



Virtual Justice

| by John Lynch |

On the 30th January 1972 a march organised by the Northern Ireland Civil Rights Association took place in the city of Derry and meandered its way through the Bogside area just outside the city walls. Before it could proceed into the city centre it was blocked by units of the British army as the march had been declared illegal. Rioting broke out and as part of a pre-arranged plan soldiers from the 'elite' Parachute Regiment were sent in with permission to use their high-velocity rifles and live ammunition. Within a short time 26 people were shot, thirteen of them killed. It is considered one of the most significant events in Northern Ireland history and acted to create a groundswell of support amongst the minority Catholic population for the guerilla war of the Provisional IRA that saw decades of further brutal inter-communal conflict. Almost immediately the British government and army were spinning their version of events and establishing the official 'truth' of what had happened. This involved IRA snipers, gunmen and bombers all raining down a hail of fire on the soldiers who acted in self-defense, although somewhat incongruously

without any incurring any trace of injuries. For the fifteen thousand people on the march and the many journalists and photographers present what was witnessed was a rampage by murderous soldiers who shot boys in the back as they were running away, an execution of a wounded man on the ground from point-blank range, an elderly man shot in the back of the head whilst waving a white handkerchief as he went to aid of another victim, and young men crouching in terror behind rubble barricades being picked off. This official truth was soon fixed by a judicial inquiry and families left with the double trauma of the victims being left to carry the blame for their own deaths. This was repression in the British colonial style as practiced in Kenya, Aden and other troublesome colonies. However, if peace was ever to be established in Northern Ireland this founding injustice needed redressing. The families of the victims had always refused to allow the truth to lie in the terms set by the army and it became therefore a key element in the emerging paramilitary ceasefire and tentative peace process in the 1990s. By 1998 the British Prime Minister Tony Blair initiated a new comprehensive inquiry under Lord Saville. Over the seven years of the inquiry, 920 witnesses gave evidence, over £200 million was spent, and ultimately the conclusion reached was that none of the victims in any way posed a threat to the soldiers who had acted 'out of control'.

The focus here in this essay is one element of the hearing that sought to address issues of memory and truth, namely the use of a virtual reality technology that was constructed to overcome the significant changes in the built environment of the Bogside over a 28-year period since Bloody Sunday. This technology was used to facilitate witness testimony and to allow them to insert themselves into a virtual space that could test the accuracy of their recall and validity of their statements about what had happened to them and those around them. Such a technology exemplifies certain tendencies with contemporary societies of control where the logics of judicial enquiry can be used to introduce architectures of power as representationally neutral. One of the great insights Michel Foucault provided into the emergence of what he describes as disciplinary society is how the moves toward

a carceral dystopia are often presented as driven by humanitarian concerns with an underpinning of economic efficiency. This shift in the exercise of power certainly saw a move away from the extremes of corporal punishment enacted in a spectacularized way on the bodies of criminals, but it also saw a diffusion of the technologies of control throughout every realm of social life.

This particular expanding zone of technological data capture and manipulation has several aspects worth considering. Popular culture has long dreamt of a world of virtual reality where the past can be reconstructed and the truth of an event determined through the presentation of highly detailed environments. The suggestion is that if enough data can be collected and processed then it is possible to engineer a re-presence that can be established. As the stream of sensory material flows around us, the suggestion is that certain devices can capture necessary material to allow for a restaging of a selected moment. It will be possible to cut through the stream and this cross-section can reveal information that has become significant: who was where doing what at this time? Such a 'holodeck' environment (to use term deriving from the TV series *Star Trek: The Next Generation*) that can process the vast data stream for such an experience is still fantasy but not necessarily that far off technologically.

How did this manifest itself in the inquiry into Bloody Sunday? Firstly, it was not an immersive technology as such, but rather a screen-based model that allowed for full rotation and orientation with certain movement between one of 84 hotspots. Witnesses would locate their position on the day as best they could on a touch screen and then go on a virtual tour to map out their path as events unfolded, with the ability to mark trajectories and lines of movement. At each point they could then recount their memories and this could be tested against the imaging architecture of the system. The design of the system was one where a huge amount of photographic evidence of buildings and locations were integrated between different layers of how the Bogside was today, how it was then, and hybrid image that combined the two. The designer of the system, Malachy McDaid was himself from the Bogside and so

had intimate knowledge of the area. In an interview, he described the lengths to which the design team went to accurately render the contemporary landscape and built environment of the location. 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 there was no recent map of the Bogside. Having grown up there, McDaid relied on personal and family memories as well to enhance certain features of the virtual environment, such as pebble-dashing on the front of maisonettes, a patch of garden by the entrance to a flat in Glenfada Park and so on.

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. 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.

There is no doubt that this ambitious system provided a powerful ‘prompt’ to the memory for many witnesses. Positioned as a ‘neutral environment’, it was devoid of any representation of people within it and subject to the prior approval of all parties

to the inquiry. 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 and it became a central component of the Bloody Sunday inquiry. Some spoke of being 'emotionally affected' by the software and that it 'brought back the ghosts' of what had happened.

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 and thus gives us a clear indication of where this could lead.

Discussion of the technology was generally positive towards its intended function of activating memory and, to extend the Star Trek analogy further, transport them back to the day in question and allow for a recounting of a memory 'frozen' in time. But such a description makes a number of important assumptions that should be subject to rather more critical scrutiny. Virtual reality offers a long-standing fantasy of recreation and control whereby mathematical models and architectural space seemingly remove the potential for error and ambiguity of the human. By linking this process of image manipulation with particular understandings of memory an architectural construction emerges that seeks to produce an effect of revealing the truth through rational structures of being.

The level of interactivity for the Bloody Sunday environment was rudimentary to say the least, but again it has the potential to open the way for future developments that can mobilise far greater computing power. At the heart of this is a process of world-creation that promises control and transcendence of real bodies in a realm of disembodied presence. The virtual Bogside is a simulated reality that is pre-programmed and acts to shape and define what that reality is. For the participant, in that sense, the question is one of how much their role is also potentially pre-

programmed. The question it seems is less one of any simple manipulation (although of course that is a possibility) but rather whether, as both prosecution and defence interact with a potentially fully immersive environment, that ability to subtly alter perception can create certain moods and affective states conducive to a particular perspective.

It is further useful to consider this in relation to what is described as the mediatisation of life and the shift to a society where the power of instrumental flows and cultural codes has transformed all aspects of society. One meaning of mediation is that of a judicial context where an independent third party helps resolve a dispute between contending parties by building on points of agreement and establishing the terms of settlement between them. This suggestion of a neutral space fits with the idea of a virtual reality as an aid for witnesses divided between the zones of past and present. In the Bloody Sunday inquiry it was offered as technology filling the gap between the lived present and past as memory. Its 'helpful' guidance could resolve the ambiguities between these moments and gently secure the witnesses' accommodation to the truth that would emerge not from the challenge or rhetorical persuasion of opposing barristers, but from the reality of the virtual as actualised in the courtroom. Its primary function would therefore seem to be as a technological aid that strips away the messiness of life as lived and instead produce a sterile, virtualised environment driven by a desire to erase long-term cultural memory and favouring the media image over recollection.

What is the relation between the virtual reality environment and the concept of the virtual/actual? For the Bloody Sunday enquiry it seems that it is figured as something like the movement-image where the virtual reality technology facilitates a cinematic flashback transforming the virtual of the past into the actual of the present. And as we have seen, the virtual (the past) always has the potential to be wrong as it may vary from that necessary for the actual in the present. Like the movement-image its function then is to direct and resolve the ambiguity that surrounds the virtual into

the pre-destined actual. However, perhaps what is at work here is something of the quantum uncertainty where the act of 'looking' at the past transforms it and actually inserts the very undecidability which the virtual reality technology is designed to eliminate.

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