

Katherine O'Donnell, Maeve O'Rourke, and James M. Smith (eds). *Redress: Ireland's Institutions and Transitional Justice* (Dublin: University College Dublin Press, 2022), 550pp., ISBN: 9781910820896, €25 (paperback)

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Institutional abuse remains one of the darkest and painfully unresolved parts of Irish history. Thematized in the arts and literature and covered by the media in the recent years, the state's response has been under increasing scrutiny. While several large investigations have been conducted, the ensuing reports have faced severe criticism. The editors of *Redress: Ireland's Institutions and Transitional Justice* (Katherine O'Donnell, Maeve O'Rourke, and James M. Smith) present newly edited material to address the issue of state redress and the potential of transitional justice in the Irish context. The question of the success, the potential, and the limitations of applying transitional-justice methods is discussed in detail and from a variety of perspectives in this large volume, as are Ireland's twentieth-century institutions that confined 'fallen' women and 'illegitimate' children, often separating them in the process.

James Gallen explains: 'Transitional justice typically addresses how societies reckon with a legacy of gross violations of human rights in the specific contexts of a transition from armed conflict or authoritarian rule to stable, peaceful liberal democracy' (159). To this, we may add Laura McAtackney's assertion that the 'principles can be applied to major societal traumas' as well (304). Indeed, Ireland's legacy of institutional abuse and family separation has been gradually seen as requiring at least some transitional-justice approaches. Finally, in the words of Rosemary Nagy: 'Articulating structural harm within a transitional justice framework enables us to imagine a shared future that is justice-based, rather than welfare-based' (243).

The editors explain their approach as based on 'the motto of survivors, "nothing about us, without us"' (xiii), opening the collection with eight testimonies, followed by long-form journalism pieces. The majority of the remaining essays were first presented at the 2018 Boston College conference 'Towards Transitional Justice: Recognition, Truth-telling, and Institutional Abuse in Ireland' and subsequently published in *Éire-Ireland* in 2020. The book's five hundred pages are divided into seven main sections, introduced and summarised below.

'Truth-telling'

Setting the tone for the remainder of the book, the first chapter, aptly entitled 'Testimony', gives voice to eight survivors. Consisting of excerpts from a roundtable discussion at the 2018 conference, it brings closer the voices of people who had been residents of Mother and Baby Homes, industrial schools, and/or illegally adopted. In her testimony, Mari Steed says: 'We are a living legacy of that system' (6), drawing attention to the fact that survivors are in possession of painful, yet invaluable information that needs to be shared, as well as being owed proper redress in their lifetime. Another theme that appears in the testimonies is the other side of evidence-keeping, namely the inaccessibility of official documents and archival

material that directly concerns survivors and which they have been struggling to gain access to.

The texts that come next in this section have been included in the collection as ‘crucial interventions [that] foregrounded survivors’ voices and in doing so drew international media attention that helped bring informed public pressure to counter [...] the belligerent ignorance of the Irish establishment’ (xviii), the editors explain. Anne Enright’s text, ‘Antigone in Galway: Anne Enright on the Dishonoured Dead’, thematises ‘the political use of the body after death’ (19), juxtaposing the recent exhumation and state funeral of Thomas Kent, a rebel executed in 1916, and the lack of official interest in the fate of children and women who have died in Ireland’s institutions. Criticising the state’s failure to investigate properly and in a timely fashion, Enright writes: ‘it is good to bear in mind that Antigone does not bury her brother’s body with words, but with dust’, emphasizing the need to act (19).

Dan Barry’s ‘The Lost Children of Tuam’ focuses on Catherine Corless, a local historian who brought public attention to Tuam’s Mother and Baby Home in 2014. Enquiring after what she revealed to be baby bones in the home’s old septic tank, Corless acquired the death certificates of 796 children whose burial information proved to be missing in public evidence. Claiming that to lay the blame for the harm done to children at Mother and Baby Homes at the door of the church and the state alone might be ‘too simple – perhaps even too convenient’, Barry asserts: ‘The bitter truth was that the Mother and Baby Homes mirrored the Mother Ireland of the time’ (41).

Clair Wills’ text ‘Family Secrets’ once more turns to the Tuam Mother and Baby Home. As she remembers the death of her own son and the subsequent burial, Wills states that ‘some lives mattered more than others in twentieth-century Ireland’ (48). Like Barry, she also touches on the theme of the interconnectedness of those who ran religious institutions and local communities, asking: ‘When one in ten Irish children [...] entered religious life either as priests, monks or nuns, what distinction could there be between the family and the church?’ (53) Wills also writes about her family’s connection to a Mother and Baby Home, insisting that such stories are common across Irish society. She then raises the question of the ethical implications connected to searching for relatives that one’s family has rejected.

Emer O’Toole’s ‘The Mother of Us All’ closes the first section of the collection by focusing on the period between 1983 and 2018, during which the Eighth Amendment was in place, making legal abortion practically impossible. Remembering the tragic deaths of many Irish women and babies, from Ann Lovett to Savita Halappanavar, O’Toole discusses the symbol of the Virgin Mary, to whom she turns at the end of the text with the following words: ‘Just hear us. You can keep the pity’ (66).

‘Irish State (In)Justice’

This section of the book focuses on the past and present role of the Irish state in violations of human rights connected to Mother and Baby Homes, Magdalene laundries, or adoption agencies. Maeve O’Rourke’s essay ‘State Responses to Historical Abuses in Ireland: “Vulnerability” and the Denial of Rights’ outlines twentieth-century institutional abuse of women and children in Ireland and a continuing lack of access to related material in state and congregation archives, applying Martha Fineman’s theory of vulnerability. Arguing for ‘a

labyrinth of obstacles barring victim-survivors from accessing what might be described as the “ordinary” legal mechanisms of the democratic state’ (79), she posits that labelling a group of people vulnerable facilitates the denial of such rights.

In their essay ‘State Legal Responses to Historical Institutional Abuse: Shame, Sovereignty and Epistemic Injustice’, Máiréad Enright and Sinéad Ring address the state’s discourse of shame alongside its redress schemes. Juxtaposing the concepts of ‘true shame’ and the ‘shamed state’, the authors argue that while shame leads to the collapse of sovereignty and thus opens up space for transformation, the Irish state remains unaffected. Characterising it as ‘primarily concerned with the management and containment of victim-survivors’ justice claims’ (90), they identify cases of epistemic and hermeneutical injustice in official investigations and redress schemes. The authors argue for the presence of a ubiquity of psychological harm inflicted during hearings and elaborate on the implications of distributing (inadequate) monetary compensations in place of appropriately attributing and accepting blame.

In their essay ‘Access to Justice for Victims of Historic Institutional Abuse’, Colin Smith and April Duff examine obstacles that survivors face in connection with redress schemes. They elaborate on the issues of the signing of waivers in settlement agreements, the threat of high costs in the case of an unsuccessful litigation, the connected problem of limited options to sue as a group rather than individually, limits on how far into the past the court is willing to look, or the question of whom to officially sue. The authors also provide examples of various ways in which defendants can cause delays in proceedings, closing the paper with their own recommendations.

Last in this section, Conall Ó Fátharta devotes the paper ‘State’s Reaction is to Deny, Delay and to Buy Silence’ to the Irish state’s portrayal of historical institutional abuse. Claiming that the state’s strategy has been to downplay its responsibility for a long-term systemic failure to protect human rights, the author illustrates a strategy where the past is officially portrayed in terms of individual ‘scandals’, rather than as one interconnected issue. The essay also demonstrates that enough information had been available to the state for a significant amount of time before eruptions of public outcries forced official investigations, especially as regards Mother and Baby Homes and, more recently, adoption agencies.

‘Transitional Justice: Opportunities, Limits’

Ruth Rubio Marín’s essay ‘Reparations for Historic Institutional Gender Violence in Ireland: Learning from Transitional Justice’ opens a section that focuses on transitional justice. Referring to different aspects of institutional abuse in twentieth-century Ireland, the author discusses the issue of official recognition of gender violence. Asserting that ‘recovering one’s identity is a matter of restitution’ (139), the essay then elaborates on different modalities of reparation, along with compensation, rehabilitation, satisfaction measures, and guarantees of non-repetition. Introducing the concept of transitional justice, the author concludes that the essential modality in Ireland’s reparation process needs to be that of victims’ recognition.

Fionnuala Ní Aoláin’s paper ‘The Inner and Outer Limits of Gendered Transitional Justice’ focuses on how gendered violence is perceived and addressed in transitional justice, outlining the latter’s considerable limitations in this respect, as well as feminist efforts for

amelioration. 'Transitional justice exists in spaces where law in practice is rendered inoperable for a variety of reasons' (154), the author explains before discussing the potential benefits, as well as limitations, of employing transitional justice to address the history of institutional abuse in Ireland.

In the chapter 'Transitional Justice and Ireland's Legacy of Historical Abuse', James Gallen argues that through the way it is implemented in Ireland, transitional justice there 'risks claiming the legitimacy of serving survivors' needs without any meaningful transition in how they are treated by the state, churches or society' (158). The author comments on the work of state-appointed truth-and-reconciliation commissions, warning about an insufficient involvement of victim-survivors in their operation, including the formation process, as well as the circumstances of obtaining testimony. The essay also criticises refusals to provide access to documents, including for the purposes of prosecution, and the state's tendency to interpret court decisions specifying compensation for survivors in a significantly narrow manner. Overall, it argues for a failure to adopt 'a human rights centred approach' (171) in Ireland's employment of transitional justice, resulting in missed opportunities.

'Motherhood and Adoption'

Paul Michael Garrett's paper 'Creating "Common Sense": Responses to the "Unmarried Mother" in the Irish Free State' extends the focus from the state to include the church in the discourse on the position of women in post-independence Ireland. Arguing that 'the state and the church might be better perceived as an integrated totality' (186), the essay demonstrates interconnectedness of the two institutions when crafting legislation in the newly established state. Referring to the work of Antonio Gramsci and Michel Foucault, the author analyses the construction and interplay of the concepts of the 'unmarried mother' and 'fallen woman' in the Irish Free State, illustrating a tendency to use them as interchangeable with 'offenders'. Towards the end, the essay also suggests that children would have been seen as a source of free labour, linking this to an emphasis on their institutionalisation.

In her paper "'Disremembrance": Joyce and Irish Protestant Institutions', Mary Burke addresses the history of Protestant institutions for unmarried mothers and 'illegitimate' children in Ireland by analysing references in the work of James Joyce and contemporary press. The author opines: 'Recent accounts of historical mistreatment within Catholic establishments create the misleading impression of an intrinsic connection between Irish Catholicism and child abuse, with little consideration of what may have occurred in otherwise affiliated institutions' (196). The paper claims that abuse of women and children took place also in Ireland's Protestant institutions, from the nineteenth century onwards, using the colloquial word 'disremember' when illustrating a tendency to repeatedly forget this aspect of history, including in official investigations.

The essay "'Illegitimate" Knowledge: Transnational Justice and Adopted People' by Claire McGettrick focuses on the Irish state's 'punitive and restrictive approach to providing adopted people with their personal data' (215). Drawing on the work of Erica Haines and Noel Timms, the author illustrates that the state has been portraying adoptees primarily as 'damaged' people, refusing or complicating access to information that would allow adopted people to better construct their social identity. Emphasizing the importance of the latter,

McGettrick advocates for the social, rather than psychological importance of access to such information.

Caitríona Palmer's text "'It Steadies Me to Tell These Things': Memoir and the Redemptive Power of Truth-Telling' closes the section on motherhood and adoption in twentieth-century Ireland. In 2016, Palmer published the memoir *An Affair with My Mother*, in which she had described her experience of finding, as an adopted person, her birth mother, and the subsequent relationship of the two women as one marked by extreme secrecy. In this essay, the author shares what she has gained and lost in the aftermath of the book's publication. Ending on a painful note, she nevertheless focuses on the hope that by telling such stories, shame surrounding the issue of adoption might gradually become eradicated.

'Children in State Care'

This section, which focuses on the state's responses to institutional abuse of children, first presents Rosemary Nagy's paper 'Transitional Justice, Trauma and Healing: Indigenous Residential Schools in Canada'. Comparing the Irish and Canadian history of systematic family separation and institutional abuse, in the latter instance affecting Indigenous children, the author notes: 'Genocidal intent marks a clear difference between the Canadian and Irish cases' but 'there are striking parallels' (240). Drawing on Miranda Fricker's concepts of epistemic and hermeneutical injustice, the essay analyses redress schemes and the work of truth commissions in Canada and Ireland. Illustrating the limitations connected to using the term (historical) trauma in this context, the author also argues for 'the importance of additionally working outside of and beyond the framework of transitional justice' (254).

Next, Patricia Lundy's essay "'I Just Want Justice': The Impact of Historical Institutional Child-Abuse Inquiries from the Survivor's Perspective' analyses survivor responses to participation in the Northern Ireland's Historical Institutional Abuse Inquiry (HIAI). Focusing on 'physical, sexual and emotional neglect in children's residential institutions between 1922 and 1995' (257), the HIAI's findings were published in a report in 2017. Identifying common themes across what the author warns is a non-homogenous group of people, the essay discusses survivors' justice needs, such as the act of speaking out, remembrance, access to information, compensation, apology, and accountability. As regards the direct experience of giving testimony for HIAI, Lundy mentions occurrence of re-traumatisation and outlines objections to the process of questioning, inadequate and inappropriate sharing of information prior to giving testimony, an absence of legal representation for survivors and of prosecution of perpetrators, and redress recommendations not in line with survivors' justice needs.

Last in this section, Emilie Pine, Susan Leavy, and Mark T. Keane's short text 'Visualising the Transfers of Abusers in the 2009 Ryan Report' focuses on the historical response to child abuse where a discovery of abuse in an institution often resulted in the perpetrator's reassignment to another one. Presenting a map of transfers based on information available in the *Ryan Report*, authors 'illustrate how abuse happened not in isolation, but across the system' (279).

'Knowledge, Memory and the Magdalene Laundries'

This section of the collection addresses the Magdalene laundries, places of detention, forced labour, and punishment for women deemed ‘fallen’ in twentieth-century Ireland. Katherine O’Donnell’s paper ‘Official Ireland’s Response to the Magdalene Laundries: An Epistemology of Ignorance’ addresses the 2013 report *The Inter-Departmental Committee Report into State Involvement in the Magdalene Laundries (IDC Report)*. Analysing the state’s investigation into its role in the running of Magdalene laundries, O’Donnell introduces the concept of ‘an epistemology of ignorance’, asserting that the report ‘allows the Irish State to systematically not know the traumas endured by the former Magdalene women’ (282). Illustrating the marginalisation of survivors’ voices in the 2013 report, the essay considers the concepts of hermeneutical and epistemic injustice to document and explain a lack of acknowledgment by the state and across society pertaining to the Magdalene laundries.

In the essay ‘Materials and Memory: Archaeology and Heritage as Tools of Transitional Justice at a Former Magdalene Laundry’, Laura McAtackney outlines a project in the field of contemporary archaeology that analysed aspects of institutional abuse. Conceptualising excavations of the Donnybrook Magdalene laundry as ‘an attempt to bring us closer to understanding the people intimately connected with the site’ (308), the author also applied transitional-justice principles to archaeological work by foregrounding survivors voices in the process. Creating a heritage project with the National Museum of Ireland, the archaeological research included oral-history elements, making use of survivors’ memories to contextualise the derelict building complex of the laundry and remaining objects.

‘Truth-telling and the Archive’

First in this final section is Shurlee Swain’s essay ‘“Finding the me who I truly never quite knew”: Lessons from Australia’s Find & Connect Project in Facilitating Records Access’. Discussing Australia’s Find and Connect web resource, which provides information about locations of records related to residence in institutions for children and relevant context, the paper suggests it as a potential source for inspiration in the Irish context. Regarding its limitations, Swain observes that even when made available and compiled, records can be disappointing, as they would have been written ‘about children, not for children’ (331), resulting in predominance of negative information and individuals’ unfounded judgments. The essay then outlines related legislative changes in Australia, introduced as the country began to prioritise survivors’ access to personal information, increasingly viewed as ‘a right rather than a therapeutic service’ (335).

The following paper ‘Transitional Justice, Non-Recent Child Abuse and Archival Research: Lessons from the Case of the UK Child Migration Programmes’ by Gordon Lynch analyses child migration schemes in the United Kingdom. Drawing comparisons with Ireland, Lynch posits reluctance of the post-war UK government to continue the practice, which nevertheless still ‘operated through failures of systems, judgement, resolve and knowledge particularly amongst civil servants’ (338), as well as part of diplomatic relations within the Commonwealth. Sharing personal experience of drafting reports as an expert witness, the author discusses the value of archival material when contextualising individuals’ testimonies, as well as organisations’ self-reports. On a variety of examples, Lynch also illustrates the value of cross-checking evidence across different archives.

Finally, James M. Smith's essay 'Knowing and Unknowing Tuam: State Practice, the Archive and Transitional Justice' returns to the issue of missing burial records for 798 children that died in Tuam's Mother and Baby Home, operating between 1925 and 1961. Analysing archival documents, Smith argues for 'the state's readiness to unknow what it knew about institutional abuse' as 'an act of self-preservation' (356–7). Discussing Department of Health circulars, inspectors' reports, regular statistical returns, and other documents from the 1940s onwards, Smith asserts that 'regulation stopped short of actually intervening to save children' (370) at the time, while relevant documentation remained available to the state until present day. Smith's insistence on the importance of releasing archival information can then aptly be read as the book's overall conclusion.

Conclusion

This truly outstanding academic endeavour convincingly argues for its timeliness. It illustrates continuity of institutional abuse in Ireland, as the state and religious congregations resist accepting responsibility for their roles. The authors in different ways demonstrate that the Irish state refuses to investigate with primary focus on survivors and causes further harm by keeping records unavailable. Their essays focus on the continuing limitations as regards redress schemes and outline the unsuccessful implementation of transitional-justice strategies, arguing for the need to address both areas as breeches of human rights. The inclusion of an essay focusing on Northern Ireland enriches the volume, although the book's cover perhaps too enthusiastically advertises the content as focused on both of the island's jurisdictions. Authors mostly examine the situation in the Republic of Ireland but they also include other countries for comparison (Canada, Australia, or the United Kingdom) or when discussing adoption (especially the United States). Overall, this is an excellent, interdisciplinary book which will surely be discussed and made use of in the years to come in Irish studies and beyond.