flashbacks, nightmares, and other repetitive phenomena. Traumatic experience, beyond the psychological dimension of suffering it involves, suggests a certain paradox: that the most direct seeing of a violent event may occur as an absolute inability to know it; that immediacy, paradoxically, may take the form of belatedness.¹⁵

It would be useful, therefore, to establish some understanding of the relationship between the individual memory of an event and the collective social realm within which it would be formed. It must be emphasised that this is not to raise doubts about the veracity of individual testimony of the witnesses to what happened. There is a very clear distinction between a suspicion of systematic and organised revision of statements and testimony, as Dermot Walsh indicates in relation to soldiers' evidence to the Widgery tribunal, and a wider sense of the social process by which individuals seek to make sense of that which they witnessed.

Given the nature of the judicial process at work in the inquiry it would seem pertinent to consider aspects of the different processes at work. What is presupposed is the ability to re-present a moment of self-presence located temporally in the past. In one sense, such a formulation goes to the question of subjectivity, where the seemingly unified and coherent subject, rather than being defined as a transcendent subject merely recollecting a memory, is actually cohered by memory as a process of stabilisation. It seems evident that one of the problems of the Saville inquiry was the, sometimes, glaring gap between contemporaneous accounts of witnesses being replayed nearly thirty years later as though somehow the intervening years become merely transparent. Again, this is not to somehow suggest that any testimony is therefore to be considered with suspicion or cynicism – the answer to the question 'Did you hear or see gunmen firing at the soldiers?' can be presumed to be consistent in general terms – but we should consider the relationship between the chaotic, traumatic and fragmentary burst of short-term memory of parts of that day all those years before and the more organised structure of long-term memory. Deleuze and Guattari distinguish between these formations as characterised by, on the one hand, rhizomatic and, on the other, arboreal structures. The former is short-term memory not yet classified or sorted, the latter is that which has become translated into a centralised matrix of the fixed and self-evident.¹⁶ Like

any such distinction, the terms are not absolute but, rather, usefully illustrate the organic nature of the perception, interpretation and classification at work in memory construction. As they write:

Short-term memory includes forgetting as a process; it merges not with the instant but instead with the nervous, temporal, and collective rhizome. Long-term memory (family, race, society, or civilization) traces and translates, but what it translates continues to act in it, from a distance, off beat, in an 'untimely' way, not instantaneously.¹⁷

What this formulation also draws attention to is the fact that what is being recounted here is not a simple redrawing of the past but is, rather, an intervention into a 'now' which actively, even creatively, constitutes the past as determined by present interests. A mastery over time is asserted by the authoritarian regime which works to locate everything within recognisable and, more pertinently, retrievable systems of representations. The *struggle* over remembering or even its failure is mobilised to repress the troublesome.¹⁸

Therefore, what is replayed is not a metaphorical film clip or photograph retrieved from the archive of memory but a mechanism which functions, at least partly, as a re-creation. Elizabeth Loftus ruefully observes, paraphrasing the Uruguayan novelist Eduardo Galeano, that 'memory is born anew every day'.¹⁹ We think the past from the present to construct a memory of it. For Richard Terdman, there is a folding back on itself of the time-line between 'then' and 'now' and 'such a complication constitutes our lives and defines our experience. The complex of practices and means by which the past invests the present is memory: *memory is the present past*'.²⁰ There is repetition at work in memory that always involves the new and must inevitably incorporate an awareness of what is known now but was not then.

For Loftus, memory is not just determined by the parameters of time and place but is a synthesis of experiences and, centrally, becomes shaped by the social nature of communication. The first thing those involved in or witness to a traumatic event do is to begin to talk to each other, to attempt to begin to make sense of it. This does not mean that any subsequent recounting is necessarily contaminated on a scale of purity but, rather, that it is an actual part of any memory formation and is qualitatively different to the notion of a conspiracy to pervert the truth. As one of the family members recounted to Hayes and Campbell, 'people may get mixed up in relation to their memory, it's acceptable'.²¹ Such an example of genuine confusion might be that of the experienced journalist David Tereshchuk, who was called as a witness to the inquiry. He recalled a very strong image from the day of a soldier who was wearing the red beret of the Parachute Regiment firing at the crowd. But evidence indicates beyond reasonable doubt that the Paras were wearing

riot helmets as they engaged the crowd and not their berets. According to Loftus, whom he consulted later, he probably 'superimposed' one snapshot over another in the tumult of gunfire.²² For Tereshchuk, this was troubling but did not alter the substantial thrust of his testimony that the shooting had been unprovoked.

But is it really useful to assert that memory and witness testimony is less about the reproduction of an original moment and more about a process of construction across time infused with lived experience? Does this introduce a kind of relativism into attempts to ascertain the truth of contested events? Can we consider memories as something fluid rather than fixed and therefore subject to change over time? What is at work, in this formulation, is a process of constant reworking rather than the notion of simply accessing a databank of fixed memories. This raises the relevance of *how* over that time memory has actually been mobilised and re-presented. Given the spectacularisation of society and the increasingly media-based imagination that informs popular and individual memory, it becomes increasingly important to consider this aspect of recall and retelling.²³ As Pierre Nora states: 'Ours is an intensely retinal and powerfully televisual memory.'²⁴ In this way memory itself becomes technologised and an area of contest and conflict.

Key to this process of memory across time is the role of film and television, and this is presumably why solicitors were so keen to raise the issue of the extent of witness engagement with cultural representations of the events that day. Indeed, one of the most important military witnesses, General Sir Robert Ford, asserted that any recollection he had of what he saw that day was probably actually from television and video footage he had watched over the years.

However, a formulation such as this does point to the fact that memory is unstable and always located within a conceptual framework that is inherently social. The inquiry, therefore, becomes an exercise in remembering and witnesses would need as much assistance as possible in sustaining this process. The inquiry, therefore, was not a neutral space of objective investigation but an attempt to resolve (or perhaps to resolve) a conflict between contested identities as part of an ongoing process of reconciliation; this was, perhaps, its strength, but it was also its weakness.

The issue of identity in relation to memory and to the events of Bloody Sunday becomes important here. By any definition, what was in process at that time was a struggle over identity and the assertion of it in stark terms, whether claimed or imposed. Northern Ireland always has been a territory of competing narratives, histories and identities. The challenge to any notion of history asserted in relation to it almost immediately comes up against arguments posed in terms of memory, experience and authenticity. Mark Saville will presumably seek to present his report as a definitive account based on the vast amount of

evidence presented to him, but it can never satisfy all claims to know that time by all that experienced it. But this is not to deny the possibility that a degree of certainty may be arrived at and then presented in unequivocal terms. The key question will be the extent to which the British State and its agents will be judged and held to account for its actions on the day.

As was argued in Chapter 1, one of the consequences of Bloody Sunday was the relative fixing of the conflict into more rigid, binary lines than was potentially possible. Another consequence was the subsequent high level of militarisation of the Bogside as it became a heavily policed, surveilled and hostile location for the state. For those living within it, a strong sense of place and identity would be manifestly clear. Alan Megill argues that in a context where identity is challenged memory is necessarily valorised. He writes, in response to optimistic readings of various truth commissions into state-sponsored atrocities, that

courts and commissions seeking at the same time to discover historical truth and to reconstruct collective identity are relevant in the present context as a manifestation of the general theoretical points that I have tried to articulate. These are: (1) that the uncertainties of history, identity and memory are mutual; (2) that history and memory are sharply different, as manifested above all in the radically different histories that different people or groups 'remember'; (3) that the boundaries between history and memory nonetheless cannot be precisely established; and (4) that in the absence of a single, unquestioned authority or framework, the tension between history and memory cannot be resolved.²⁵

This also draws attention to the performative nature of the inquiry, where evidence such as documented eyewitness testimony is made to speak through the subject on the stand. The notion of testimony as a performance usefully points to the ontological status of the inquiry as a live event. As Philip Auslander asserts, the essence of testimony is the performance of recollection,²⁶ whilst, for White, the modes of courtroom performance and acts of remembering are marked by truth effects that are powerfully affective.²⁷ Legal proceedings are staged as exercises in remembering and to remember ones needs others located within a coherent system of meaning and communication where to recollect is to reconstruct. It is the shift from memory as a form of knowledge to that of a form of action that opens up a space for a necessary evaluation of the notion of an *ethics* of memory. Paul Ricoeur argues:

This is so because remembering is a way of *doing* things, not only with words, but with our minds; in remembering or recollecting we are exercising our memory, which is a kind of action. It is because memory is an exercise that we can talk of the *use* of memory, which in turn permits us to speak of the *abuses* of memory.²⁸

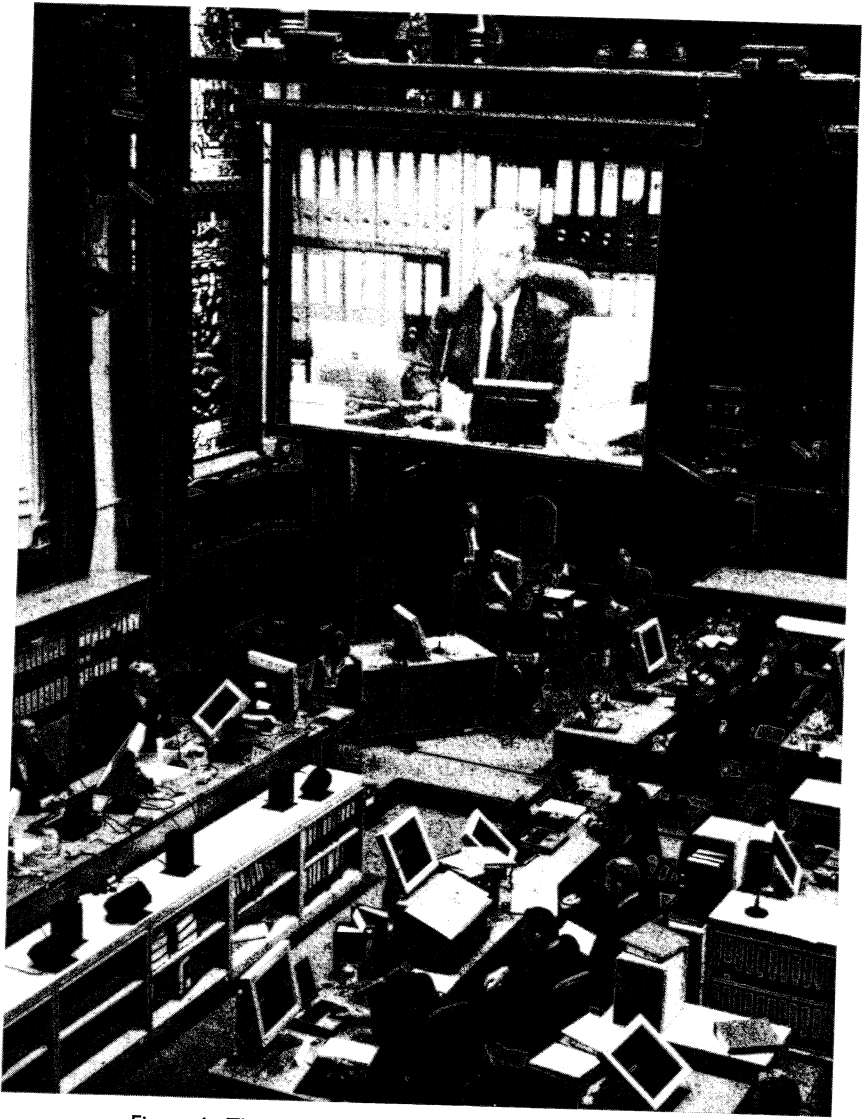


Figure 6. The Bloody Sunday Inquiry, The Guildhall, Derry
(Photo courtesy PA Photos)

For Ricoeur, any potential abuse is always intrinsically linked to problems of identity and its maintenance over time. He offers two contrasting forms of identity prefaced by Latin to distinguish them: *idem* and *ipse*. The former is defined by enduring sameness, the latter as strategy defined by flexibility in a changing world. Both operate in relation to the *other* as a source of threat.²⁹

In the Bloody Sunday Inquiry, the large screens projecting statements for the witnesses and the audience to view effectively dramatise the

documents for the necessary act of retelling and remembering the events they describe. The documents are made to speak through the subject on the stand to other subjects in, at the very least, an argumentative context that is directed, supposedly, towards the singular purpose of establishing the truth. The inherent tension in this process was a source of disappointment for some relatives of those killed, who felt alienated by the shift to a rather more adversarial style of questioning than they had been led to believe would be the case. For Tony Doherty, whose father was killed on Bloody Sunday, the potential for reconciliation was damaged in this process: ‘the law is an imperfect vehicle for getting at the truth, particularly when dealing with national issues. It is not the best vehicle for dealing with historical injustice.’³⁰

Yet Megill insists on the need for the boundary between memory and history to be sustained yet for neither to subsume the other, as truth and justice demand ‘at least the ghost of History if they are to have any claim on people at all’,³¹ rather than just see it replaced by memory. Whatever account Saville finally comes out with will always be haunted by the memories of those who bore witness to the events that day. As Liliane Weissberg points out in this context with regard to memory:

it is absolute, while history is relative; it claims objects, images, and space for itself, while history insists on the passing of time. As a democratic notion, it wants to belong to everyone, and negotiates between each individual and the collective.³²

So what is the relationship between individual and collective memory? Is the former sustainable as a distinct category and, if so, under what terms? Certainly, it bears on the question of identity as something that both shapes and is shaped by collective experience and consciousness. This can be extended to memory where it functions as a process that negotiates between individual will and social context and is always directed towards a purpose.

Maurice Halbwachs’ concept of collective memory, first introduced in 1925, sets out the idea that individuals always rely upon other peoples memories to confirm their own interpretations and that they persist over time. Lived experience will always be mediated through symbolic structures and social organisations, which endure as memory over time on the basis of ongoing practices of understanding, through the matrix of identity. We can see in relation to Bloody Sunday that this collective memory is cross-generational, as illustrated by the poem by Sharon Meenan and Killian Mullan, who write of ‘remembering’ what happened that day but conclude with the line ‘And I wasn’t even born’.³³ Fundamental to this concept is the originating idea of a collective consciousness, which in turn derives from the experience of the strength and will of the crowd. In Chapter 2 we discussed aspects of the formation of the crowd on Bloody Sunday and in subsequent anniversaries and

commemorations, in which we emphasised the differences within it. In contrast to this, we can consider the other axis of the crowd formation and those elements of collectivity and cohesion that frame its social identity. The annual commemorations were, after the first few anniversaries, sustained by Sinn Féin up until the early 1990s, when the families began to play a more central role.³⁴ Graham Dawson writes of how the linking of Bloody Sunday in Derry with the longer historical struggle against British rule plays an important part in the possibility of coming to terms with such an event within a political context:

These politicised narratives of memory offer immense psychic resources of strength, hope, and resilience to the members of the embattled communities. They provide collective, cultural means to combat the disintegration and withdrawal of the self that so often marks the presence of the traumatic.³⁵

So, whilst such commemorations provide a cohesion by being read through a political register, they can then become subject to the same bitter struggles over history that marks the entire cultural geography of the region.³⁶

The trauma of what happened that day was from the beginning a collective trauma. What is significant in the accounts of those who survived is the intrinsic connection between individual narratives and collective experience. The physical and inter-familial density of the area of the Bogside, Brandywell and Creggan meant that those on the march were deeply rooted in the place where the killings took place: Dawson writes of a 'traumatised community' in which thousands of people experienced a similar traumatic experience which affected them, and to which they responded, in a shared collective way.³⁷ Every year since Bloody Sunday there has been a restaging of the march and, over time, the establishment of events and public fora that have opened up the focus of the demonstration to one that raises questions about human rights and the future of the region rather than simply functioning as a memorial to an injustice. In between times what sustains the continuing sense of collective identity has been a topography of sanctified places that, as Halbwachs states, 'binds our most intimate remembrances to each other'.³⁸ This inter-relationship between place, subject and memory can clearly be seen in the Bogside, with its large gable-end murals, monuments (*lieux de mémoire*, to use Pierre Nora's phrase) and demarcated boundaries of overbearing city walls. This 'cultural landscape', as Dawson calls it, run through with stories and practices of remembrance, enables a community and the individuals within it to orient themselves socially and psychically: 'The concept of imaginative geography points to the interconnections between these cultural and political processes and the psychic and emotional dimensions of attachment and identification.'³⁹ Collective memory, therefore, is a multimedia collage and the

technology of the Saville inquiry was, in part at least, an attempt to dismantle it.

We can also place the Saville inquiry in relation to the temporal registers of experience, memory and futures. The inquiry was an exercise in retrieving the past, to satisfy the demand for justice now, and in making possible a different future, defined as not the repetition of the past. As Rafel Narvaez observes: 'Collective memory is not only about remembering (the past) or about social order and action (the present), but, critically, it is about how social groups project themselves towards the future.'⁴⁰ Whether the final outcome of the Saville Inquiry creates favourable conditions for the looking-forward to shared and inherited futures is still, at this point, uncertain.

Virtual reality

... some of the people who have come forward to the inquiry have been emotionally affected by the software. In many respects it has brought back the ghosts of what happened.⁴¹

One of the most striking features of the Saville inquiry has been its extensive use of information technology. All evidence submitted to the inquiry (whether written, photographic, audio or physical) was digitised, to enable convenient access to it in the day-to-day hearings. As witnesses gave their testimony, their original statements to the inquiry team were displayed on large screens with their relevant passages highlighted, acting as both an *aide-mémoire* and as a tool of cross-examination. Not only did the use of TrialPro Evidence Display System enable all participants in the inquiry to see the identical information at the same time, it also fed information to audiences viewing the proceedings in 'satellite' locations across the city of Derry: the Rialto Cinema and the offices of the Bloody Sunday Trust, for example. Similarly, all the proceedings were recorded using LiveNote Real-Time Transcription, so that statements and misunderstanding could be clarified within seconds. This technology also allowed the Bloody Sunday inquiry website to carry verbatim transcripts of every moment of the proceedings. While the inquiry's website did not, as originally intended, display each item of evidence, every submission was available for viewing to all participants via their computer terminals. This publication and broadcasting of evidence was in marked contrast to the 1972 investigation, when the proceedings and evidence became available only after the tribunal had ended (and at a price of £150).

At the heart of the inquiry was the virtual reality (VR) imaging system, which enabled eyewitnesses to recall their memories of the event by leading them through a re-creation of the Bogside as it looked in 1972. This 'virtual' Bogside, developed by Malachy McDaid of the

Northern Ireland Council for Curriculum, Examinations and Assessment (CCEA) using Apple QuickTime, is Saville's version of the cardboard model deployed in the Widgery tribunal. Counsel for Saville, Christopher Clarke, QC, made reference to these models:

Lord Widgery's Inquiry made use of a very large model of the relevant area. We have tried to see whether that model, of which we only possess photographs, still exists and, if so, to find it. Our present understanding is that the model may have been manufactured by the RAF's Modelling Department, but that it probably no longer exists. If anybody has any contrary information, the Tribunal would like to hear of it. We have been, accordingly, considering whether, for the purposes of the full hearing, we should commission another model. With the aid of modern technology, it is now possible to create on a computer what is, in effect, a three-dimensional model of any given location at any given time, provided that sufficient data from photographs, plans and the like are available for that purpose.⁴²

The reason why a model of some sort was necessary was that the physical environment of the Bogside has, over the past thirty years, changed quite substantially. The Rossville Flats have been demolished; William Street, once filled with factories (such as Richardson's shirt factory, Stevenson's Bakery) and other light industry, is now largely a residential



Figure 7. Virtual Reality, The Bloody Sunday Inquiry, Rossville street
(Photo courtesy Malachy McDaid)

area; and the terraces of tiny houses around Free Derry Wall have disappeared. Lord Saville and the developers of this virtual Derry insist that its function is to assist in memory recall, to orient eyewitnesses and participants in a time and a place some three decades distant. The designer of the system insists, too, on the memory-jogging function of this piece of technology.

These views of the virtual software as a passive *aide-mémoire* accord with the 'traditional' role of technology in court or tribunal proceedings, the aim of which is to aid the smooth running of the judicial or investigative process. In the UK and Ireland we are unused to seeing televised recordings or live transmissions of court proceedings, unless, of course, they are being televised from a celebrity trial in the United States. It would be fair, therefore, to describe the lengths to which Saville has gone to make *visible* the investigative and the inquisitorial processes of the inquiry as a highly significant intervention, not just in terms of discovering the truth about Bloody Sunday itself, but also in the wider context of the legitimacy of civil law in post-ceasefire Northern Ireland. Lord Widgery's report was an instance where the discursive violence of the British state was seen by many as almost more painful than the actual violence of the bullets fired on that day; Edward Daly's memorable comment about Widgery as the second atrocity, in which 'the innocent were found to be guilty – the guilty found to be innocent', neatly articulates the views of many Derry nationalists/Catholics. Saville, therefore, needed to be seen to respond fulsomely and actively to the demands of the families' campaign for an inquiry that was open, wide-ranging and independent. Judging by many of the comments of the Bloody Sunday families, these demands and expectations seem, to varying degrees, to have been met.

Given the length of time since the events of Bloody Sunday, the primary motivation for the virtual reality environment was the need to allow witnesses to locate themselves in the original spaces of the Bogside and to confirm their testimony of what they remembered seeing and hearing on that day. In an interview with the author, Malachy McDaid described the lengths to which the design team went to accurately render the contemporary landscape and built environment of the Bogside. The verisimilitude of the imaging was achieved by cross-referencing against a series of photographs – some held by Derry City Council archives and others submitted to the inquiry by news organisations, freelance photographers and members of the public. Very few architectural plans were available for the area, and, ironically perhaps, there was no recent map of the Bogside; the most up-to-date was based on the Northern Ireland Ordnance Survey of 1948. As a Bogsider himself, McDaid relied on personal and family memories to enhance certain features of the VR: pebble-dashing on the front of maisonettes; a patch of garden by the entrance to a flat in Glenfada Park.

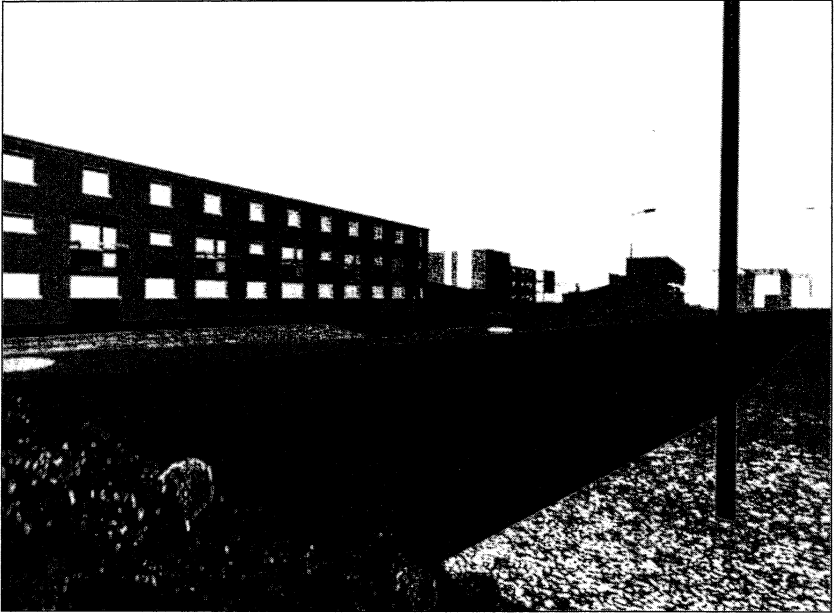


Figure 8. Virtual Reality, The Bloody Sunday Inquiry, the Rubble Barricade, Rossville Street (Photo courtesy Malachy McDaid)

The difference between this virtual reality assistant and the cardboard model used in the Widgery tribunal is the *immersive* nature of the VR model. Witnesses could indicate via a touchscreen where they were standing as the shooting started; in what direction they moved thereafter; what they could see and hear from their hiding places. True VR environments are, of course, experienced through a headset and movement simulated with sensors on hands and legs. However, the VR environment at the Saville inquiry was limited by the practicalities of viewing a computer screen while at the same time being able to give testimony or withstand cross-examination. Ease of use was facilitated by a screen rather than mouse or trackpad: the designers of the system were aware that many people appearing at the inquiry would have little or no experience of using computers. Witnesses could position themselves by use of the initial map screen, then be able to turn 360 degrees on one of the 84 ‘hotspots’ to visually experience the 3D environment and indicate what they had seen and heard. The true-to-scale nature of the 3D landscape meant that if someone had testified, for instance, that they were standing in one spot and saw a gunman on the roof of a building, this could be tested by looking at that building to see if it was in fact possible to see such a detail. The 3D landscape was overlaid with contemporary photographs mapped onto modelling software, and at times an artist’s impression was deployed to fill in any gaps, with an inevitable element of artistic licence at work. There is no doubt that this ambitious

system provided a powerful ‘prompt’ to the memory of any individual witness. As a neutral environment (it was devoid of people) and subject to the prior approval of all parties to the inquiry, the landscape produced in this virtual environment was agreed by those parties to be a faithful rendering of the Bogside as it existed in January 1972. In other words, this landscape was closely aligned to the ‘real’, to what (people felt or remembered) had once been real. Almost every witness at the inquiry made use of the software; in short, it became a central component of the Bloody Sunday inquiry.

Beyond the inquiry the VR system was highly praised; indeed, it won the 2001 Europrix prize for ‘Empowering Citizens and Improving Democracy with Multimedia’. For some commentators it was indicative of the way in which technology in a legal setting could be employed to provide clarity for every possible kind of dispute.⁴³ Such faith seems slightly ill-conceived, more indicative of a utopian imaginary akin to a Star Trek ‘holodeck’, with its possibility of complete re-creation of any given environment from the past by an omniscient computer. What seems to be forgotten is that, as Sean Doran observes, the general layout of the Bogside is not really in dispute – it’s what happened there that is contested. He observes, ‘there is surely some irony in the employment of this technique in the present context: a case of the camera lying in order to get at the truth’.⁴⁴ Naive belief in the impartiality of technology should be rejected in favour of a rather more rigorous awareness of the long history of miscarriages of justice founded upon the so-called application of science enacted by individual agents grounded in a legal discourse.

A virtual reality is not a re-creation but a construction and therefore subject to the potential biases of any such socially based interpretation. One of the first applications of such VR technology since the Saville inquiry was an attempt by the Metropolitan Police to solve the murder of PC Keith Blakelock during the Tottenham riots in 1985. According to a BBC online-news report: ‘The virtual reality reconstruction of the murder scene will allow detectives to picture the Broadwater Farm estate as it was in 1985.’⁴⁵ Given the re-opening of the case due to the successful appeals of those originally convicted for this crime because of the suspicion that evidence had been fabricated, care should be taken when championing any kind of technology as providing some kind of angelic re-creation.

Justice

In the epigraph that opened this chapter Lyotard makes reference to the ‘perfect crime’ as one that obtains the silence of the victims, the deafness of the judges and the exposure laid before him of the inconsistency of testimony of the witnesses. Lord Widgery was indeed deaf to much of

the evidence and efforts were certainly made to present the witnesses' testimony as inconsistent and flawed. However, the silence of the victims and those around them was not so easily obtained. The longstanding call for justice was a defence of the dead; a remembering that was defined by an ethic of responsibility. The lie propounded about the victims that day was a form of appropriation of the dead for political ends by the forces of the state. Justice for them has been, at least partly, a reclaiming by those in whose name they had acted. Derrida writes of this process:

If I am getting ready to speak at length about ghosts, inheritance, and generations, generations of ghosts, which is to say about certain *others* who are not present, nor presently living, either to us, in us, or outside us, it is in the name of *justice* . . . No justice . . . seems possible or thinkable without the principle of some *responsibility*, beyond all living present, within that which disjoins the living present, before the ghosts of those who are not yet born or who are already dead, be they victims of wars, political or other kinds of violence, nationalist, racist, colonialist, sexist, or other kinds of exterminations, victims of the oppressions of capitalist imperialism or any of the forms of totalitarianism.⁴⁶

The memory work that sustains the demand is one that is never complete and justice can never be ultimately achieved. But this is not to deny the possibility of *just acts*. As Ricoeur observes, amnesty cannot be based on amnesia, and we are only at the beginning of implementing a culture of *just memory*.⁴⁷ In the case of the Saville inquiry into Bloody Sunday, the specificities of any such outcome are yet to be seen but it is perhaps doubtful that the ghosts will be resolutely and completely laid to rest.