

I read the 18 March 2020 statement by the Secretary of State as focusing on a number of dimensions to dealing with the 'past' of the Troubles:

(1) 'Ending the cycle of reinvestigation into the Troubles' and to those who 'defended the rule of law' a commitment to 'certainty that there will be an end to repeated questions about what happened during their service'. If this statement is a commitment to putting an end to investigating allegations of historic non-criminal police misconduct based on highly contentious definitions of 'collusion' it is significant and long overdue.

(2) 'There must always be a route to justice'. The commitment to 'a full police investigation' with respect to cases 'in which there is a realistic prospect of prosecution as a result of new compelling evidence' is crucial. Legacy expenditure of £2 billion and rising is not sustainable but maintaining a route to justice based on a 'realistic prospect of prosecution' for the innocent victims of the terrorism of the Troubles must remain open.

(3) 'Swift transition to an effective information recovery mechanism'. This is the main thrust of what the Secretary of State is recommending and that is not in principle problematic – it is indeed the case that 'many families have waited too long to find out what happened to their loved ones'.

(4) The statement by the Secretary of State refers to 'victims'; 'reconciliation'; 'heal the wounds of the Troubles'; 'share and understand the tragic experiences of the past'. The terminology of 'victim' and 'reconciliation' is problematic. The use of the word 'victim' is problematic for the simple reason that it is not defined.

The absence of a definition of 'victim' accommodates a moral equivalence between those who were killed as active terrorists and those who were murdered as innocent citizens. That moral equivalence is entirely incompatible with the alleviation of the suffering of those who grieve for the loss of loved ones who were innocent victims of terrorism or the literally tens of thousands of innocent men, women and children who were injured as a result of the terrorism of what is euphemistically referred to as the 'Troubles'. It is imperative that recommendations for dealing with the past be based on a legally and morally acceptable definition of 'victim' that excludes moral equivalence between the death or injury of an active terrorist and the murder or injury of an innocent citizen whether a civilian or a member of the security forces.

The statement by the Secretary of State proposes to 'address the legacy of the past (primarily through information retrieval relating to 'what happened to their loved ones') in Northern Ireland in a way that focuses on 'reconciliation' with what seems to be the objective of healing 'the wounds of the Troubles' and enabling 'society' to 'become better reconciled with our difficult history'.

The notion of 'reconciliation' in the context of murder or injury as a result of terrorism is highly problematic for two reasons. The first problem is that it is difficult to understand the content that the statement intends to give to the notion of

'reconciliation'. The context of terrorism implies a clear legal and moral distinction between innocent victim (either murdered or injured) and culpable terrorist. What does the Secretary of State's recommendation consider is involved in (for example) reconciliation between the family of an innocent person murdered by a terrorist and the terrorist responsible for the murder? Unless a clear answer can be given to that question the repeated reference to 'reconciliation' is nothing more commendable than a vacuous and morally offensive 'virtue signaling'.

But even if the problem of content could be dealt with a further question would remain. The import of the repeated use of 'reconciliation' is that such 'reconciliation' is virtually (if not in fact) presented in the Secretary of State's recommendations as a moral obligation for the victim of terrorism and it is the function of the state to try to create the conditions (by , for example, relevant information retrieval which is a key recommendation) in which these obligations could be met. It is certainly not clear why the relevant information should be conducive to 'reconciliation' whatever content is intended for that term. But apart from that consideration why should the victim of terrorism be under any obligation to be 'reconciled' with the person (or persons) who (for example) murdered their loved one - a husband, wife or child or some near relative or friend - even if some meaning could be given to the notion of reconciliation in such a context? Unless that question can be adequately answered the entire telos of the Secretary of State's recommendations is without moral weight or significance.

(5) Finally, the statement by the Secretary of States leaves an 'elephant in the room'. There is absolutely no reference to the role of the Republic of Ireland in facilitating the terrorism directed against the citizens of Northern Ireland for thirty years post -1969. The TUV leader Jim Allister rightly stated in a letter to the *News Letter* that 'that shameful history has been ignored for too long' (*News Letter*, 29 May 2020). Any attempt to adequately come to terms with the past would have to include the investigation of the Republic's facilitation of republican terrorism clearly set out by Gearoid O Faolean in *A Broad Church: The Provisional IRA in the Republic of Ireland* to cite but one source.

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