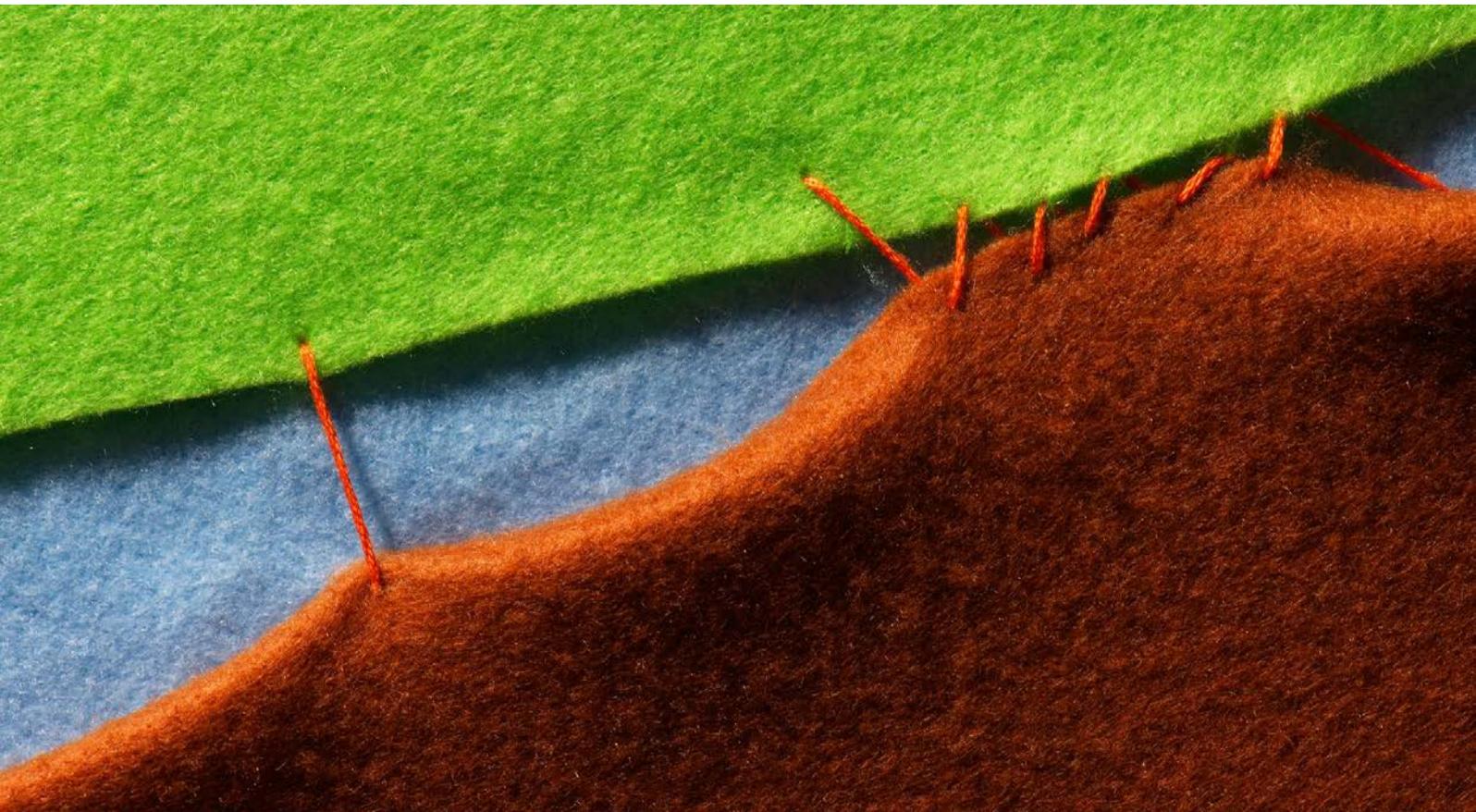


# Justice Learning in Transition



A Grassroots Toolkit

**Eilish Rooney**



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**Political Settlements  
Research Programme**

[PoliticalSettlements@ed.ac.uk](mailto:PoliticalSettlements@ed.ac.uk)

[www.politicalsettlements.org](http://www.politicalsettlements.org)

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## About the Author

Eilish Rooney is Senior Lecturer in the Transitional Justice Institute, Ulster University. She researches and teaches on gender, transitional justice and community development. She is the author of the Transitional Justice-Bridge of Hope Grassroots Toolkit.

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### **Political Settlements Research Programme (PSRP)**

Global Justice Academy  
School of Law  
Old College  
The University of Edinburgh  
South Bridge  
Edinburgh  
EH8 9YL

Tel. +44 (0)131 651 4566

Fax. +44 (0)131 650 2005

E-mail: [PoliticalSettlements@ed.ac.uk](mailto:PoliticalSettlements@ed.ac.uk)

[www.politicalsettlements.org](http://www.politicalsettlements.org)  
[@PolSettlements](https://twitter.com/PolSettlements)

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## Abstract

This Working Paper explains how a local conversation about transitional justice in North Belfast became the basis for designing a toolkit that is available for use by people in other settings. The Transitional Justice Grassroots Toolkit (Rooney, 2014) is a local justice response to the immediate and over time challenges of transition from violent conflict in disadvantaged communities. The article makes a contribution to a growing interest in grassroots activism within transitional justice and development studies and feminist praxis. Grassroots activism is not unique to life in marginalized areas of North Belfast. It arises informally in troubled circumstances and communities everywhere. It empowers the people concerned and helps to improve life in the places where it is organized and supported. The forms of social change it involves cannot be imposed by outside agencies or temporary projects however well meaning. It is community 'change from within' (Collier, 2007:12). As such, local activism is of interest to policy makers, academics and organizations concerned with well-being and stability in troubled and fragile states. Local action can be supported and made visible. In this article, I argue that the toolkit offers a way to do this. It treats transitional justice as a useful framework for reflection, dialogue and action. The community experiences and life knowledge that toolkit users draw on is the starting point and core resource.

## Introduction

This article explains how a community conversation about transitional justice, in a disadvantaged and deeply divided area of North Belfast, led to a grassroots Toolkit that is now translated into Arabic and Spanish and freely available for use by people in other resource limited settings.<sup>1</sup> The Toolkit aims to empower, equip and encourage people to examine the local practicalities of transition in a social justice conversation. The original Toolkit conversations, initially between ex-prisoners and then with women's groups from republican (pro-Irish unity) and loyalist (pro-British union) districts, began with the question 'what is transitional justice and what can it do for us?' Like other disadvantaged areas in Northern Ireland, this constituency experienced intense concentrations of fatal violence throughout the conflict.<sup>2</sup> The people involved in the conversation at the Bridge of Hope, where it started, had first hand conflict experience.<sup>3</sup> Some lives were wholly shaped by this. When the conversation began in January 2011 Northern Ireland's transition, already the subject of a substantial and influential literature, was regarded globally as a remarkable 20c success story.<sup>4</sup> This bottom up conversation looked at the process from a very different

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1 The Toolkit in Arabic and Spanish is online <http://www.politicalsettlements.org/toolkits/transitional-justice-grassroots-toolkit/> (last visited Aug. 1, 2017). Isabella Filisia, a PhD candidate at the Transitional Justice Institute, found that no approach or programme like this exists elsewhere. See Isabella Filisi, Toolkit Literature Review (2015) (unpublished report, on file with the Transitional Justice Institute, Ulster University).

2 Over 80% of conflict related fatalities occurred in the most disadvantaged urban areas of Belfast and Derry/Londonderry. See Marie T. Fey et al., *Northern Ireland's Troubles: The Human Cost* (1999); Paddy Hillyard et al., *Poverty and Conflict in Ireland: An International Perspective* (2005). As with the designation Derry/Londonderry, the naming of a place carries political significance in this jurisdiction. This is recognised here in references to Northern Ireland and the North of Ireland and is discussed below (see pg. 31).

3 The Bridge of Hope is a Department of the Ashton Trust, a social regeneration charity which seeks to make North Belfast a better place for its residents to live and prosper. For further information about Bridge of Hope and the Ashton Trust see BRIDGE OF HOPE, <http://thebridgeofhope.org/about/> (last visited Apr. 6, 2017).

4 The Northern Irish peace process was cited by Colombian President, Juan Manuel Santos, as 'inspirational'. See *The Irish Times*, *Colombia's Peace Deal Drew Inspiration from Northern Ireland – Country's President*, IR. TIMES (Dec. 10, 2016, 3:07 p.m.), <http://www.irishtimes.com/news/world/colombia-s-peace-deal-drew-inspiration-from-northern-ireland-country-s-president-1.2901322>; Belfast Telegraph, *Colombian Premier 'inspired' by Northern Ireland's Peace Process*, Belfast Telegraph (Nov. 3, 2016),

angle. Participants, from various republican and loyalist districts were experienced community activists involved in truth seeking campaigns,<sup>5</sup> women's issues,<sup>6</sup> restorative justice initiatives,<sup>7</sup> community policing<sup>8</sup> and trauma services.<sup>9</sup> In other words, they were already active in the social justice work of dealing with the past, working with victims and survivors, and engaging in post-conflict community transformation in local districts. This grassroots activism is neglected in mainstream transitional justice scholarship that remains for the most part an elite project influenced by an industry of international funder-led priorities and research agendas that are often but not always remote from daily life in places most affected by conflict and transition.<sup>10</sup> Grassroots activism is not unique to life in marginalized areas of North Belfast. It happens informally in troubled circumstances everywhere.<sup>11</sup> It empowers the people concerned and helps to improve life in areas where it is organized and supported. The forms of social change it involves cannot be imposed by outside agencies or temporary projects, however well meaning. It is communal 'change from within', to borrow a phrase from development studies.<sup>12</sup> It can, however, be validated, supported and made visible. This paper argues that the Toolkit offers a way to do all of this. It provides a framework and mechanism for dialogue that is adaptable to other challenging contexts. It takes a pragmatic approach towards 'transitional justice' as a powerful global discourse, seeing it not as a top-down dogma or one-size-fits-all formula imposed from the 'outside', but as a framework for a social justice conversation in the aftermath of armed conflict.<sup>13</sup>

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<http://www.belfasttelegraph.co.uk/news/northern-ireland/colombian-premier-inspired-by-northern-irelands-peace-process-35185399.html>. In the aftermath of 9/11 former British Prime Minister Blair commended Northern Ireland as a 'model' of how democratic states might manage 'terrorist' threat. See Colm Campbell & Ita Connolly, *A Model for the "War on Terrorism?" Military Intervention in Northern Ireland and the Falls Curfew*, 30 J. L. & Soc'y. 341 (2003).

5 See Ardoyne Commemoration Project, Ardoyne: The Untold Truth (2003); Pat Finucane Centre, <http://www.patfinucanecentre.org> (last visited Apr. 6, 2017).

6 See the Falls Women's Centre which was established in West Belfast by local women, 'to improve the quality of life for women and their families living in areas of extreme deprivation and most affected by the conflict'. Falls Women's Centre, <http://www.fallswomenscentre.org/> (last visited Apr. 6, 2017). See also the Shankill Women's Centre which provides 'an accessible resource and development support for women in Greater Shankill and beyond'. Shankill Women's Centre, <http://www.shankillwomenscentre.org.uk/> (last visited Apr. 6, 2017).

7 See Northern Ireland Alternatives, <http://www.alternativesrj.org/> (last visited Apr. 6, 2017) a government accredited restorative justice programme; and Community Restorative Justice Ireland, <http://www.nicva.org/organisation/community-restorative-justice-ireland-central-office> (last visited Apr. 6, 2017).

8 See Tigers Bay & Mountcollyer Policing & Community Safety Partnership, <http://www.tigersbaypolicingpartnership.co.uk/interface-projects.php> (last visited Apr. 6, 2017).

9 See Bridge of Hope, supra note 3.

10 For further discussion see Christine Bell, Human Rights and the Struggle for Change: A Study in Self-Critical Legal Thought (Rob Dickinson et al. eds., 2012). Grassroots studies include Patricia Lundy & Mark McGovern, *Whose justice? Rethinking transitional justice from the bottom up*, 35 J. L. & Soc'y. 265 (2008); Kieran McEvoy & Lorna McGregor, *Transitional Justice from Below: Grassroots Activism and the Struggle for Change* (2008); Stephen White & Kieran McEvoy, *Countering violent extremism: community engagement programmes in Europe*, QIASS, Feb. 2012.

11 Paul Collier, *The Bottom Billion: Why the Poorest Countries are Failing and what can be done about it* (2007).

12 *Id.* at 11.

13 Further see Colm Campbell & Catherine Turner, *Utopia and the Doubters: Truth, Transition and the Law*, 28 Legal Stud. 374 (2008); Catherine Turner, *Deconstructing Transitional Justice*, 24 L. & Critique. 193 (2013); Rosemary Nagy, *Transitional Justice as Global Project: Critical Reflections*, 29 Third World Q. 275 (2008); Bronwyn A. Leebaw, *The Irreconcilable Goals of Transitional Justice*, 30 Hum. Rts. Q. 95 (2008); Josh Bowsher, *Blog post: Deconstructing Transitional Justice: Opening a New Space for Critique?* Univ. of Nottingham (Sept. 11, 2013), <http://blogs.nottingham.ac.uk/criticalmoment/2013/09/11/deconstructingtransitionaljustice/>; Paul Gready & Simon Robins, *From Transitional to Transformative Justice: A New Agenda for Practice*, 8 Int. J. Trans. Just. 339 (2014); Roger Duthie & Paul Seils, *The Case for Action on Transitional Justice and Displacement: Strategies During and After Conflict*, ICTJ (Mar., 2016), [https://www.ictj.org/sites/default/files/ICTJ\\_Briefing\\_Displacement\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Briefing_Displacement_2016.pdf).

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The article is in three parts with a short conclusion. It contributes to an emerging interest in the importance of the local in transitional justice theory and practice.<sup>14</sup> Part One: *Origins*, charts the Toolkit's beginnings in an exchange of views on transition and its local tensions in the North of Ireland. One set of views concern the unfulfilled commitments to human rights and equality made in the 1998 Agreement.<sup>15</sup> The other stresses the on-the-ground impacts of dealing-with-past processes and policing reform. Listening to these early exchanges led me to design a programme and workbook so that others could join in and have their say.<sup>16</sup> The effectiveness and popularity of the programme led us to make translations available for use in Arabic and Spanish speaking settings.<sup>17</sup>

Toolkit pedagogy is the subject of Part Two: *Principles* which explains the feminist origins of the programme's dig where you stand approach.<sup>18</sup> Key influences include my community education background with local women's groups, all during the height of the conflict.<sup>19</sup> A user's guide was recommended by the Falls and Shankill women's groups following their Toolkit programme.<sup>20</sup> Writing the guide was an opportunity to link the Toolkit's grassroots approach to indigenous and international scholarship and NGO practice at home and abroad. The Toolkit programme is adaptable to situations where people grapple with the local challenges of social recovery from violent conflict in the place where they live.

The range of disparate individual and communal experiences that Toolkit users draw on is the programme's core resource and the subject of Part three: *Process* that spells out the programme's empowerment pedagogy. This enables a site specific, holistic approach to past accountability and recovery from social trauma.<sup>21</sup> The Toolkit contains eight tools, one per two-hour session. Its feminist community education methods are signalled in the titles of the first and last tools. The process begins with personal and community reflections in Tool 1 Dig Where You Stand – Grassroots Group Resources. It ends with thinking about what more needs to be done in Tool 8 Map Making – From the Personal to the Political, where a group produces a map of transition landmarks. The map names key social, legal and

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14 Further see White & McEvoy, *supra* note 9; Nagy, *id.*; Gready & Robins, *id.*; Duthie & Seils, *id.*; Bell, *supra* note 9; Lundy & McGovern, *supra* note 9; McEvoy & McGregor, *supra* note 9; Laura Arriaza & Naomi Roht-Arriaza, *Social Reconstruction as a Local Process*, 2 Int'l J. Transit. Just. 152 (2008); Patricia Lundy & Mark McGovern, The role of Community in Participatory Transitional Justice (Kieran McEvoy & Lorna McGregor eds., 2008); Patricia Lundy, *Exploring Home-Grown Transitional Justice and Its Dilemmas: A Case Study of the Historical Enquiries Team, Northern Ireland*, 3 Int'l J. Transit. Just. 321 (2009); Laurel E. Fletcher & Harvey M. Weinstein, *Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation*, 24 Hum. Rts. Q. 573 (2002); Kora Andrieu, *Civilizing Peacebuilding: Transitional Justice, Civil Society and the Liberal Paradigm*, 41 Sec. Dialogue. 537, (2010); Kimberly Theidon, *Editorial Note*, 3 Int'l J. Transit. Just. 295 (2009); Christine Bell, *Dealing with the Past in Northern Ireland*, 26 FORDHAM INT'L L.J. 1095 (2002); Christine Bell, *Peace Agreements and Human Rights* (2000).

15 The British and Irish Governments, *The Agreement*, GOV. UK (April, 10, 1998), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/136652/agreement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136652/agreement.pdf).

16 Eilish Rooney, *Transitional Justice Grassroots Engagement Report* (2012).

17 Over 250 people have used the Toolkit, Bridge of Hope, *Grassroots Building Justice Seminar with TJI Great Success*, BOH (Mar. 28, 2017), <http://thebridgeofhope.org/2017/03/28/1544/>.

18 Dr Joanna McMinn, then co-ordinator of the Women's Education Project in Northern Ireland, introduced this biographical method to feminist community education circa mid 1980's. She says it originates from human rights leader Inez McCormack's work in trade union education. See Participation and the Practice of Rights, *Inez McCormack – Life*, PPR, <http://www.pprproject.org/inez-mccormack-life> (last visited Apr. 11, 2017).

19 Further see Joanna McMinn, *The changers and the changed: an analysis of women's community education in the north and south of Ireland* (2000) (unpublished Ph.D. dissertation, University College, Dublin) (on file with University College, Dublin library); Ruth Taillion, *Women's Sector Contribution to Community Development* (2005); Ruth Carr, *The Female Line: Northern Irish Women Writers* (1985); Partners Training for Transformation, <http://www.trainingfortransformation.ie/> (last visited Apr. 6, 2017); Paulo Freire, *Pedagogy of the Oppressed* (1970).

20 Eilish Rooney, *The Transitional Justice Grassroots Toolkit user's Guide* (2014).

21 Further see Rosemary Nagy, *Book Review: Truth, Trauma Justice*, 9 Int'l J. Transit. Just. 527 (2015); Merryl Lawry-White, *The Reparative Effect of Truth Seeking in Transitional Justice*, 64 Int'l & Comp. L.Q. 141 (2015); Campbell & Turner, *supra* note 12.

institutional processes that have taken place and notes what works, what doesn't and what next needs to be done. The programme uses a handy 5 Pillar framework that is introduced in Tool 2. It comprises: institutional reform; truth; reparations; reconciliation; prosecution and amnesty. This flexible pedagogical framework is used to consider a range of processes that may be used over time in different transitions.<sup>22</sup> Most Toolkit groups work through all of the tools but sometimes a group will focus on tools that address a particular concern or focus. The 5 Pillar framework is introduced in this straightforward way:

*Institutional reform*: concerns changes in public institutions that have a direct impact on everyday life to do with health, education, employment, housing, policing, security, justice, civil society and past wrongs;<sup>23</sup> *Truth*: is about how a society finds ways to deal with what happened in the past;<sup>24</sup> *Reparations*: are made historically, locally and/or internationally;<sup>25</sup> *Reconciliation*: addresses harm done to relationships as a result of armed conflict;<sup>26</sup> *Prosecution and amnesty*: refer to formal justice and to mechanisms for bringing an end to violence and encouraging actors to tell what happened.<sup>27</sup>

The pillars enable reflection and exchange between people who have different and often opposed individual and community experiences of transition. The Guide introduces examples of how the pillars have been used in other places with varying degrees of success, scepticism and let down. This confirms local knowledge about how challenging and complex transition is in any traumatized district.<sup>28</sup> The article concludes with, Practicing Hope, which affirms the vitality of this form of grassroots engagement.<sup>29</sup>

'Hope' is not a word frequently used in the necessarily hard-headed socio-legal field of transitional justice. It is likely to be treated with reasonable suspicion by some scholars who are legitimately dedicated to legal and concept clarity and distrustful of the partisan local.<sup>30</sup> I might have considered myself one such were it not for the experience of working with the Bridge of Hope in a disadvantaged and traumatised community that has some political clout at the ballot box but is without the prospect of structural investment that the area so desperately needs. In these circumstances, people do what they can to improve family life and local conditions. The Toolkit programme is testimony to these endeavours and affirms them.

Two images from the Guide capture the determination and fragility of sustaining hope in situations where despair might more readily overwhelm people. One photograph shows a street name on a brick wall in Belfast city centre. 'Hope Street' is being redeveloped. This street sign is no longer there. Inner city homes have been demolished long ago. Some conversation points for images in the Toolkit and Guide are suggested in the programme's training manual.<sup>31</sup> For Hope Street, it asks participants to imagine what it is like to *live* in hope street, to have hope, and then to consider the impacts of hopelessness in a community. The other related image is of a graffiti spattered wall in a war zone with the words: 'KNOW HOPE'. The wordplay on 'no hope' affirms something of the power of knowledge as resilience in the midst of

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22 We have experience of the framework being adapted for oral use in case study field research. See Azadeh Sobout, *Planning for Peace* (2017) (unpublished Ph. D. dissertation, Ulster University) (on file with author).

23 Eilish Rooney, *Transitional Justice Grassroots Toolkit 9* (2012); Rooney, *supra* note 20 at 23.

24 See Rooney, *supra* note 22 at 11; Rooney, *supra* note 20 at 25.

25 See Rooney, *supra* note 22 at 13; Rooney, *supra* note 20 at 25.

26 See Rooney, *supra* note 22 at 15; Rooney, *supra* note 20 at 25.

27 See Rooney, *supra* note 22 at 17; Rooney, *supra* note 20 at 25.

28 Nagy, *supra* note 21.

29 Further see Kimberly Theidon, *Intimate Enemies: Violence and Reconciliation in Peru* (2012).

30 Bell, *supra* note 10; Donna Haraway, *Simians, Cyborgs, and Women: The Reinvention of Nature* (1991); Cynthia Cockburn, *Standpoint Theory* (Shahrazad Mojab ed., 2015).

31 Eilish Rooney, *Transitional Justice Grassroots Toolkit Trainer's Manual* (2015).

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catastrophe. If we can know hope in these dire circumstances, the graffiti artist seems to proclaim, then we may, or perhaps *must* know hope anywhere. This is hope in the Freirean sense of conscientization.<sup>32</sup> It is hope in Gramsci's 'good sense' concept, rather than hope as misleading sentiment. The whole programme is infused with a pragmatic educative process that draws on local experience and knowledge and celebrates the value of hope and community resilience.

## Part One: *Origins*

### Unlikely Roots?

The idea for a grassroots programme on transitional justice originated in a community conversation started by Irene Sherry, Head of Victims Services, at the Bridge of Hope in North Belfast in January 2011. The gathering included community activists from local loyalist and republican districts. They obtained a small grant from a support fund for victims and survivors of 'the troubles' and I was invited to join them.<sup>33</sup> My research at the time in the Transitional Justice Institute was about introducing intersectionality theory to feminist studies in the field.<sup>34</sup> The theory work itself followed from years of using what is referred to in the literature as, 'lived research' methods to raise the visibility of women's conflict experiences.<sup>35</sup> Some early work included efforts to theorise gender using a feminist analysis of the local conflict.<sup>36</sup> Intersectionality theory, originating in critical race studies in the United States, offered a way to do this.<sup>37</sup> It provides a framework for the analysis of how gendered class relations and configurations of ethnicity and race are interwoven into the structural make-up of a given society.<sup>38</sup> The analysis helps to explain why marginalised people in North Belfast experienced disproportionate trauma in the conflict. The Bridge of Hope invitation was a timely opportunity, I thought, to take a break from theory and get back to the real world. The invitation made me curious as to why at this point in time these mostly male activists from across the political spectrum were interested in talking about transitional justice.<sup>39</sup> Pleased to be asked, I joined on a voluntary basis not realising at the time how important this volunteer status and absence of an academic agenda would be.

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32 Anne Hope & Sally Timmel, *Key Principle of Freire*, IVAW, <https://www.ivaw.org/sites/default/files/documents/Key%20Principles%20of%20Freire.pdf> (last visited Apr. 11, 2017).

33 The grant was awarded by the Strategic Support Fund for Groups Working with Victims and Survivors of the Troubles, administered on behalf of the Office of the First and Deputy First Minister by the Community Relations Council.

34 Eilish Rooney, *Women's Equality in Northern Ireland's Transition: Intersectionality in Theory and Place*, 14 *Feminist Legal Stud.* 353 (2006); Eilish Rooney, *Transitional Intersections: Gender, Sect and Class in Northern Ireland* (Emily Grabham et al. eds., 2008); Eilish Rooney & Aisling Swaine, *The 'Long Grass' of Agreements: Promise, Theory and Practice*, 12 *INT'L CRIM. L. REV.* 519 (2012).

35 See Margaret M. Fonow & Judith A. Cook, *Beyond Methodology: Feminist Scholarship as Lived Research* (1991); especially see Patricia H. Collins, *Learning from the Outsider Within: The Sociological Significance of Black Feminist Thought* (Margaret M. Fonow & Judith A. Cook eds., 1991).

36 See Eilish Rooney, *Learning to Remember & Remembering to Forget: Beloved from Belfast* (Lynne Pearce ed., 2000); Eilish Rooney, *Critical Reflections and Situated Accounts: Women on War and Peace*, 22 *Can. Women's Stud.* 151 (2003); Eilish Rooney, *From: women in politics*, A Northern Angle 448-449 (Angela Bourke et al. eds., 2002).

37 Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 *STAN. L. REV.* 1241 (1991); Kimberlé Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 10 *HARV. L. REV.* 1331 (1988).

38 Gudrun-Axeli Knapp, *Race, Class, Gender: Reclaiming Baggage in Fast Travelling Theories*, 12 *Eur. J. Women's Stud.* 249 (2005); Sherene H. Razack, *Imperilled Muslim Women, Dangerous Muslim Men and Civilised Europeans: Legal and Social Responses to Forced Marriages*, 12 *Feminist Legal Stud.* 129 (2004).

39 Further see Gready & Robins, *supra* note 12 at 343, who argue that affected populations are discouraged from engagement with top-down transitional justice and have few opportunities to do so.

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In these and other working class districts of North Belfast, people experienced the conflict as victims, survivors, ex-prisoners, marginalized women and activists. They share disparate expectations from commitments made in the Agreement to human rights and equality. They have starkly different experiences of various transition processes to do with dealing with the past, institutional reform and reparation. A critical lesson to emphasise here is that the Bridge of Hope exchange prompted penetrating conversations about these diverse expectations and experiences. Some people explained how specific processes, such as truth recovery or policing reform, have different impacts on relationships *within* loyalist and republican communities, as well as *between* them. The notion that transitional justice is a 'one size fits all' approach is redundant within these communities, let alone globally. In this conversation, rights norms and equality claims were not treated as abstract principles or concepts for scoring points over an opponent. They were thought of as practices to be negotiated within and between communities.<sup>40</sup> Equally, justice is not seen as an abstract term but is a situated practice in the making, especially at crisis points.<sup>41</sup> Everyone present acknowledged that internal and intra community tensions may be adversely affected by transition processes that inevitably disregard local impacts. The Toolkit that followed from this initial dialogue facilitates reflection and exchange on all of this. That in itself is empowering for the people concerned.

All the local participants in the Bridge of Hope conversation were politically motivated former prisoners, ex-combatants and political opponents from the nearby working class areas of Mount Vernon (mainly Protestant and associated with the Ulster Volunteer Force) New Lodge (mainly Catholic and associated with the Irish Republican Army) and Tigers Bay (mainly Protestant and associated with the Ulster Defence Association).<sup>42</sup> This localised approach to transitional justice is thus context driven and politically astute. People from Mount Vernon, for instance, reported that a current truth seeking process, resulting in early morning police raids in the neighbourhood, became a 'fishing expedition' for informers that provoked local pressure for some form of public protest.<sup>43</sup> The community's participation in the grassroots programme, they maintained, played a critical role in helping to stabilise a potential crisis.<sup>44</sup> Those from New Lodge explained that a persistent failure to deliver on the equality commitments made in the 1998 Agreement allied to the British state's obstructive approach to dealing with accountability for past human rights abuses, fuelled local 'dissident' activities and generated opposition to policing reform.<sup>45</sup> This attracted support, they said, mostly amongst young men for groups opposed to the Agreement. Tigers Bay people stressed their efforts to overcome the area's poor public reputation in a community transformation project engaging local church ministers and community-policing officials. They used the Toolkit residential to invite clergy and police to help them reverse the area's reputation for drug related

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40 See, for example, the infamous Twaddell Avenue protest resolution reached by local negotiated agreement. BBC, *Twaddell: Agreement Reached over Long-Running Parade Dispute*, BBC NEWS (Sept. 24, 2016), <http://www.bbc.co.uk/news/uk-northern-ireland-37458065>.

41 Bell, *supra* note 10.

42 According to the Sutton index the number of killings attributed to each group between 1969 and 2001 are as follows: the British Army (297); the Irish Republican Party (1 822); the Royal Ulster Constabulary (55); the Ulster Defence Association (262); and the Ulster Volunteer Force (483). See Malcolm Sutton, *Appendix: Statistical Summary*, CAIN (Oct., 2002), <http://cain.ulst.ac.uk/sutton/book/index.html#append>.

43 The Historical Enquiries Team (HET) was set up in September 2005 to investigate unsolved murders committed during the Troubles. A unit of the Police Service of Northern Ireland, it was closed in September 2014. Further see Her Majesty's Inspectorate of Constabulary (HMIC), *HMIC Press Release on HET Report*, CAIN (July, 03, 2013) [http://cain.ulst.ac.uk/issues/police/hmic/2013-07-03\\_HMIC\\_HET-pr.htm](http://cain.ulst.ac.uk/issues/police/hmic/2013-07-03_HMIC_HET-pr.htm); Lundy, *supra* note 13.

44 Rooney, *supra* note 16 at 24.

45 The groups sometimes referred to as 'dissident' include the: Continuity IRA, new IRA and Óglaigh na hÉireann. See Security Service MI5, *Northern Ireland*. Security Service, <https://www.mi5.gov.uk/northern-ireland> (last visited Apr. 6, 2017).

gangsterism.<sup>46</sup> The core achievement of these conversations was a willingness to listen, engage and develop a programme to take the conversation further.

The approach is adaptable to other complex circumstances. No-one in the programme is asked to forgo their aspirations, analysis or agency. Given the opportunity to use the Toolkit, people reflect, listen and engage in exchanges about the wider social landscape of reduced resources that make political change harder for everyone and particularly challenging in disadvantaged places like North Belfast. This is arguably a form of bottom up transitional justice. Participants noted how systemic social and economic neglect in the area is not being reversed. Indeed, the impacts of austerity allied to Brexit uncertainties, looks set to exacerbate sectarian patterns of disadvantage. This is likely to intensify competition for scarce public resources in already disadvantaged districts. Everyone recognizes this. Some view redistribution from a finite public resource as, in effect, a redistribution of disadvantage with the most marginalized people in each district set to suffer most. Recurring social unrest and threats of violence in places like North Belfast are symptomatic of structural challenges that are sometimes expressed in public protests over sovereignty and dealing with the past.<sup>47</sup> In media coverage of these events, blame for sectarian strife falls squarely on 'dysfunctional' local communities and fails to focus on social conditions that compel a more complex public response and wider social responsibility.

A correlation between social deprivation and intensity of conflict experience is evident within tight knit districts in the vicinity of the Bridge of Hope. Attempts to create genuine and sustainable transformation are undermined in this context by housing segregation.<sup>48</sup> Community interfaces, where segregated republican and loyalist residential areas meet, are frequently walled up or gated (see Figure 1).

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46 The Toolkit programme marked a high point in Tigers Bay transformation. A short time later, it appears that violent factionalism took over. *Further see* Allison Morris, *North Belfast UDA 'on their own' against Mount Vernon UVF*, Ir. News (Aug. 4, 2016, 1AM.), <http://www.irishnews.com/news/2016/08/04/news/north-belfast-uda-on-their-own-against-mount-vernon-uvf-636519/>.

47 *See further* the Ardoyne Parades, Kier Starmer & Jane Gordon, *A Report on the Policing of the Ardoyne Parades*, CAIN, (Nov. 04, 2004), <http://cain.ulst.ac.uk/issues/police/policingboard/nipb04parades.pdf>; the site of the Twaddell Avenue flags and parade protests (2010-16), Vincent Kearney, *Twaddell: Ballysillan Lodge Suspends Protest*, BBC NEWS (Aug. 6, 2016), <http://www.bbc.co.uk/news/uk-northern-ireland-36992016>; News Letter, *Twaddell Camp Protest goes on*, NEWS LETTER (Dec. 29, 2015, 9:20 a.m.), <http://www.newsletter.co.uk/news/twaddell-camp-protest-goes-on-1-7135690>; protests calling for an independent inquiry surrounding the murder of human rights lawyer, Pat Finucane, Pat Finucane Centre, *supra* note, 4; and Irish language protests, John Monaghan, *Protesters Gather in Belfast to Demand Introduction of an Irish Language Act*, IR. NEWS (Mar. 26, 2017, 1 a.m.), <http://www.irishnews.com/news/2017/01/13/news/protesters-gather-in-belfast-to-demand-introduction-of-an-irish-language-act-882852/>.

48 Tim Cunningham, *Cutting with the Grain: Human Rights, Conflict Transformation and the Urban Planning System—Lessons from Northern Ireland*, 17 Hum. Rts. Rev. 329 (2016).

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Figure 1: Image of peace wall<sup>49</sup>

This is where the poorest Protestant areas interface with the poorest Catholic areas. In working class parts of the city, segregation, social exclusion and a legacy of security led sectarian planning decisions continue to shape everyday life in concrete ways in terms of access to health, housing, education and income.<sup>50</sup> Moreover, the promised economic peace benefits have bypassed the lives of most people living in these areas. If anything, inequalities between wealth and poverty are worsening.<sup>51</sup> The greatest differentials in health, housing, education and income, however, occur *between* the area's disadvantaged and affluent districts.<sup>52</sup> This does not mean that living through conflict is easy for anyone. Neither does it mean that people living in areas with strong resources escape the devastations of conflict. Access to resources does not lessen the trauma of grief, although it may profoundly affect how it is managed. Intense concentrations of conflict trauma, however, have generational impacts on whole communities.<sup>53</sup>

The experience of people living in an affluent area, of places like North Belfast, are included in the programme's broad definition of grassroots as referring to, 'most people in society, as distinct from more influential people in leadership positions'.<sup>54</sup> The power of those in political leadership to influence the distribution of fiscal resources, in order to reverse inequalities, is severely limited in Northern Ireland and is

49 Jonny Byrne et al, *Public Attitudes to Peace Walls: Survey Results*, UU (Dec., 2015), <http://www.socsci.ulster.ac.uk/pws.pdf>. Further see Peter Geoghegan, *Will Belfast ever have a Berlin Wall moment and tear down its 'peace walls'?* GUARDIAN (Sept. 29, 2015, 7:30 AM), <https://www.theguardian.com/cities/2015/sep/29/belfast-berlin-wall-moment-permanent-peace-walls>.

50 Cunningham, *supra* note 48 at 2.

51 Faiza Shaheen & Ruth Lupton, Phase 1: Poverty, Economic Inequality and the Labour Market in Northern Ireland (2015); Northern Ireland Statistics and Research Agency, Northern Ireland Multiple Deprivation Measure (2010).

52 Christine Bell & Robbie McVeigh, *A Fresh Start for Equality? The Equality Impacts of the Stormont House Agreement on the 'Two Main Communities' – An Action Research Intervention* at 7 (2016).

53 Nagy, *supra* note 21. See also Janice Thompson, *Health Inequalities in Northern Ireland: Research and Information Service Briefing Paper*, NI ASSEMBLY (May, 03, 2012), <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/health/13412.pdf>; Commission for Victims and Survivors, *Troubled consequences: A report on the mental health impact of the civil conflict in Northern Ireland*, CVSNI (Oct., 2011), <https://www.cvsni.org/media/1435/troubled-consequences-october-2011.pdf>.

54 Rooney, *supra* note 20 at 9.

subject to cross party political consensus.<sup>55</sup> Differentials between Catholics and Protestants are most keenly felt in working class republican and loyalist districts.<sup>56</sup> For loyalists, who supported and defended the state under attack during the conflict, any redistribution of diminishing public resources directly affects people like themselves, already experiencing unacceptable hardship as well as a disagreeable denial of previously proud demonstrations of unionist hegemony.<sup>57</sup> A similar observation might apply to marginalised working class white populations in the US and the UK. This may go some way to explain the popularity of right wing discourses that explain economic marginalisation as a product of unrestricted immigration and, moreover, identifies people of Islamic faiths as posing an existential threat to white hegemony.<sup>58</sup> In the North of Ireland, the idiom of mobilization for (Irish) republicans, who resisted and attacked the British state, was an aspiration to political inclusion and economic equality within a united Ireland. Deepening deprivation, for marginalised people within this constituency, suggests that a limited but significant access to political recognition via power sharing allied to a higher visibility of Irish culture may be offset or undermined by the inability to deliver redistributive justice.<sup>59</sup>

It is important to emphasise here that Northern Ireland's transition has put the dealing-with-the-past capacities of the rule-of-law democratic state under intense scrutiny.<sup>60</sup> The claim that transitional justice introduces political stability in the form of market led, rule of law liberal democracy is viewed from here with circumspection and sometimes scepticism.<sup>61</sup> The loss of life in Northern Ireland's small population of 1.5m was immense. More than 3,700 people died. The level of catastrophe is clearer when scaled up to a larger population. Within the UK, for instance, with a population of 64m the equivalent fatalities approximate to 160,000. However, even this uncomfortable calculation fails to capture the concentration of fatalities in disadvantaged urban areas such as those in the vicinity of the Bridge of Hope.<sup>62</sup>

This part of Belfast appears to be the least likely place for a grassroots transitional justice initiative to take root and thrive. And yet, it did. The simple pedagogical practice that made it possible is transferable. The participation of motivated individuals and groups with community credibility is critical. In the Bridge of Hope case, low level funding from the agency that was set up to support victims and survivors of the conflict boosted their capacity to co-ordinate the programme and print the Toolkit documents.<sup>63</sup> The

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55 Fiscal power remains with the treasury at Westminster. For example, no agreement was reached with unionist parties to oppose the application of the Welfare Reform legislation in Northern Ireland, David Young & Michael McHugh, *Stormont Votes Down Welfare Reform Bill*, BELFAST TELEGRAPH (May, 26, 2015), <http://www.belfasttelegraph.co.uk/news/northern-ireland/stormont-votes-down-welfare-reform-bill-31253937.html>; Martina Purdy, *Welfare reform: where is Stormont's legislation?* BBC (Oct., 24, 2013), <http://www.bbc.co.uk/news/uk-northern-ireland-24664401>. Bell & McVeigh, *supra* note 52 at 7 point out that the Stormont House Agreement marks a significant departure from previous negotiations by the absence of any reference to equality commitments.

56 See Rooney, *supra* note 16 at 38-39.

57 The Orange Order plays a central role in maintaining Unionist hegemony. *For further discussion on internal class tensions see* Cathal McManus, *Bound in darkness and idolatry? Protestant Working-Class Underachievement and Unionist Hegemony*, 23 IR. STUD. REV. 48 (2015).

58 See further Carol Stephenson et al., *Dig Where You Stand: Working Life Biographies as A Challenge to the Neoliberal Classroom*, 38 CAP. & CLASS. 399 (2014).

59 Nancy Fraser, *Rethinking Recognition*, 3 NEW LEFT REV. 107 (2000).

60 Colm Campbell, *Beyond Radicalization: Towards an Integrated Anti-Violence Rule of Law Strategy* (Ana M. S. de Friás et al. eds., 2012).

61 See Bell, *supra* note 9; Campbell & Turner, *supra* note 12; Colm Campbell & Fionnuala N'Í Aolain, *Local Meets Global: Transitional Justice in Northern Ireland*, 26 FORDHAM INT'L L.J. 871 (2002); Catherine O'Rourke, *Feminist Scholarship in Transitional Justice: A De-politicising Impulse?* 51 STUD. INT'L FORUM. 118 (2015); Catherine O'Rourke, *Gender Politics in Transitional Justice* (2013); Khanyisela Moyo, *Feminism, Postcolonial Legal Theory and Transitional Justice: A Critique of Current Trends*, 1 INT'L HUM. RTS. 237 (2012); Khanyisela Moyo, *Mimicry, Transitional Justice and the Land Question in Racially Divided Former Settler Colonies*, 9 INT'L J. TRANSIT. JUST. 70 (2015); Desmond Bell, *Acts of Union: Youth Culture and Sectarianism in Northern Ireland* (1990).

62 Over 80% of conflict related fatalities occurred in the most disadvantaged urban areas of Belfast and Derry/Londonderry. See Fey et al., *supra* note 2; Hillyard et al., *supra* note 2.

63 Victims & Survivors Service, <http://www.victimsservice.org/> (last visited Apr. 6, 2017).

university status and public reputation of the Transitional Justice Institute added academic legitimacy to this community led endeavor. That a residential element was built in where possible, was a great incentive for people to take time out and make a commitment. However, the Bridge of Hope's origins in a community crisis also proved to be decisive.

## Bridge of Hope

The Bridge of Hope was set up in response to a crisis in North Belfast that went global. In September 2001, a loyalist blockade of children attending the Catholic Holy Cross primary school for girls quickly caught the attention of the world's media as a conflict over rights.<sup>64</sup> By the second week of the school term, daily broadcasts went viral. They showed children and families battling their way through hails of bricks, urine filled balloons and sexist and sectarian abuse.<sup>65</sup> In a subsequent judicial review of police behaviour during the protest, Lord Chief Justice Kerr concluded that this was, 'one of the most shameful and disgraceful episodes in the recent history of Northern Ireland'.<sup>66</sup> The reason offered to the court for the loyalist action is noteworthy in view of the earlier discussion. The loyalist group claimed that the protest was caused by, 'a failure on the part of the Government to provide local services'.<sup>67</sup> September 11 saw the media leave the Ardoyne Road to cover the tragic events in New York and Washington. Local people began to pick up the pieces. The Bridge of Hope therapeutic service was set up in a response to aid traumatised children and families.

Ten years later, the transitional justice conversation at the Bridge of Hope involved members of the loyalist leadership who were active at Holy Cross. In the intervening years, local people worked hard to manage the social and psychological damage caused by the crisis. They set about repairing community relationships on the ground. This strategic alliance building was reflected in the initial transitional justice conversation, although Holy Cross was never mentioned. Bridge of Hope's therapeutic standing, fund raising and reaching out role proved to be pivotal. Also vital to wider participation was the community leadership role of those involved and their frustration with a lack of political and social progress.<sup>68</sup> This leadership includes former combatants and politically motivated ex-prisoners who have also contributed to community transformation and wider political stability. On occasion, some groups have exercised street power so as to stymie progress and make their presence felt, as in the Holy Cross case.<sup>69</sup> The Toolkit makes space for these neighbourhood complexities and works with them. For this reason, the independent status of the Transitional Justice Institute also proved to be significant. Participants were encouraged by voluntary contributions from academics, PhDs, civil servants and NGOs.<sup>70</sup> This community-university partnership opened a space for dialogue that is normally closed off and rarely, if ever, conducted on a bottom-up basis.

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64 Jennifer Curtis, *Human Rights as War by Other Means: Peace Politics in Northern Ireland* (2014).

65 BBC, *Eyewitness: A second Day of Fear*, BBC NEWS (Sept. 4, 2001, 1:06 PM), [http://news.bbc.co.uk/1/hi/northern\\_ireland/1524962.stm](http://news.bbc.co.uk/1/hi/northern_ireland/1524962.stm).

66 Chief Justice Kerr, *In the matter for an application by 'E' for judicial review*. NI Courts para. 63 (June, 16, 2004), [https://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2004/2004%20NIQB%2035/j\\_j\\_KERF4184.htm](https://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2004/2004%20NIQB%2035/j_j_KERF4184.htm).

67 *Id.*

68 *Further see* White & McEvoy, *supra* note 10.

69 Loyalist former combatant groups in particular claim to be left out of the process. Their precarious position within unionism is explored in McManus, *supra* note 55. *Further see* Pete Shirlow & Kieran McEvoy, *Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland* (2008); Anne Cadwallader, *Holy Cross: The Untold Story* (2004); Cheryl Lawther, *Denial, Silence and the Politics of the Past: Unpicking the Opposition to Truth Recovery in Northern Ireland*, 7 *Int'l J. Transit. Just.* 157 (2013); Bell, *supra* note 13; Kearney, *supra* note 47; News Letter, *supra* note 47; BBC, *supra* note 39.

70 Rooney, *supra* note 31 at 84.

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Programme participants often describe how negotiations between the two governments (UK and Ireland) and political parties, at various points, have adverse impacts in daily life. These are most keenly felt in places with the fewest resources. However, communities, obviously do not see themselves as without internal resources and wholly dependent on government agencies or universities. On the contrary, people recognize that the local management of political expectation and the mobilization of community disaffection are potent political forces that can be used to build or undermine wider social stability. This gritty reality is inconsistent with most mainstream liberal peace theory that remains grossly optimistic about the potential of top down interventions to resolve conflict and make peace happen.<sup>71</sup>

The promised social and economic benefits of the Northern Ireland peace process have not materialised in the lives of people in disadvantaged areas. If anything, social and economic inequalities have worsened, and are set to deepen.<sup>72</sup> Local and global factors come into play.<sup>73</sup> The experience of diminishing resources is common in transitioning societies where those most marginalized remain highly vulnerable to market forces that are indifferent to post-conflict inequalities and instability.<sup>74</sup> The harsh reality of ongoing and destabilizing socioeconomic inequalities runs counter to the good news story of peace and prosperity that frequently follows peace negotiations. The gap between promise and reality, however, is tangible in Northern Ireland, particularly in the lives of young people with no means to access the visible dividends of post-conflict transition in the form of pricy shops, restaurants and nightclubs that are located within minutes of north city deprivation. Stunning city centre venues are evidence of market led post-conflict regeneration that looks impressive but is shaky enough. Some young people may wear the latest trainers and have homes with flat screen TVs. But being treated as socially worthless, and feeling worthless, undermines mental health and wellbeing particularly amongst young men.<sup>75</sup> Evidence of all of this is found in crisis point suicide rates amongst young people in Northern Ireland.<sup>76</sup> North Belfast leads the dreadful statistics.<sup>77</sup> High levels of deprivation allied to mental ill-health are linked by health professionals to the legacy of conflict trauma. People are re-marginalized in the midst of plenty in ways that were not experienced during the conflict.<sup>78</sup> The outworking of failed promises and transition let downs are keenly felt within disadvantaged districts that experienced intense levels of conflict fatalities and prison related family trauma. In this situation, the local ownership of community transition is critical.

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71 See further Zenonas Tziarras, *Liberal Peace and Peace-Building: Another Critique*, THE GW POST (June 12, 2012), <https://thegwpost.com/2012/06/02/liberal-peace-and-peace-building-another-critique/>.

72 There is an invariable gap between peace promise momentum and implementation in post-conflict societies. Delivery of equality commitment of the scale required, in these and other settings, arguably calls for a reordering of the neo-liberal economic order. See Rooney & Swaine, *supra* note 33.

73 Austerity and Brexit to name two in Northern Ireland.

74 South Africa, for example Gavin Keeton, *Inequality in South Africa*, 74 J. Helen Suzman Found. 1 (2014).

75 See Brandon Hamber & Elizabeth Gallagher, *Psychosocial Perspectives on Peacebuilding* (2015). Further see a report by the Commission for Victims and Survivors, *Towards a Better Future: The Transgenerational Impact of the Troubles on Mental Health at 11* (2015) indicates that 14% of the adult population have mental health problems directly related to the Troubles.

76 More people have died this way since the ceasefires than lost their lives in the course of the conflict.

77 Kathryn Torney, *Suicide Deaths in Northern Ireland Highest on Record*, THE DETAIL (July 29, 2016), <http://www.thedetail.tv/articles/suicide-deaths-in-northern-ireland-highest-on-record>, reports 7,697 deaths by suicide in Northern Ireland since 1970. Of the 98 reported deaths by suicide in Belfast in 2015, 36 occurred in North Belfast. See Northern Ireland Statistics and Research Agency, *Suicide Statistics*, NISRA (Aug. 31, 2016), <https://www.nisra.gov.uk/publications/suicide-statistics>.

78 Brandon Hamber & Grainne Kelly, *Too Deep, Too Threatening: Understandings of Reconciliation in Northern Ireland* (Hugo van der Merwe et al. eds., 2009).

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In the midst of these unlikely circumstances a range of community and NGO initiatives carry out cutting edge work.<sup>79</sup> The Toolkit took root here and the programme flourishes. People appreciate a sociable opportunity to reflect, examine and exchange experiences with others and learn about transitions and their consequences elsewhere. Generous voluntary contributions to the programme from university staff and students helps to break down barriers and build alliances that make a difference to perceptions and knowledge. None of this fixes any of the serious problems alluded to here. However, people use the Toolkit to articulate their local experience of managing trauma and transition with lessening resources. The programme utilizes this community resilience and asserts that, whatever the situation, 'something can always be done'<sup>80</sup>. This is not about raising local expectations. Neither is it about removing the state's responsibility for rule of law justice. It is about articulating expectations and aspirations, recognizing what is feasible and achievable in the local context and maintaining a watching brief on state delivery and community agency.

The Bridge of Hope pilot conversation led to planning a residential for the people involved, who were accompanied by some others from their district. My job, at this point, was to design a programme to introduce transitional justice as a framework for dialogue to people unfamiliar with the term and likely sceptical of academic language altogether. At this stage, the aim was to continue the conversation and find ways to enable others to join in and use their experience as a resource for dialogue on social justice.

## **Transitioning Justice**

A combination of adversity, crisis leadership, resilience and opportunity motivated this grassroots work. These characteristics frequently emerge in some form or other within populations under stress.<sup>81</sup> However, this community led 'change from within' will not be picked up on the radar of academic research that is not sensitized to see it. A people devastated by trauma do not wait around for outside solutions to come their way. Nor are they usually that interested in academic theory that is remote from everyday realities. The Toolkit, as well as being a framework for a social justice conversation, is a useful way for academics and others to make a contribution and at the same time to learn about local transition experience and activism. After a protracted conflict heightened expectations may persist. Political setbacks often intensify disillusionment and may lead to cynicism about the capacity of a political settlement to do more than disarm state opponents and halt outright violent hostilities.<sup>82</sup> The enormity of that achievement may become taken-for-granted or contested by a post-conflict generation who continue living in circumstances that are arguably a violation of human dignity. In worsening economic conditions, the challenges of post conflict recovery on the ground are huge. This grassroots conversation revealed that positive experiences of transition in disadvantaged areas are largely due to the ending of conflict violence, political negotiations, painstaking advocacy, and community efforts to improve everyday life. The latter activism, invisible to mainstream scholarship, calls for community resilience and determination. The Toolkit recognizes and supports these efforts and provides space for their articulation. The pedagogical framework empowers local people in a knowledge exchange that is useful to their endeavours.

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<sup>79</sup> Community Restorative Justice Ireland, *supra* note 6; Committee on the Administration of Justice, <http://www.caj.org.uk/> (last visited Apr. 6, 2017); Equality Coalition, <http://www.equalitycoalition.net/> (last visited Apr. 6, 2015); Participation and Practice of Rights, <http://www.pprproject.org/> (last visited Apr. 6, 2017).

<sup>80</sup> Rooney, *supra* note 20 at 10.

<sup>81</sup> Collier, *supra* note 11.

<sup>82</sup> Bell, *supra* note 10.

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At the time of the Bridge of Hope invitation, my feminist research at the Transitional Justice Institute, involved efforts to introduce intersectionality theory to gender studies in the field.<sup>83</sup> Bear in mind that intersectional analysis foregrounds the significance of gender, class and identity in conflict and transition. In early 2011, the theory work was disheartening. The great buzz about intersectionality as a cutting edge feminist breakthrough in social sciences did not resonate in transitional justice.<sup>84</sup> No one was that interested, or so it seemed.<sup>85</sup> Strong encouragement from colleagues at the Transitional Justice Institute was no substitute for a lack of wider academic traction. Receiving the mid-winter Bridge of Hope invitation offered an opportunity to return to my roots in community education. Or so I thought. With hindsight it is easy to see the invitation, not as it appeared to me then, as a move *away from* theory *to* practice, but as it became – an opportunity to practice theory that originated in experience.

Each stage of the Toolkit programme, and each process and publication it entailed, is imbued with intersectional alertness. In practice, this means paying attention to the significance of gender, class and identity in shaping justice aspirations and everyday experience. In this way, the Toolkit makes a contribution to a relatively recent turn in transitional justice scholarship that is concerned with how justice and social repair are negotiated in daily life.<sup>86</sup> Two questions are posed in the literature at this juncture: how do people experience transitional justice processes that are presumed to be for their benefit? And how do individuals and groups ‘restore the basic fabric of meaningful social life’ in ways that are relevant to their lives?<sup>87</sup> These concerns are at the core of the Toolkit conversation as well as central to intersectional analysis.<sup>88</sup> The theory is a far-sighted diagnostic tool for deeply divided societies where the resources required to redress inequalities are unavailable or politically problematic. For instance, commitments to redistribution and rights made in a peace agreement are often contested when it comes to implementation.<sup>89</sup> In some cases, law and social policy can play a strong enforcement role.<sup>90</sup> However, the struggle between implementation and claw back may become part of a fierce competition for sectional resources and votes.<sup>91</sup>

To some extent, coming from a working class Catholic background, I have an ‘insider’ perspective on all of this. Toolkit praxis did not arise, for me, from a chance encounter with intersectional theory as an interesting feminist approach. Intersectional praxis developed in my teaching over a lifetime of feminist community education practice during the conflict. As an academic with direct experience of the conflict and aiming to make a feminist contribution to theorising marginalized women’s lives, intersectional theory

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83 Rooney (2006 & 2008), *supra* note 33; Eilish Rooney, *Leaving Home and Staying Put: Intersectional Narratives from Northern Ireland’s Transition* (Nóra Séllei & June Waudby (eds., 2011).

84 Intersectionality theory: Knapp, *supra* note 37; Kathy Davis, *Intersectionality as Buzzword: A Sociology of Science Perspective on what makes a Feminist Theory Successful*, 9 *Feminist Theory*. 67 (2008); Ann Phoenix & Pamela Pattynama, *Intersectionality*, 13 *EUR. J. Women’s Stud.* 187 (2006).

85 Recent progress includes the special issue, *Transitional Justice from the Margins: Intersections of Identities, Power and Human Rights*, *Int’l J. Transit. Just.* (forthcoming 2018).

86 Rosalind Shaw & Lars Waldorf, *Localizing Transitional Justice: Interventions and Priorities after Mass Violence* (2010); Pilar R. Alcalá & Erin Baines, *Editorial Note*, 6 *Int’l J. Transit. Just.* 385, (2012).

87 See Alcalá & Baines, *supra* note 86.

88 Rooney & Swaine, *supra* note 34.

89 For example, in NI this includes a Bill of Rights and the Irish Language Act. For unfulfilled promises to women’s participation in public life see Eilish Rooney, *Intersectionality: A Feminist Theory for Transitional Justice* (Martha A. Fineman & Estelle Zinsstag eds., 2013); Catherine O’Rourke, *‘Walk[ing] the Halls of Power’? Understanding Women’s Participation in International Peace and Security*, 15 *Melb. J. Int’l L.* 128 (2014).

90 Equality Commission for Northern Ireland, *Fair Employment in Northern Ireland: Code of Practice*, <http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/FECCodeofPractice@09-07.pdf> / (last visited Apr. 6, 2017).

91 Fionnuala Ní Aoláin & Eilish Rooney, *Underenforcement and Intersectionality: Gendered Aspects of Transition for Women*, 1 *Int’l J. Transit. Just.* 338 (2007); Rooney & Swaine, *supra* note 33.

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offers a way to do this. It helps to explain the experience of women who, like me, come from working class nationalist and unionist districts. The analysis is allied to feminist standpoint theory and is not restricted to examining working class experience alone.<sup>92</sup> Nevertheless, a key contribution to transitional justice scholarship is to bring marginalised women's otherwise silenced and subjected lives into focus.<sup>93</sup>

Most of my life has been lived at close quarters to the local conflict. Its representation as solely a matter of sectarian hostility between divisive Catholic and Protestant working class men is an inadequate but persistent depiction that skews understanding, blocks analysis and narrowly assigns blame. The history of patriarchal state formation, Christian doctrinal influence, institutionalised sectarian politics, deepening inequalities and armed conflict, all give rise to a legacy that is experienced in particular ways in the republican and loyalist working class communities that are often the subject of academic research. These communities, with very different citizen experiences of the state-in-conflict, are frequently positioned as competitors for scarce public resources to help restore the 'basic fabric of ... social life'. The implementation of any redistributive measure has intense justice implications for people living in places that are already experiencing unacceptable levels of disadvantage and social need.

When I joined the conversation at the Bridge of Hope, I neither knew the area nor Irene Sherry at the Bridge of Hope, but I was intrigued at the prospect of local activists talking about transitional justice. From the outset, the Transitional Justice Institute actively encouraged local and international engagement in the research and public life of the institute and for good reason. The conflict and NGO experience of the jurisdiction was the rationale for setting up the institute in the first place.<sup>94</sup> Whilst the local post-conflict process has a unique history, the region's transition dilemmas and trade-offs are familiar in contexts of political settlement across the world.<sup>95</sup> Insider knowledge of the local process informs the institute's indigenous and international research, its theory and practice. The intellectual traffic goes both ways. Academics from Belfast's local universities are frequently invited to contribute research expertise to media and NGO events and to crisis point political conversations. Indeed, the Toolkit title of the grassroots programme originated in Colm Campbell's Transitional Justice Toolkits course, planned specifically to serve and skill local members of the NGO community.<sup>96</sup>

Matters of distance and scale are significant in any conflict. Ulster University's Transitional Justice Institute is little more than a three-hour drive from any part of Northern Ireland. As the crow flies, the Bridge of Hope and the institute offices are five miles (8km) apart. Whilst the university is located in one of the most affluent areas of Northern Ireland, the Bridge of Hope is located in one of its most disadvantaged. If you walk around each neighbourhood, the distance between them in terms of visible deprivation seems incalculable. However, it is precisely rendered in statistics on health, income, education and employment.<sup>97</sup> To live in the university area is to live around five years longer than people who live near the Bridge of Hope.<sup>98</sup> People in the university area are healthier, have higher incomes, more educational qualifications and, this is worth stressing, it means that families in this area are unlikely to have direct experience of conflict trauma, unless someone was in a security or conflict related profession over that time. Many professionals who hold decisive media, legal and policy roles or with influential academic positions may

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92 Cockburn, *supra* note 30

93 Eilish Rooney, *Intersectionality: Working in Conflict* (forthcoming 2017).

94 The three professor directors who set up the institute were Christine Bell, Colm Campbell and Fionnuala Ni Aolain.

95 Leebaw, *supra* note 13.

96 Professor Colm Campbell was Director of the Transitional Justice Institute 2003 -2010.

97 Northern Ireland Neighbourhood Information Service, <http://www.ninis2.nisra.gov.uk/public/Home.aspx> (last visited Apr. 6, 2017).

98 Northern Ireland Assembly, *Constituency Profile: Belfast North* (June, 2016),

<http://www.niassembly.gov.uk/globalassets/documents/raise/constituency-profiles/2016/Belfast-North-Profile-June-2016.pdf>.

themselves have little direct experience of daily life in places like North Belfast. The Toolkit and, from its foundation, the Transitional Justice Institute values local conflict experience and civic activism.<sup>99</sup> International agencies and influential funders are also interested in the local but often from a top down perspective that may fail to see the role and critical potential of community action.<sup>100</sup>

The value of grassroots engagement is reflected across the institute's local and international work as well as in the university's community studies teaching. The Toolkit was used by Professor Monica McWilliams in her work with Syrian women.<sup>101</sup> The 'dig where you stand' methodology has been used to inform research methods used in postgraduate fieldwork.<sup>102</sup> A Toolkit module was introduced to Ulster's community development degree in 2013. For the students, the Toolkit opens a conversation across generations about a past that many of the younger people did not live through. In 2015 a training manual was produced to accompany an accredited university training-the-trainers programme delivered in a community university partnership by the institute and the Bridge of Hope.<sup>103</sup> This training enables community activists to use the Toolkit in their own settings. In addition, the programme was included among the case studies awarded top place for impact across law submissions from UK universities in the Research Excellence Framework in 2014.<sup>104</sup> But all of this is to race ahead to a future unimagined when I faced the challenge of designing a transitional justice programme to continue the North Belfast conversation. At that point, the Bridge of Hope initiative was still a one-off experiment. In carrying it out, I relied on feminist community education experience in the place I come from.

## Part Two: *Principles*

### Dig Where You Stand

This section begins with a brief detour about my community education experience and its influence on the Toolkit's dig where you stand principle. Both my intersectional research and Toolkit pedagogy originated in first-hand experience of education activism, initially in West Belfast, where I come from and know fairly well. Community activism is a broad term that suggests a more coherent strategy than I was involved in. For the most part, as someone from the area without formal qualifications who had returned to education and got a university degree, I had opportunities to 'give something back' as the saying goes. My mother took part in discussion and creative writing in the nearby Springhill Community House and through her I was invited to give classes.<sup>105</sup>

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99 Fionnuala, Ni Aolain, *The Politics of Force: Conflict Management and State Violence in Northern Ireland* (2000); Louise Mallinder, *Amnesty, Human Rights and Political Transitions: Bridging the Peace and Justice Divide* (2008); Campbell & Ni Ní Aoláin, *supra note 59*; O'Rourke, *supra note 59*.

100 White & McEvoy, *supra note 9*; Campbell & Ni Ní Aoláin, *supra note 59*; Bell, *supra note 9*; Christine Bell & Jan Pospisil, *Negotiating inclusion in transitions from conflict: The formalised political unsettlement*, 29 J. Int'l Dev. (2017).

101 In an email to the author, Monica explains: the toolkit has been used in workshops with Syrian women over three years as part of their capacity building skills on transitional justice. The women were asked to take it home to the refugee camps and to use as appropriate in discussions with other women so that their issues could be recorded for evidence gathering and subsequent investigations.

102 For instance, it was adopted as a research method in a refugee camp in Lebanon. *See* Sobout, *supra note 21*.

103 Rooney, *supra note 31*.

104 Ulster University, *Impact by Transitional Justice Institute*, <https://www.ulster.ac.uk/research/institutes/transitional-justice-institute/impact> (last visited Apr. 6, 2017).

105 This tiny council house provides space for people to meet and engage in whatever is of interest to them: CONWAY MILL TRUST, <http://conwaymilltrust.org/our-work/springhill-community-house/> (last visited Apr. 6, 2017).

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The A Level literature classes occurred during a time of intense conflict in the late 70s and 80s. They were hard work, a delight and, along with tutoring in women's groups, provided invaluable grassroots learning and teaching experience. Classes were held in the front room of Fr. Des Wilson's Springhill home and then in a bedroom as the house became overcrowded with people eager for education in the midst of political turmoil. Noelle Ryan managed the house, the classes, tea making and fund raising so that cost was no barrier to anyone.<sup>106</sup> Classes were free. This meant they were open to everyone who made the effort, and many did. They expected tutors to do likewise. The simple realities of an open-door welcome in a nearby house, no fees, and the absence of an authoritative institutional hierarchy, radically altered the power dynamic of learning and teaching. Whilst we used a standard literature curriculum, the whole endeavour was community-led. The students were sovereign in a way that I have never experienced in any other educational setting. In the ordinary run of teaching we become so used to the operations of institutional hierarchy and related classroom power dynamics that it is bracing and unsettling when they are absent.

As space was needed for other classes, we were relocated to Conway Mill.<sup>107</sup> I became one of a team of people trying to introduce the Springhill community education approach across the city. We used funding from the Joseph Rowntree Charitable Trust (JRCT) to plan a programme with people in the nearby unionist Shankill area. However, the same year that JRCT funding was granted the Northern Ireland Office ceased funding the mill's crèche workers. Political vetting, as it became known, put the educational programme into survival mode and ended the prospect of any wider collective community education effort. As a bunch of part-time tutors, fearful for our own and others' safety, we continued teaching and mounted a polite but unsuccessful campaign with the local education authorities.<sup>108</sup>

It would probably have come as a surprise to the then Northern Ireland Secretary of State Douglas Hurd, who introduced political vetting, to learn that we were teaching Advanced Level classes in English Literature, History and Philosophy in the Mill at that time. It may not have made any difference. However, no-one from the Department of Education came to inquire. If they had they would have learned that the year funding was withdrawn the A Level English class voted Chaucer's *The Wife of Bath* as the best read of the year. I loved that irony, as I enjoyed the reaction of the young British officer amongst a squad searching our house one day. He noticed the collected works of John Donne on a book shelf and turned to me in some amazement, 'Do you know Donne?' He'd studied the metaphysical poets at university. The presence of the poems put him in a concept – category dilemma – English Literature in a 'suspect' household? He warmly resolved the dilemma by discussing Donne with some enthusiasm and shortening the search. An obvious point to emphasise is that security, academic and class based assumptions about the life, loves and political interests of people in the area I came from are often wrong-headed, fit a narrow narrative and fall far short of the true reality. Local knowledge in this context is critical. For instance, the wider potential of a tremendous community resource was thwarted. People on the Shankill eventually got on with developing community education and training programmes, mostly in the women's centre. Funding was eventually restored to Conway mill.

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106 Northern Visions, *Noelle Ryan*, NORTHERN VISIONS, <http://ourgeneration.northernvisions.org/our-generation/personal-stories/noelle-ryan/> (last visited Apr. 6, 2017).

107 Around 200 people attended Springhill classes weekly. The number attending classes rose to 400 after accessing a floor of the old disused Conway Mill, *supra* note 105.

108 JRCT is a leading charitable trust with long involvement in Ireland, North and South. See Political Vetting of Community Work Working Group, *Political Vetting of Community Work in Northern Ireland* (Féilim Ó hÁdhmaill & Philip Watt eds., 1990); Nick Garbutt, *Sticking to the knitting: the real threat to charities*, SCOPE NI (Mar. 13, 2015), <http://scopeni.nicva.org/article/sticking-knitting-real-threat-charities>.

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Growing up working class and Catholic in Belfast of the troubles, crossing the town to attend Queens University and doing classes in Springhill, the Mill and in women's centres allowed me to experience two worlds of learning in conflict.<sup>109</sup> One was alien in so many ways. For the most part, the university was riven with remote hierarchies. Most people there seemed oblivious to what was going on where I lived. For some of my neighbours and friends, university studies seemed to set me apart, alienating me from them. On one memorable occasion we had our windows broken and were virtually 'sent to Coventry' in the street because we invited Protestant friends from the university to a graduation celebration in our house. This episode, quickly recounted, could give the impression that people in the street were sectarian bigots. They were not. The episode was due to the actions of one wound-up neighbour and put everyone into a fearful dilemma that most people simply wanted to duck. The windows were easily fixed and relationships recovered to everyone's relief.

Teaching in Springhill and women's groups brought these disparate worlds together. We did creative writing, studied literature and wrote about it in ways that took ownership of an educational realm that appeared to exclude our experience of the world. However, the writers we studied did not. They spoke directly to life in conflict. Putting together words from Seamus Heaney and Robert Tressel, it is fair to say that in the community classes we took, 'hold ... boldly and duly [of the] benefits of civilization'.<sup>110</sup> In Heaney's translation of the Aeneid, the speaker is grief stricken with longing to see his dead father once more. But first, he must find the golden bough and, 'Take hold of it boldly and duly' before journeying to the land of the dead and returning safely to that of the living. In our context, the 'golden bough' could be seen to stand for dignity, hope and an end to brutalizing conflict. Tressel's narrator tells his fellow exploited workers that the benefits of civilization, books, art, music, travel, good homes, clothes and food, are not alone the property of privilege but the human entitlement of everyone. Community education offered a way of practicing dignity, claiming entitlement and enjoying ourselves. The plays, poems and prose we studied in the classes involved everyday life, love and war and spoke to resistance and resilience in the midst of anguish and loss.

These experiences of living and learning through conflict inspired the Toolkit's dig where you stand approach and the programme's underpinning feminist principle that, 'the personal is political'. It draws on a grounded understanding that top down change processes have critical impacts in people's lives. Using the Toolkit, enables the articulation of these impacts in the company of others who are interested in saying what needs to be done and doing what they can to make it happen.<sup>111</sup> This local justice process may be neglected in scholarship that is rightly dedicated to examining complex elements of a deal and its legal doctrine. The practicalities of change processes that result, however, are profoundly shaped by grassroots dynamics and whether or not the persistent causal factors of a conflict are addressed or neglected in the process. The people contributing to the initial Bridge of Hope conversation tackled these matters from their different community perspectives and their changing roles within the post-Agreement state. This is fundamentally a conversation about the social fabric of equality, rights, justice and dignity.

## **Just language**

The topics raised and language used in Toolkit conversations involve exchanges about individual and community perspectives and experiences. The words a person uses readily reveal their own intersectional positioning. For instance, when participants speak of their background, some men say they are 'ex-combatants' (loyalist) whilst others, men and women, say they are 'politically motivated ex-prisoners'

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109 Cockburn, *supra* note 30.

110 Seamus Heaney, Aeneid Book VI (2017); Robert Tressell, *The Ragged Trousered Philanthropists* (1955).

111 bell hooks, *Teaching to Transgress: Education as the Practice of Freedom* 185-186 (1994).

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(republican).<sup>112</sup> People who are loyalist also refer to the constitutionally settled jurisdiction of Northern Ireland, whilst republicans refer to the North of Ireland, keeping open the constitutional question. The linguistic discrimination invested in such language is as poetic as it is political, blunt and personal. Using particular words or concepts is one way for people to articulate an 'imagined community'.<sup>113</sup> A shared linguistic landscape connects Toolkit participants to a larger reality of aspiration and belonging that is treated with respect in the programme. This sensitivity to language is a keynote of Toolkit design that is carried over into the translation process. In the Guide, everyone is alerted to the principle that the words people use are a personal and often political choice that is important to them. Thus, 'Northern Ireland' and the 'North of Ireland' are used alternately throughout the publications. Agreeing to this practice is for some people a significant act of political generosity and recognition that is appreciated by a group intent on its Toolkit journey.

For a political newcomer, this sensitivity to terminology may seem unnecessary or excessive. However, when the power to change a constitution, assert cultural status or access equality, is uncertain or denied by virtue of gendered positioning and location, then language nuance assumes significant power in the struggle for rights and freedoms. This alertness to the language people use, coupled with respect, has the perhaps unexpected result of diffusing divisiveness that could get in the way of dialogue. The approach is appropriate for any deeply divided context including stable societies rent by discrimination and exclusion based on ethnicity, race, religion or sexuality. Struggles for recognition and redistribution often begin by fashioning a language that imagines inclusion and other ways of being in the world. To be treated with respect and dignity, for feminists, for anti-racist and social justice civil righters, often involves articulating claims for recognition as a rights bearing being with just entitlements to recognition and social redistribution.<sup>114</sup>

The Toolkit's dig where you stand approach makes it possible for individuals to articulate a desired future they want to bring about. It involves imagining this future in the company of others with different experiences and different imaginings. The journey begins with Tool 1 Dig Where You Stand. The Guide prepares everyone using the Tool by asking them to think about, 'the experiences and events that [make] you the person you are'.<sup>115</sup> This includes experiences, knowledge and skills, gained over a life-time, that are often taken for granted and not seen as the valuable social resources they undoubtedly are. Bringing up children, for instance, having knowledge of a familiar place and its politics, being aware of the local impact of global events, experience of managing trauma, are the resources that Toolkit participants bring individually to the group and draw on collectively in working through the programme. Grassroots resourcefulness is recognised as the most valued social capital in the programme. This does not mean that people agree with each other or avoid differences. Nor does it mean that face to face confrontation occurs.<sup>116</sup> Acknowledging differences and dealing with difficult issues are a feature of the Toolkit's dig where you stand design principle. Self-care is emphasised throughout.<sup>117</sup> Thinking about the past may be difficult for some people. This is recognised in the Guide section on communication which emphasises that listening is as important as talking. Toolkit skills include being attentive to the unsaid and listening for silences that sometimes feel uncomfortable, 'patient listening allows space for pauses and silence. An

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112 Bill Rolston, *Review of literature on republican and loyalist ex-prisoners*, QUB (May, 2011), <https://cmst4.qub.ac.uk/research-centres/isctsj/filestore/Fileupload,484810,en.pdf>.

113 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (1991).

114 Joanne Conaghan, *Law and Gender* (2013); Nancy Fraser, *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition* (1997); Iris M. Young, *Justice and the politics of Difference* (1990).

115 Rooney, *supra* note 20 at 20.

116 Outright confrontation happened on one occasion when anonymity was accidentally breached. The episode affirmed the value participants place in Toolkit anonymity and how they use it decisively. This is discussed below.

117 Rooney, *supra* note 20 at 18.

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interruption may stop a person saying an important or difficult thing ... silence is also a form of communication'.<sup>118</sup> People using the Tools decide for themselves when to be quiet and when to listen; what to include and what to leave out when using the grids below each tool.

Toolkit conversations enable people with different community experiences to consider the impacts in local neighbourhoods of different 'dealing with the past' measures. The Guide says that listening not only helps in understanding other perspectives but enables everyone involved to learn about different impacts and what remains to be done in building a better future.<sup>119</sup> During one conversation about 'dealing with the past', for instance, some people explained that early morning police arrests by the HET in a local district were having a destabilizing effect and causing a crisis.<sup>120</sup> This would have led to street protest and civil disturbance, they believed, were it not for the fact that local community leaders were committed to the transitional justice programme at the time. When the programme was over, these participants organized a public seminar on the HET. They invited Patricia Lundy, who contributed to the Toolkit seminar on truth, to give the key note address at the seminar.<sup>121</sup>

Toolkit conversation is designed for the reasons already stated: to empower, equip and encourage people in resource limited settings to examine the practicalities of transition. Empowering conversation occurs when people speak out and feel listened to. For example, when using the Tool 1 grid, everyone has an opportunity to reflect on the experiences that make them the people they are. The grid is structured this way: five time periods make up the left side with four headings across the top. The time periods are: the 1960s to the 1970s, 1980s to 1990s, 2000s to 2010, current and transitional, and the headings are: personal/organisational, political, local, and global. At a glance, a life and social history is captured in short hand (scaled down Tool 1 grid below).

### Tool 1: *Dig Where You Stand*

**Complete the grid below to provide a checklist of grassroots group resources, knowledge and experience.**

#### GRASSROOTS GROUP RESOURCES

Key conflict events & experiences	Personal/Organisational	Political	Local	Global
1960s-70s				
1980s-90s				
2000s-10s				
Current				
Transitional				

<sup>118</sup> Rooney, *supra* note 20 at 18-19.

<sup>119</sup> *Id.*

<sup>120</sup> Rooney, *supra* note 16.

<sup>121</sup> Lundy, *supra* note 14; Patricia Lundy, *Paradoxes and Challenges of Transitional Justice at the 'Local' Level: Historical Enquiries in Northern Ireland*, 6 CONTEMP. SOC. SCI. 89 (2011).

The Guide section, 'Personal experience and knowledge: local & global' readies a group for how the combination of local and global perspectives in Tool 1 recur throughout the programme.<sup>122</sup> This first tool gets the programme underway. A participant finds out how it is used, learning by doing. In preparation, the Guide observes about Tool 1:

[Those] who are familiar with each other may discover something they didn't know. People who do not know each other will learn about the resources each person brings to the task. Commonalities and differences are part of the picture. This 'dig where you stand' starting point shapes how you and others ... take ownership of the tools and use them to map important experiences. The idea is not so much to examine how each person completes the grid as to put 'on the map' some of what you see as important milestones in your personal and public experience. It's where the team begins to think about the transitional work that remains to be done.<sup>123</sup>

During the flip chart session that follows, everyone is encouraged to call out how they used the Tool. The flip chart sheet, complete with tool headings and call outs, is there for all to see and discuss if they wish. It is up to individuals if they want something recorded for the group to see and think about or discuss. This often means that public events are called out rather than individual experiences, although some are. Participants who are familiar with each other often discover something they did not know. Those who do not know each other learn of the experiences others bring to the task. Commonalities and differences and awareness of political and socioeconomic positioning are part of the picture.<sup>124</sup> Thinking about the transitional justice work that remains to be done means, for some, drawing a line under the past. Others name an injustice or human rights abuse for which acknowledgement and accountability are outstanding. These are deeply contentious matters. The Toolkit manages a conversation about them that is conducted on a range of verbal and non-verbal levels.

The completed grids are collated into a single group tool for everyone to see. Individual grids are put in a box set aside for collection. No-one's name appears on any grid. Everyone sees the collated group tool as soon as possible. A group's completed Tool 1 is a preliminary map of participants' conflict and transition experiences and resources. People with distinctive community conflict experiences often find themselves recording similar events when it comes to noting 'global' influences. The Vietnam war is regularly noted along with the South African Truth and Reconciliation Commission and matters of the moment, such as the Arab Spring or conflict in Syria. This linking of the familiar local to what happens elsewhere is a theme threading through the Tools that follow. Tool 1 is revisited when, after using the each of the Five Pillars (Tools 3-7), the programme closes with Tool 8 Map Making – From the Personal to the Political.

Not everything recorded by someone using a Tool grid is called out and recorded on the flip chart. In every programme, participants use Tool anonymity to communicate experiences to the whole group that they do not call out for flip chart discussion. For instance, 'my father was interned when I was a kid' was noted one time in a Tool 1 grid but not called out. Another person in the same group noted, 'when I was growing up a shopkeeper near us was killed by the IRA'. Again, this was not called out in the flip chart session but it became part of the collective Tool 1 grid. Along with all the other Tool grids, anonymised experiences are integral to a group conversation where all communication is not always spoken. Everything does not have to be talked about to be acknowledged or understood. Everyone in a group is involved in recognizing, not alone the diversity of experience and knowledge recorded by others, but also how coincidences of birth, gender and upbringing shape individual and community conflict experiences.

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122 Rooney, *supra* note 20 at 11-13.

123 Rooney, *supra* note 20 at 20.

124 Rooney, *supra* note 16 at 38-40.

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The training manual is more explicit about intersectional awareness. Each of the ten session plans in the manual closes by checking on the commonalities and differences that emerged during a session. Surfacing this awareness is planned for early in the Guide where a photograph of eight faces shows people of different ages and genders. All but one face, which is in profile, look intently at the viewer. The photo is a simple representation of common humanity as, 'a multiplicity of perspectives, class backgrounds, religions and regions'.<sup>125</sup> The manual suggests using the photo to think about how distinctiveness is shaped by circumstances which may give rise to discrimination and exclusion that can fuel conflict. Another conversation point prompts everyone to consider what it means to have outsider awareness: 'it is easier to imagine solutions for people in a conflict other than our own'.<sup>126</sup> Throughout the programme Toolkit and Guide graphics are used for critical reflection on how taken-for-granted experience and knowledge is mediated by influential sources of information.

Tool 1 is a critical milestone in the Toolkit journey that then opens onto transition experiences elsewhere in the world. The title of Tool 2 The Five Pillars – Global Glimpse, carries manageable expectations and asks everyone to raise their eyes and refocus, as it were, to the horizon of transitions across the globe. The pedagogical gear shift, from focusing on the familiar local to glimpsing complexity in other places, always has an unexpected liberating effect for Toolkit users. Everyone is immediately 'in the same boat', in the sense of relying on each other to share limited knowledge. Everyone recognises how reliant we all are on similar sources of information for 'knowledge' about other places. To help overcome these limitations, some academics and PhDs from the Transitional Justice Institute have filmed a ten-minute talk on each one of the five pillars for Toolkit users to view.<sup>127</sup> The talks include some international examples and reliable websites.

In the course of investigating other experiences of transition, participants become adept in self-directed learning at their own pace. Some concentrate on a particular country, others on a theme or process that matters most to them or their community. The key learning is that transition is tough and uncertain in any society recovering from a period of violent, dehumanizing politics.

## **Empirical structure**

In reflecting on how the Toolkit programme took shape and how it worked for the first participants, it is clear that my community education experience and intersectional research was formative in making complex academic concepts accessible and developing the dialogue methodology. The Bridge of Hope conversation was not a well-funded, agency-led initiative, nor was it an academic research project. Each of these aims to address specific questions informed by a relevant literature that helps to develop concept clarity, appropriate methodologies and time framed outcomes. All of this normally happens in advance of fieldwork and reporting. The Toolkit programme worked the other way around. For one thing, there was little time to find out if we could adapt an existing programme. We have since learned that no other programme like this is out there waiting to be adapted.<sup>128</sup> Whilst it is true that Freire, Gramsci and dialogical education featured in local post-hunger strike prison education of the 1980s and 90s and influenced women's community education during the conflict, the key driver for the Toolkit was intuitive grassroots practice that now seems simply pragmatic and unsophisticated.<sup>129</sup> It consists of careful listening

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125 Rooney, *supra* note 31 at 74.

126 *Id.*

127 The Bridge of Hope obtained funding for the camera work and information technology involved in making the DVD.

128 Filisi, *supra* note 1.

129 McMinn, *supra* note 18; Tom Lovett, Radical Approaches to Adult Education (1998); Isobel Hawthorne-Steele et al., Transforming Communities through Academic Activism: An Emancipatory, Praxis-led Approach, 9 *Stud. Soc. Just.* 197 (2015); Eilish Rooney, Intersectionality in transition: Lessons from Northern Ireland, 5 *Web J. Current Legal Issues*, 1 (2007).

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and encouragement. Participation, even of a silent kind, is paramount.

To this end, unfamiliar terms are made accessible. The term 'transitional justice' itself, for instance, is introduced in a short Power Point that tracks its mid 20c origins to the international court at Nuremberg.<sup>130</sup> Its 21c resurgence is explained as an outcome of the post-cold war and post 9/11 global environments. The Five Pillar framework has proved to be useful for making complex processes recognizable. An example introduces each process in a quick 'I get it' way. For example: local power-sharing is the example for institutional reform; the South African Truth and Reconciliation Commission is the example for truth; material or symbolic restitution is the generic example for reparation; participatory programmes are an example of reconciliation; the International Criminal Tribunal for the Former Yugoslavia is the example for prosecution and amnesty.

In the original residential programme, the Power Point was followed by a workshop that considered what a transitional justice map of Northern Ireland/ the North of Ireland might look like. Sheets headed with each pillar were distributed and participants, individually and in small groups, made notes on relevant local experience. Thus, a local map of transitional justice was easily produced for further discussion. A member of the group conducted the feedback and discussion. That last detail is significant. When possible, tutor space is taken by an able and willing participant for everything from reading aloud to recording feedback and conducting conversation.

This residential programme informed the structure of the Toolkit as it became. A full programme comprises between eight and ten weekly sessions. Intensive, fast-track programmes have been designed for delivery over a hard-working three-day residential. Some programmes have combined a residential element with weekly Toolkit sessions that followed. The Toolkit is also adaptable for meeting a groups' particular needs and interests in a specific justice issue. The Tool 1 grid, for instance, is adaptable for use by younger people. In this case the time periods can be changed to reflect their age and interests. When under pressure of planning the first programme, I thought little, consciously at least, of Freirean conscientization or Gramsci's 'good sense'. Little also in any clear way of feminist pedagogy and the years of tutoring with local women's groups across Belfast. By the time I drew up the residential programme, 'dig where you stand' praxis was, for me, a basic justice based approach to community education.<sup>131</sup> It draws on direct experience and uses familiar knowledge for critical reflection and group engagement, whatever the subject. In this way, the subject itself is transformed, as is the learning experience. Participants' knowledge of the world is the starting point for educative enquiry. As an empowerment approach that uses an adaptable structure and methods that make sense to everyone.

To take an example from a women's studies class, for instance, a James Joyce short story and Maya Angelou poems may rub shoulders with local writers who tell of being a child in the conflict, of prison experiences, of being bereaved, or of fleeing or being displaced because of the conflict.<sup>132</sup> Engaging imagination in critical reflection is an empowering praxis, whatever the topic.<sup>133</sup> The learning involved is not simply about acquiring a set of skills for assessment and credit though that too is valuable.<sup>134</sup> It is a

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130 Rooney, *supra* note 16 at 43-44.

131 Praxis is the interaction between theory and practice that raises fresh perspectives to inform collective action: Sue M. Scott & Margo Schmitt-Boshnick, *Collective Action by Women in Community-Based Program Planning*, 69 NEW DIRECTIONS ADULT & CONTINUING EDUC. 69, 75 (1996).

132 Further see the stories by Anne-Marie Reilly, *Leaving*, and Maggie Thompson, *And the Blue Sky Made it All Seem Possible*, reprinted in ANGELA BOURKE ET AL., *The Field Day Anthology of Irish Writing*, Vol. 5: Irish women's Writings and Traditions 1495-1498, 1513-1515 (2002).

133 Terry Eagleton, *Culture* 21-22 (2016) views praxis as enabling life to be 'live[ed] more abundantly'.

134 Henry A. Giroux, *Neoliberalism's War on Higher Education* (2014) refers to the importance of 'credentials for survival'.

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way of opening up the possibility of engaging in a social justice exchange. A range of terms is used to refer to this pedagogy in the critical education vocabulary. They include, constructivist, dialogical, emancipatory and feminist.<sup>135</sup> As already noted, the ideas of Freire were familiar, in the Belfast community ether of the 80s and 90s. Freire advocated and theorized a dialogical learning practice developed in Brazil and widely used across the North, in Springhill programmes, in the women's sector and in Open University prison education.<sup>136</sup> The principal is simple and radical: emancipatory learning produces critical knowledge from everyday life that changes how everyday life is understood and lived. This overturns the customary 'banking' approach to learning whereby all a learner need do is consume information fed by a professor-banker and cash it in later for institutional credits.<sup>137</sup> People engaged in the Bridge of Hope conversation had first-hand experience of conflict and transition. They expressed informed views about the local impacts of different processes and listened to others do the same. The Toolkit programme, as it became, uses plain language and provides accessible resources on transitional justice as a field and practice that matters and that involves debate and dispute. The programme enables everyone who is willing to make the Toolkit journey, to use the programme in self-empowering ways of their own choosing. It enacts a democratic forum where each is responsible for contributing personal resources and political insight.<sup>138</sup> In the process, participants produce and share new knowledge in pooling their collective resources.<sup>139</sup>

## Part Three: *Process*

### Mapping resilience

Towards the end of a recent Toolkit residential for the victims and survivors sector, one woman said that a highlight for her was to regard her conflict experience as a 'resource' for using the Toolkit.<sup>140</sup> Previously, she viewed her experience solely as a personal one of loss and grief; something she spends her life getting over, putting behind her and dealing with one way or another. When using the Toolkit, however, she drew on this experience to complete the tool grids. In this way, she made a contribution to group feedback and discussion and mapped local transition landmarks with everyone else. Her unique experience was a practical resource for the whole group in exactly the way the Guide explains,

[A]t the heart of this grassroots work ... is an emphasis on local people and their lived experience. Contributions from those who endured the worst impacts of conflict have the potential to shape the journey of transition [for everyone]'.<sup>141</sup>

The woman who spoke up used her conflict related experience in a self-empowering way of her own choosing.

People doing the programme may identify themselves primarily as victims and survivors. That is often reflected in how Tool 1 is used to record personal and community trauma. However, the programme regards each participant not alone as having something to say about individual loss and community experience, but as people engaged in a creative conversation about social justice and what that means to

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135 Freire, *supra* note 18; hooks, *supra* note 110; Jean Piaget, *The Psychology of Intelligence* (1950); Ira Shor, *Critical Thinking and Everyday Life* (1987).

136 Lovett, *supra* note 128; Tom Lovett et al., *Adult Education and Community Action* (1983).

137 Hooks, *supra* note 111 at 14.

138 *Id.* at 39.

139 Scott & Schmitt-Boshnick, *supra* note 131 at 75-76.

140 October 2016.

141 Rooney, *supra* note 20 at 10.

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them. This includes learning about how people in other transitions deal with justice dilemmas. This empowerment aspect of the Toolkit is readily illustrated by drawing on an approach within palliative care that I learned of from a professional involved in a case conference. A patient's struggles with a treatment regime were being considered when the music therapist volunteered a relevant insight. At the end of a music workshop, this patient told him how much she loved music therapy. When asked why, she said, 'because in music I'm not treated like a patient. You don't ask me about my medication and how I'm managing. With you, I'm just making music'. Now, a cancer treatment regime undoubtedly has side effects that may be overwhelming. However, for a period of time, being a person who makes music takes precedence. The activity in the music workshop both recognises the individual's condition, which calls for music therapy in the first place, and is a temporary release from the burden of being seen solely as a 'palliative care patient'. It is an opportunity to be creative.

A read-across from this insight for the Toolkit is tentative but useful. People doing the Toolkit programme may be regarded as 'victims and survivors'. Being identified in this way is an official recognition that is often valued as necessary and beneficial for those who have suffered a conflict related bereavement or injury. Such recognition carries policy standing and related reparation entitlements. However, there are downsides to being identified as a conflict 'victim', or indeed, as an ex-prisoner or combatant, as the woman with cancer explained. People in this situation may feel constrained and burdened and have few opportunities to express a wider sense of their own worth and agency. 'Just' using the tools, is a way for participants to *do* justice to their personal and community life in ways that enable them to communicate this to everyone else. This offers a means of both using and going beyond the immediacy of personal experience. It is a dialogue about 'what remains to be done' in a life and in community.<sup>142</sup> How this is articulated and acted upon is up to people themselves. The Toolkit is a creative journey with practical concerns about the impacts of transition in daily life and what can be done to improve things.

People coming to the programme are keenly aware of their conflict experiences and political differences, about which they often have strong views and acute individual and community insights. They will have heard something of transitional justice and be curious. All of this is central to the programme's participatory rationale. Personal and community perspectives are central particularly in Tools 1 and 8. Using the Toolkit opens a safe space that allows for purposeful reflection. It may seem incongruous that a programme about grassroots experience of conflict and transition offers participants an opportunity to step back, view experience in a critical light and build resilience in dialogue. The programme's origins in attentive listening, however, are both ancient and everyday. This is learning and teaching justice in a workable way, informed by indigenous and international research and a detailed Trainer's Manual.

## Justice practice

Together, the Toolkit publications aim to transfer 'knowledge about concepts, mechanisms and procedures ... so as to empower people'.<sup>143</sup> The word transfer is used as meaning, to handover and place at the use of another. For the programme, this involves translating complex and contested academic terms into plain language and providing some methods for discussion and skills practice to aid self-directed learning. Using plain language does not lessen complexity. It makes unfamiliar terms, such as transitional justice, less off-putting and more accessible. It makes clear how familiar terms such as 'grassroots' are actually used. Putting the two together, for instance, the Guide explains,

Grassroots transitional justice says that people on the ground matter. People with limited resources can

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142 Tool 8, Rooney, *supra* note 22 at

18. 143 Rooney, *supra* note 31 at 27.

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and do make a difference. It also says that people in different circumstances can learn from each other.<sup>144</sup>

The Training Manual explains in more depth that grassroots transitional justice,

Speaks to universal concerns ... [recognising] that 'differences' associated with discrimination and grievance (sexuality, gender, race, ethnicity, politics, religion, deprivation, disability, age) may become a source of solidarity [and] cultural enrichment [accepting] that group solidarity may lead to an 'identity politics' that works to exclude those who are viewed as 'other'.<sup>145</sup>

Plain language introduces underpinning theory and ethical principles of respect and inclusion. For instance, the intersectional challenges of local inequalities and identity discourses are not avoided but open to scrutiny. Although the word intersectionality is not used in any of the publications, intersectional sensibility infuses all of them. The Guide, for example, explores how conflicts are often represented internally and externally by a use of language that imposes binary oppositions and blame. These binary categories obscure the gendered nature of identities and conceal intersecting socioeconomic inequalities in people's daily lives.<sup>146</sup> This is illustrated in these examples, taken from the Guide's opening section, where plain language is used to think critically about theory-in-practice:

The labels 'Catholic' and 'Protestant' are necessary for monitoring equality in education, housing and employment. But these labels do not explain the full identity of people and who they truly are. Rather, they identify political and equality features of a society in conflict ... The experience of those from non-Protestant / non-Catholic communities is often ignored.<sup>147</sup>

The general invisibility of gender and of women's conflict experiences is underscored in another common sense observation:

Anyone's experience of conflict and transition is shaped by a number of factors. Gender is an obvious one. It is so obvious that it is often overlooked [and] easy to forget ... The gender impacts on women and men are rarely examined. The Toolkit is a means to record these differences.<sup>148</sup>

The Guide's opening section is the main topic of the first Training Manual session, 'Resources & getting going'.<sup>149</sup> Intersectional pedagogy is explicit in the session's 'learning & teaching points' and its workshop methods; in other words, in the programme's theory and practice. The following sample, illustrates how theory is introduced and woven into practical tasks:

The Toolkit programme is about

The long term work of building social justice

Local problem solving that aims to widen stability and build trust

Transformative justice that is particularly relevant to women and previously marginalized groups (i.e. the

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144 Rooney, *supra* note 20 at 10.

145 Rooney, *supra* note 31 at 36.

146 Rooney, *supra* note 34.

147 Rooney, *supra* note 20 at 12.

148 *Id.* at 11.

149 The first session introduces the whole programme. See Rooney, *supra* note 31 at 26.

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status quo is not good enough).<sup>150</sup>

Various workshop methods are used to explore these points and a concluding buzz group topic gets everyone talking about their practical implications: 'what can be done to improve day-to-day life in a local community?' The session's 'know how' focus is on the skills of listening and talking as preparation for Tool sessions that follow. To do this, everyone works in pairs and takes it in turn to talk for a few minutes about a subject of their choice, as the other listens. The aim is for everyone to reflect on the experience of being a listener and being listened to, of being a talker and being talked to. It is listening and talking as justice-in-practice.

## **Conclusion: *Practicing Hope***

The Toolkit's bottom-up beginnings, as a small budget one-off conversation designed around the simple principle of giving voice to grassroots conflict experience in North Belfast, proved to be pivotal. In the absence of major funding pressure, we were free to develop a civic programme that places local experience and participation at the heart of a justice exchange about transition in practice. Free also of commodification pressures driven by the globalization of transitional justice projects, the Toolkit is rooted in the everyday.<sup>151</sup> Early programme participants responded willingly to the experimental engagement methods we used. They gave guidance about what worked best and what we should do next. This might not have happened, we may not have listened so closely, if the priority was to gather data and produce a publication to meet project aims, deadlines and funder objectives. As it transpired, in the process of facilitating a much needed local conversation, we developed a unique community empowerment programme for use in other grassroots circumstances. These seemingly accidental outcomes were the fruits of an effort to join people in taking action to maintain hope and change the script of their lives.

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150 *Id.* at 33.

151 Jonathan Braithwaite, *Learning to Scale up Restorative Justice* 185 (Kerry Clamp ed., 2016).

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## About Us

**The Political Settlements Research Programme (PSRP)** is centrally concerned with how political settlements can be made both more stable, and more inclusive of those affected by them beyond political elites. In particular, the programme examines the relationship between stability and inclusion, sometimes understood as a relationship between peace-making and justice.

The programme is addressing three broad research questions relating to political settlements:

1. How do different types of political settlements emerge, and what are the actors, institutions, resources, and practices that shape them?
2. How can political settlements be improved by internally-driven initiatives, including the impact of gender-inclusive processes and the rule of law institutions?
3. How, and with what interventions, can external actors change political settlements?

The Global Justice Academy at The University of Edinburgh is the lead organisation. PSRP partners include: Conciliation Resources (CR), The Institute for Security Studies (ISS), The Rift Valley Institute (RVI), and the Transitional Justice Institute (TJI, University of Ulster).

**Find out more at: [www.politicalsettlements.org](http://www.politicalsettlements.org)**

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