

After Bloody Sunday

Ethics, Representation,
Justice

TOM HERRON
and
JOHN LYNCH



Those killed and injured on Bloody Sunday

THOSE KILLED ON BLOODY SUNDAY

Patrick ('Paddy') Doherty (31)
Gerald Donaghy (17)
John ('Jackie') Duddy (17)
Hugh Gilmore (17)
Michael Kelly (17)
Michael McDaid (20)
Kevin McElhinney (17)
Bernard ('Barney') McGuigan (41)
Gerald McKinney (35)
William ('Willie') McKinney (26)
William Nash (19)
James ('Jim') Wray (22)
John Young (17)
John Johnston (59) (died later of his injuries)

THOSE INJURED ON BLOODY SUNDAY

Michael Bradley (22)
Michael Bridge (25)
Alana Burke (18)
Patrick Campbell (53)
Margaret ('Peggy') Deery (37)
Damien Donaghy (15)
Joseph ('Joe') Friel (20)
Daniel Gillespie (31)
Joseph Mahon (16)
Patrick McDaid (24)
Daniel McGowan (37)
Alexander ('Alex') Nash (52)
Patrick ('Paddy') O'Donnell (41)
Michael Quinn (17)

Introduction

‘Bloody Sunday’ in the title of this book refers to the afternoon of Sunday 30 January 1972, when thirteen men and boys participating in a civil rights march in Derry, Northern Ireland, were shot dead by soldiers of the British Army. A further fifteen people were seriously injured, one of whom died several months later of injuries received on the day. The British Army officer in charge of the operation claimed that his men had opened fire only after having come under attack from armed republicans, a view that was rapidly endorsed by British and Northern Irish government ministers. Almost every eyewitness to the events – protesters, journalists, photographers, bystanders, residents – said that the army had fired indiscriminately and without provocation into crowds of unarmed civilians, many of them fleeing from the soldiers’ advance into the no-go Bogside area of Derry. A hastily arranged judicial inquiry set up by the British government found largely in favour of the army. The inquiry’s chairman, Lord Chief Justice Widgery, concluded that, although some of the soldiers’ behaviour had at times ‘bordered on the reckless’,¹ their actions, in the face of a sustained attack by IRA gunmen and hooligan nail-bombers, were safely within the British Army’s rules of engagement. Whilst none of the dead were proven to have been handling firearms or nail-bombs, Lord Widgery concluded that ‘there is a strong suspicion that some . . . had been firing weapons or handling bombs’.² One of the dead, according to Widgery, had been found with nail-bombs on him when his body was examined by an army medical officer. No soldiers were injured during the operation.

For the Catholic/nationalist community of Derry³ what had taken place on the streets of their city was nothing short of a massacre of unarmed civilians by soldiers with a reputation for brutality.⁴ This sense of grievance was compounded by Lord Widgery’s report, in which, according to Fr Edward Daly (an eyewitness to some of the killings), ‘the guilty were found to be innocent. The innocent were found to be guilty.’⁵ Seen by many people as either an overly hasty and flawed interpretation of the facts set out before the tribunal, or as a whitewash of

state-engendered atrocity, the Widgery Report accelerated the sense of alienation felt by the Catholic/nationalist community from the state processes of law and order, and in turn contributed to an exponential increase in membership of the IRA, who now took on the mantle of guardians of that community. With a pusillanimous Irish government, and a Northern police militia that had, over the years, shown little hesitation in intimidating Catholics and attacking nationalist neighbourhoods, and a legal system that exonerated state murder, who else would now defend the embattled northern community from the forces of the British/Northern Irish state and their legal apparatuses? As a statement by the Derry-based Bloody Sunday Initiative puts it, Bloody Sunday was:

a microcosm, a symbol of what Britain does in Ireland. The British state and its agencies still kill people, deliberately, as a matter of policy without any compunction, often with no regret. It kills as a first step not as a last resort. It systematically manipulates the judicial processes of the courts or inquests in order that the law becomes an instrument to exonerate the state for its actions . . . It establishes inquiries to conceal what has happened and to exonerate those responsible. It censors and distorts the view of those who disagree with it.⁶

Bloody Sunday and its official inscription in the Widgery Report were pivotal moments in the development of the Northern Ireland 'Troubles' from a relatively low-intensity conflict to a situation in which a guerrilla campaign and counter-terrorism war contributed towards the breakdown of civil society (it is, of course, questionable how a society founded on sectarian lines can ever, actually, be 'civil'). Throughout the early years of the conflict (1968–1972) an active, if disparate, civil rights movement garnered support from those who retained a faith in peacefully reforming – through the diverse tactics of protest and civil disobedience – an institutionally discriminatory state. And although it is true to say that the civil rights movement persisted after Bloody Sunday, it is equally true to say that the events in the Bogside on 30 January 1972 revealed the limits of peaceful protest in the face of a state that had little interest in reforming itself, and that had no hesitation in deploying brutal, and now lethal, force to quell dissident voices. In the three years prior to Bloody Sunday 210 people had been killed in the conflict; in the eleven months after Bloody Sunday some 445 people lost their lives. In every sense, Bloody Sunday can be seen as a turning-point.

Our intention in this book is not to tell or retell the story of Bloody Sunday; the people of Derry are themselves quite capable of remembering, sharing and relating the many stories that make up the larger narrative of that day. (We would direct readers to a number of books that provide detailed accounts of the day and the devastating effects it

had on the lives of so many people.) *After Bloody Sunday* investigates the ways in which the events in Derry on 30 January 1972 have been imagined, renegotiated and represented across a range of media and cultural processes – photography, film, theatre, poetry, murals, commemorative events, legal discourse, eyewitness testimony and pressure-group campaigns. Some of these products and processes have been produced by Derry people (the Bogside murals, the annual commemorative events and the establishment of the Museum of Free Derry are the most notable examples), whilst others have been produced by people from beyond the city (most of the films and documentaries fall into this category). In this book we are concerned primarily with the *dissemination* of Bloody Sunday as a particularly resonant and, indeed, iconic event. We are concerned with how Bloody Sunday is narrativised, and with how the many representations attempt to establish a particularly persuasive version of the events of that day. We are concerned with their claims and their mechanisms for producing ‘authenticity’ and, therefore, veridicity. We are interested in their assumptions that a particular medium – be it film, or literature, or photography – can, somehow, remember and then articulate the ‘truth’ of Bloody Sunday. This assertion of truth-value is a key component of almost every representation we consider. And it is hardly surprising that, in the face of a blatant perversion of the truth-finding function of the law, culture and art have filled the gap with versions of a popular, demotic history of Bloody Sunday, versions that (again with differences of emphasis) sustain an oppositional version of the events and contexts of Bloody Sunday to the official state version of the day.

The most ambitious attempt to meld these competing versions of Bloody Sunday has been the task of the new inquiry into the killings. Established in January 1998 by British Prime Minister Tony Blair and chaired by Lord Mark Saville of Newdigate, the Bloody Sunday Inquiry has been, without doubt, the most ambitious attempt to arrive at, and then ‘to establish the truth about what happened on that day, so far as that can be achieved at 26 years’ distance’.⁷ Although this is possibly an illusory goal, the inquiry is regarded by most people who have had any dealings with it as the best chance of establishing a definitive account of Bloody Sunday. However, the fact that the anticipated publication of the final report has been pushed even further away – Saville and his two colleagues may not publish their report until 2008 – raises acute questions about the possibility of condensing into narrative (no matter how capacious or nuanced or complexly layered) the multiple and conflicting versions of the events of 30 January 1972. In a recent letter to representatives of the relatives of the killed and injured Lord Saville sets out the problems with which he and his team have had to deal:

The hearings of the inquiry occupied 435 sitting days, during which the tribunal heard oral evidence on 367 days from 922 witnesses. In

the course of those hearings, approximately 14.5 million words were spoken. The tribunal received the evidence in writing of a further 1,563 witnesses who were not called to give oral evidence. The bundles of statements, documents and photographs comprise about 160 volumes. The tribunal also has before it 110 video tapes and 121 audio tapes. The written submissions of the interested parties and of counsel to the inquiry consist of more than 14,000 pages of detailed and complex argument. The tribunal has the formidable task of analysing this vast amount of evidence, assessing the reliability of the witnesses, determining so far as possible where the truth lies on hundreds of disputed issues, and giving a full and clear explanation of its reasoning and conclusions.⁸

In chairing the longest judicial inquiry in British history Lord Saville has a professional responsibility that artists, poets, filmmakers and muralists may of course share, but it is not a duty that they have to bear as an ethical imperative. Somehow or other, Saville must negotiate not only the sheer exorbitance of evidence, but also the abyss of meaning that opened up at the moment the soldiers trained their sights on the protesters. His version – which, let us be clear, must be the definitive version of both the events of the day and the circumstances that led to those events – has, on the one hand, to translate the silences, obfuscations, and lies of the British state into decipherable meaning, whilst, on the other, it has to ignore completely the shibboleths of victimhood and martyrology that for many years sustained the various campaigns for a fresh judicial inquiry into the killings. It is, to be sure, a formidable task, all the more formidable because it may be impossible.

One can, in fact, imagine a set of circumstances in which the dead, injured and traumatised of Bloody Sunday could have received, if not ‘justice’ then at the very least a recognition of the injustice perpetrated on the day, without the need for over three decades of campaigns by their supporters and without, over the same span of time, non-cooperation, intimidation and destruction of evidence by agencies of the British state. Because, on the face of it, Bloody Sunday was not an ungraspably complex event. Moreover, it was an event that was captured comprehensively in multiple media formats – television news, radio reports, photographically, journalistically. With the exception of the dreadful events in Glenfada Park, the shootings – which lasted no more than twenty minutes – were, as Lord Saville points out in his letter, well documented. In interviews and news conferences in the minutes and hours following the shootings, both sides (the British Army on the one side, and the protestors and eyewitnesses on the other) attempted to communicate to the large contingent of national and international media the truth of what had just happened. The official British version of events followed faithfully the initial (and entirely erroneous) comments of the Commander of British Land Forces in the North, Major-General Robert Ford who, whilst being questioned at an impromptu press conference by

John Bierman of the BBC, announced that the soldiers of the Parachute Regiment had responded in a restrained and responsible manner to murderous attacks upon them. Stressing that he was only present in Derry as an observer to the army operation, Major-General Ford stated to an incredulous Bierman that only three bullets had been fired by the army. This version of events, albeit with the dramatically increased body count factored in, was quickly taken up by most, but by no means all, of the British media. The Irish media, on the other hand, tended to highlight and support the views of those who presented a picture of disproportionate attack – eyewitness reports of the killings were given prominence in many Irish newspapers.

For a number of reasons it was the British version of events that predominated. It is important to understand the obvious but crucial point that the attack on the protesters took place on British territory. It was the British Army who had turned its high-velocity rifles on its own citizens; on citizens who, through their taxes, had paid for the upkeep of an army that had arrived on the streets of Derry and Belfast in August 1969 in order to protect the Catholic/nationalist community from attacks by their own police force, and now only seventeen months later was itself shooting unarmed British subjects protesting peacefully against the internment without trial of persons identified the previous year as having involvement with republicanism. That British soldiers had trained their guns on British subjects undoubtedly lent urgency to the Conservative government of Prime Minister Edward Heath to establish a tribunal of inquiry under the land's most senior law officer. Samuel Dash comments that 'there appears to be little or no parallel . . . to such an event involving British soldiers and British civilians,'⁹ but one only has to think back to Dublin's Bloody Sunday (21 November 1920) and to Manchester's Peterloo Massacre (16 August 1819) to see direct parallels with the events in the Bogside. It is equally clear now that the official British Army and government version of events undoubtedly influenced the scope, the tenor and, it appears, the outcome of the tribunal of inquiry. The discovery in 1995 of a confidential Downing Street minute detailing a meeting on the evening of 1 February 1972 between British Prime Minister Heath, Lord Chancellor Hailsham and the Lord Chief Justice of England, Lord Widgery, revealed an apparently unembarrassed complicity between government and legal process. Just hours before announcing his intention to hold a tribunal of inquiry into the killings, Prime Minister Heath reminded Widgery that the morale of the army was at stake and that 'we were in Northern Ireland fighting not only a military war but a propaganda war'.¹⁰

The Widgery Report revealed how, given appropriate levels of support from a docile opposition and given insufficient investigative will from an obedient media, a powerful discursivity could operate and gain the upper hand, notwithstanding the fact that its interpretation of the

evidence presented to a tribunal of inquiry was so grotesque. Even allowing for the entirely inadequate selection of witnesses,¹¹ Widgery was an affront not only to the victims it so eagerly sought to traduce, but also to the very basis of law and justice. In the face of a wealth of counter-evidence, national and international criticism, detailed legal critiques of its procedures and interpretations and the gradual erosion of the veridicity of its conclusions, the version of events that Widgery established remains, so far, the official truth of Bloody Sunday.

Bloody Sunday was not an isolated event. The events that led up to the day, the day itself, and the judicial whitewash must all be understood in the light of contemporary events that defined the period as one of intense and dangerous social turmoil. And whilst Bloody Sunday was a pivotal moment both in the development of the Northern Ireland Troubles and the concomitant dismantling of the Northern Ireland state, it would be invidious to privilege it over other atrocities that caused immense pain and long-term suffering to people of all parties, factions and sides of the conflict: as well as, of course, to those entirely non-aligned victims of violence. So, it is worthwhile asking the question, 'Why another book on Bloody Sunday?' Why are we not directing our energies to other 'harrowings of the heart',¹² such as the bombing of McGurk's bar in Belfast (December 1971), or the Bloody Friday bombing of Belfast (July 1972), or the Dublin and Monaghan bombs (May 1974), or the Birmingham pub bombings (November 1974), or the Remembrance Day bomb attack in Enniskillen (November 1987), or the Shankill Road bombing (October 1993), or the Omagh bombings (August 1998)? And there have been so many others on a smaller, if no less atrocious, scale; they are all there in David McKittrick's *Lost Lives* (1999), that terrible and poignant record of the many violent acts of the Northern Irish conflict. So, why Bloody Sunday?

'A number of things made Derry different', writes Eamonn McCann:

This was a very British atrocity, and the biggest single killing by state forces in the course of the Troubles. The resultant affront was compounded by the fact that the British state at the highest level, in the person of the Lord Chief Justice, had then proclaimed that the killings were neither wrong nor illegal. In every other atrocity with which Bloody Sunday has regularly been compared or likened, the victims are acknowledged, more or less universally, as having been wrongly done to death and the perpetrators damned as wrongdoers. But the Bloody Sunday families were told, in effect, that while they might personally, reasonably, lament the loss of a loved one, they had no wider ground for grievance or legitimate expectation of the killers being punished. The state stood by its own. All the dead were thus diminished.¹³

It is this double injury – of a failure of justice compounded by the epistemological violence of Widgery's findings – that has prompted virtually

all representation of Bloody Sunday. Anne Crilly and Angela Hegarty argue similarly:

the failure of law and the appropriation of official discourse by the state led to the community affected by Bloody Sunday finding alternative ways to remember it and to tell its version of the truth. Having been denied what it regarded as a fair investigation into the events of Bloody Sunday and instead presented with an official version of events that contradicted hundreds of local eyewitnesses, the local community began to commemorate and document the events of Bloody Sunday in its own ways.¹⁴

The new Bloody Sunday Inquiry represents the first serious attempt by the British government to engage in the issues that have been taken up by artists, filmmakers, poets and campaigners over three decades. Much depends on the outcome of Mark Saville's long-awaited report, but in this book we are less concerned with a British government-sponsored narrative of Bloody Sunday and its context than with some of the processes at work within a range of differing and diverse examples of cultural negotiations produced since that day. In multiple and diverse ways, an after-image of this state atrocity has continued to be present as an event still unresolved, and as an event that demands attention, that requires response in the face of 'official' silence.

One of the key aspects of Bloody Sunday is the way in which it can be seen to exemplify a shift in strategy by the British government towards one of an increased militarisation of the province and the pacification of trouble spots such as the Bogside and the Creggan through surveillance, occupation and repression. Demands for peaceful reform of the Northern Ireland statelet became largely irrelevant in the light of an event such as Bloody Sunday. As Niall Ó Dochartaigh indicates, when government policy shifted from one of reform to one of repression, the alienation of Catholic moderates from the Northern state was one of the main results.¹⁵ State repression and armed resistance seemed to have returned the conflict to the kind of political binary that had defined the very nature of the state itself. It is our belief that there was at the time the potential for a different way of thinking about the transformation of that particular society, but that Bloody Sunday acted to decisively limit the scope of viable alternatives to the *status quo ante*. It is our hope that this book may serve as a small contribution to such a process of questioning and imagining what possible futures there might be beyond the kinds of rigid thinking that produced Bloody Sunday in the first place.

The first chapter of this book locates Bloody Sunday in a social terrain of political and physical contest over the styles of governance and the legitimacy of the Northern Ireland statelet. The starting point is the demand for civil rights in relation to local elections, housing and

policing, and the active campaigns that were launched to achieve them. The key idea in this chapter is that it was precisely the challenge posed by people in a movement against a sedentary state that saw such a vicious response to peaceful protesters by its police/militia and eventually by the army of its sponsor-state. Similarly, Free Derry posed an unambiguous challenge to the authority of the state and the rule of law across its domain. Those in charge of the military operation on 30 January 1972 have consistently argued that what was planned on the day was an arrest operation to ‘scoop up’ hard-core rioters who were engaged in constant harassment of troops positioned on the boundary of the Bogside. This notion of an arrest can be extended to encompass the broader effects of Bloody Sunday on the entire civil rights movement. The actions of the army on that day did not simply stop a protest parade reaching its intended target: it sounded the death knell for a fluid and dynamic process of social and political change, and the dialogic impulse at the heart of it.

The second chapter examines the ways in which photographs of the victims have been presented and manipulated in news media and commemorative events throughout the 35 years since Bloody Sunday. Tracing each moment at which the photographs have appeared, we argue that the deployment of the images by the families’ campaigning groups produces a spectral effect: the images of the dead return in order to emphasise particular features of the Bloody Sunday story. We concentrate on the ways in which the victims’ families’ campaigns have deployed the faces of their loved ones as a powerful ethical reminder of this injustice. In this chapter we also look at the attempts of the Bogside Artists to commemorate Bloody Sunday and the broader civil rights movement through their ‘People’s Gallery’ of murals.

The third chapter takes as its focus the ‘technologies of truth’ developed for and deployed within the new Bloody Sunday Inquiry. A central element of the Saville inquiry has been the development of a virtual-imaging environment to allow witnesses to navigate their way through the streets of the Bogside as they were in 1972. The reason for employing such a system is because the urban landscape of that part of Derry has, over the past three decades, changed out of all recognition: the present-day Bogside is a pleasant neighbourhood of flats and maisonettes, of striking murals and thriving community associations; the days of tiny overcrowded houses and multi-storey flats have long since disappeared. This impressive (and award-winning) virtual-Derry, designed by the Belfast-based Northern Ireland Centre for Learning Resources, has been hailed as a technological breakthrough. But what are the ethical implications underpinning such technological strategies of judicial inquiry? What issues are generated by placing virtual imaging at the very centre of an inquiry attempting to delineate a truthful version of events? The Bloody Sunday Inquiry has been the most technologically

advanced judicial inquiry of its type: in addition to the virtual-imaging system, it has made use of other technologies (such as TrialPro – Evidence Display System and LiveNote – Real-Time Transcription) and live streaming to eight other locations in the Guildhall itself and a further four locations across Derry (the Calgach Centre, Rialto Theatre, Bloody Sunday Inquiry Office, and the former Bloody Sunday Trust offices on Shipquay Street). The inquiry has also made use of a dynamic website. Our chapter considers all of these technologies and their use as part of the truth-finding process.

The fourth chapter examines the ‘reality strategies’ employed in the two drama-documentaries released to coincide with the thirtieth anniversary of the killings: Paul Greengrass’s *Bloody Sunday*, and Charles McDougall and Jimmy McGovern’s *Sunday*. We find that these films share an overwhelming desire to present a version of events very much at odds with Lord Widgery’s findings. These are films produced by ‘outsiders’ attempting to construct and articulate different aspects of what the journalist and political organiser Eamonn McCann refers to as the *moral* truth of Bloody Sunday.¹⁶ The contrast in approaches adopted by the filmmakers raises important questions about the nature of attempting to construct an account that lays claim to reactivating the experiences of that day. While the desire to ‘tell the story’ may be entirely commendable (this is, after all, exactly what Mark Saville’s inquiry is attempting to do), it is none the less notable that the films use certain rhetorical, stylistic, narratory and, indeed, sentimental conventions in order to achieve this aim. We detect in all representations a scrupulous conformity to what we term ‘Bloody Sunday stylistics’, in which certain photographic and filmic conventions established in television footage and photographic images on the afternoon of 30 January 1972 are deemed absolutely essential to all subsequent representations. When a film states unequivocally that what it presents to its audience is ‘the truth’, one begins to suspect a certain ‘will to persuade’ that presents several epistemological problems. This becomes even more acute when that film attempts to strengthen its monopoly of truth on the basis of its director’s claims to have produced a version of events based to a large degree on the depth and extent of his embeddedness with the community and the people of the Bogside.

The fifth chapter takes as its focus Thomas Kinsella’s ballad *Butcher’s Dozen*. Written only days after Lord Widgery’s report was published, Kinsella produces a dramatic poem in which the dead of Bloody Sunday appear to the poet in order to give their own testimony. Kinsella adapts the eighteenth-century gaelic *aisling*, or political dream poem, in his vivid portrayal of loss accompanied by an impassioned plea for truth and justice. Unlike other treatments of Bloody Sunday, *Butcher’s Dozen* elaborates a politics of Bloody Sunday that sets the actions of the British Army on that day within a colonial framework.

The chapter looks at the ways in which Kinsella's poem is a necessary supplement to the Widgery Report, and it also considers the ethical issues provoked when a poet evokes the dead as memorialised remains, as spectres, or, indeed, as ventriloquised figures.

The sixth and final chapter looks at the ways in which Bloody Sunday has been negotiated through theatre. In this chapter we discuss the particular issues that come into play when cultural trauma is translated into forms of art and entertainment. The chapter takes a special interest in two theatrical works prompted by Bloody Sunday and its aftermath: Brian Friel's *The Freedom of the City* and Frank McGuinness's *Carthaginians*. Both plays attempt (in very different ways) to record the impact of the killings on individuals and the community of Derry. In discussing the plays' stylistics we are particularly concerned with how Friel and McGuinness (both of whom have strong associations with the city of Derry and its Donegal hinterland) deal with questions of memory, remembrance and communal trauma. We also briefly consider Richard Norton-Taylor's 2005 production, *Bloody Sunday: Scenes from the Saville Inquiry*, in which the many hundreds of witness statements given to the Saville inquiry are edited into a two-hour courtroom drama.