

HISTORICAL DIALOGUES, JUSTICE, AND MEMORY NETWORK

Form for issues relating to historical dialogues, historical and transitional justice, and public and social memory.

[ABOUT](#)[SCHOLARSHIP](#)[OPPORTUNITIES](#)[NEWSLETTER](#)[ORGANIZATIONS AND SITES](#)[HD INITIATIVES](#)

Book Review: O'Donnell, O'Rourke and Smith (eds.) Redress: Ireland's Institutions and Transitional Justice

Ariella

April 5, 2023

Uncategorized

Katherine O'Donnell, Maeve O'Rourke and James Smith (eds.) *Redress: Ireland's Institutions and Transitional Justice* University College Dublin Press 2022. Paper USD\$25.00

With twenty-four chapters plus a substantive introduction, this book makes an impression. The primary topics concern Ireland's history of abuse and neglect in various circumstances of out-of-home care, and some of the associated remedial responses. While most chapters attend to the history and practice of the Republic, some engage with Northern Ireland, Canada, Australia and the transnational practices of child migration/trafficking.

Most chapters are academic in character, but the reader will also find poetry, photography, creative writing, songs, journalism and survivors' testimonies in this profoundly interdisciplinary volume. Offering primary empirical research and a range of critical analyses, this

Recent Posts

Book Review: O'Donnell, O'Rourke and Smith (eds.) *Redress: Ireland's Institutions and Transitional Justice*

Book Review: Regina Menachery Paulose (ed) *People's Tribunals, Human Rights and the Law. Searching for Justice*

Book Review: Elisenda Calvet Martínez, *Desapariciones forzadas y Justicia Transicional*

Book review: Paul Gready and Simon Robins (eds.) *From Transitional to Transformative Justice*

Book Review: *Slavery in the North: Forgetting History and Recovering Memory*

book will be most useful to readers with relevant research interests, although I could imagine some chapters appearing on post- and undergraduate syllabi. Unfortunately, I could not find an electronic copy on the web, which would it more accessible. That said, the book is attractively priced, and all the royalties are being donated to charity.

My paperback copy is 495 pages, including the notes and index. Given the size of the book, this review cannot be comprehensive, and in fact, I would imagine most readers reading selected essays, and not the entire work. In a similar spirit, following the book's title, I will look at some of the institutions featured in the book, address some of the authors' criticisms of Ireland's redress practices and assess their use of transitional justice theory.

I turn first to the roles that institutions play in the text. Tuam, a Mother and Baby Home in Galway, plays an oversized role. And Tuam deserves the attention. Between 1925 and 1961, Tuam housed expectant mothers and their ensuing babies. Infant mortality was very high, and Tuam was not the only such institution. A recent Irish government inquiry sparked a global scandal by uncovering an unmarked mass grave inside a sewage tank at Tuam in 2017. In 2021, that inquiry reported that around 9,000 children died in 14 Mother and Baby homes and 4 other facilities—about 15% of all child residents.

Irish institutions formed an archipelago of incarceration, with staff and residents moving between institutions. A comprehensive analysis must, therefore, include work at the trans-institutional level such as that offered by Emilie Pine, Susan Leavy and Mark T. Keane in their chapter. The landmark Ryan Report (2009) resulted from a comprehensive investigation of Ireland's industrial schools. The Ryan Report is a written document with over 2600 pages, and it examines the industrial schools as a series of discrete institutions. It does not analyse trans-institutional interaction, so that is what Pine and her colleagues set out to do. Their work, (available at

<https://industrialmemories.ucd.ie>) offers visualisations of how abusive staff members (often clerics) moved between different institutions. The project website also excerpts all the passages in the report that refer to abuse, to reports of abusive incidents, inspections and other analytics to enable trans-institutional analysis.

Pine et al.'s work makes the Ryan Report's data more accessible. Moreover, their focus on clerical transfer illuminates an insidious practice. Around the world, it was common for Catholic (and other) religious authorities to respond to abuse reports by transferring offenders to institutions in another jurisdiction. The transfer effectively stopped any investigation, and the offender started again with a clear record, as the receiving institution was often unaware of previous allegations. That allowed abusers to continue to work with vulnerable people. In short, the practice of transfer enabled abusers to go on abusing children and other vulnerable care recipients.

More broadly, trans-institutional analysis is necessary to understand the practices in which young children and babies were trafficked overseas. It will be also helpful in the analysis of how trans-jurisdictional agencies, such as the Catholic Church, developed resistance techniques for combatting claims of abuse. Out of home care was (and is) an international phenomenon, and so requires methodologies fit for purpose.

That said, more focussed studies retain their value. Among these, I recommend Laura McAtackney's chapter on her work at the Donnybrook Magdalene Laundry (Dublin). Prompted by the abovementioned scandal surrounding Tuam, Dublin Council asked the laundry's present owners to search for unmarked graves and assess the heritage value of the site. They found no graves and McAtackney describes the now-derelict site as 'small, not particularly old, [and] architecturally unexceptional'. Her exploration of the site's quotidian artefacts is nonetheless compelling. She uses photography and written descriptions to document objects and buildings that are likely to be destroyed,

collecting select items for deposit at the National Museum of Ireland. In the process, she worked with a few survivors who recorded site-responsive memories while touring the dilapidated Laundry. McAtackney notes the dynamic character of the process. People are still using the Donnybrook Laundry, often for illicit or circumspect purposes, and McAtackney offers a refreshingly unceremonious vision of the institution as a site of conscience.

I turn now to the topic of redress. Different chapters address different forms of redress, including commissions of inquiry, monetary payments, records access, and site-specific memorials. Most studies are critical. Silencing and marginalisation are common themes, and authors argue state-run redress programmes are issue-management techniques. James Gallen's chapter examines how the Irish state consistently 'retains state control' over redress initiatives so as to limit potential disturbance to the established order (179). Other chapters focus on specific failures, such as the lack of criminal accountability, the exclusion of relevant institutions from different inquiries or monetary programmes, or the Catholic Churches' many and various moments of obstruction, pettifoggery, collusion, and pachydermatous insensitivity.

I understand the anger. Nevertheless, that critical focus deserves attention. Ireland has been at the forefront of redress for survivors of abuse in out of home care. It is, therefore, remarkable that twenty-plus years of inquiries, memorials, monetary payments and archival engagement has produced little worth commending. What might explain this puzzling outcome? Is it methodological—a result of how studies are conducted? Or is it a case of selection—the analytic equivalent of 'if it bleeds, it leads'? Or is it a result of under-theorised normative rubrics—in which authors are unrestrained in their critical judgements by countervailing concerns of legality, feasibly, equity, affordability, and ontological possibility? Of course, this phenomenon might be explained by practical policy failures—Ireland might

simply be unremittingly bad at redress. But that result deserves interrogation.

Governments around the world are looking for 'best practices' (or good-enough-practices) when implementing redress programmes. Some advocates worry that a persistently critical editorial line from those who write about these matters will discourage policy makers from positive engagement. This may have happened in Canada, where the government has responded to relentless criticism of previous redress processes by using legal procedures to distance itself, displacing political reconciliation with legal settlements. As Ruth Rubio Marin mentions in her chapter, redress is best conceptualised as a political project (141) and such projects need to engage politicians and policy makers. With that in mind, it would have been nice if more chapters had explored what worked well in Ireland's many and various redress initiatives, and what lessons might be learned.

My review's final topic is transitional justice. Rubio Marin's discussion of transitional justice in the context of Ireland's 'unfinished democracy' is very compelling. Rubio Marin argues that the Republic's residential care practices undercut its professed democratic commitments to equality and liberty. When more than 50% of the citizenry (including all women) are second class citizens, subordinated to structural violence, and without equally effective legal and political rights, a polity cannot be fully democratic and the potential for transitional justice emerges.

In that vein, Fionnuala Ní Aoláin addresses how states such as Ireland use transitional justice measures and discourse to frame redress initiatives. But she notes a tension. The practice of transitional justice often departs from standard legal forms to enable the polity to reset politically. Extraordinary measures (such as amnesty) operate within recognised constraints that, simultaneously, loosen the bounds of otherwise applicable laws. In paradigmatic transitions from authoritarianism to democratic rule in countries like

Argentina, that moment of reset might appear obvious, along with the need for extraordinary nonlegal measures of justice. But Ireland had no profound moment of reset. Its efforts at transitional justice emerge as part of the stable legal and political framework of a polity. The grip of the law never loosened on Irish transitional justice, a fact that constrains its ambit and limits its potential.

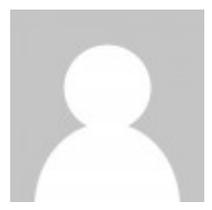
STEPHEN WINTER

Waipapa Taumatu Rau | University of Auckland

Did you like this article? Share it with your friends!

Tweet

Save



Written by [Ariella](#)