

‘The prison was the battlefield’:
Conflict, Imprisonment, and Resistance in
Northern Ireland and South Africa

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Abstract

This dissertation argues that prisons become sites of profound political and symbolic significance in states experiencing conflict. As places of resistance, politicisation, and ideological transformation, prisons are sites where the wider conflict is re-examined and re-made. For the state, prisons are a political tool of domination and suppression, where political opposition can be contained, incapacitated, and stifled; for dissident political and paramilitary groups, by contrast, they can be dynamic sites in which competing claims over statehood, power, and political legitimacy are played out. Through case studies on Long Kesh prison in Northern Ireland and Robben Island prison in South Africa, the dissertation examines the ways in which politically-motivated prisoners sought to undermine the legitimacy of the state: employing diverse resistance strategies that appropriated, subverted, and transformed institutional power, generating radical alternative narratives of the conflict that asserted their human rights. However, the resistance strategies used by these politically-motivated prisoners were markedly different: while Northern Irish resistance was intended to demarcate and segregate prisoners, the resistance methods at Robben Island were founded on principles of inclusivity and constructive dialogue. These contrasting ideologies influenced the emerging role of former prisoners in these transitioning states, shaping both their political engagement and their involvement in struggles over the interpretation and memorialisation of their imprisonment. Ultimately, this dissertation argues that the political actions of Northern Irish and South African prisoners, both during and after their imprisonment, were founded on a commitment to establishing new societal structures in which human rights and equality would be prominent. However, the power of prisoner resistance lies in its future significance: these diverse strategies of resistance laid the foundations for a new rights-oriented society, an aspiration that remains largely unrealised.

1. Introduction

‘This war will be won in the prisons’.¹

William McKee, former IRA leader in Belfast,

Prisons are sites of conflict and contestation. They hold dual functions: an explicit socio-legal function and a more nuanced, and oftentimes symbolic, political purpose. The systems and transmissions of power that underlie the relationship between individuals and the state are made manifest in the institution of the prison. Through the institution of the prison, through the defining and categorisation of the deviant or dissident, the state reinforces its legal legitimacy.²

Nowhere is this process more pronounced than in states undergoing conflict. The containment and incapacitation functions of the prison are transformed into highly charged tools: imprisonment becomes a form of political nullification, a means by which to control both the actors engaged in the conflict, and how that conflict is ultimately interpreted.³ Prisons become a microcosm of the wider conflict: mimicking, undermining, subverting, or entrenching the conflict in the world outside. For opposition groups prisons are sites in which to sustain and develop alternative political ideologies: far from restricting the power of the political dissident, imprisonment enables collective action and paradoxically generates radical forms of resistance.⁴

Using case studies from Northern Ireland and South Africa this dissertation examines the means by which opposition groups and politically-motivated prisoners undermine the state’s conceptualisation and use of imprisonment. In an analysis of politically-motivated prisoners in Long Kesh prison in Northern Ireland and political prisoners in Robben Island prison in South Africa this dissertation analyses both the

¹ R Kearney, *Transitions: Narratives in Modern Irish Culture* (Manchester University Press:

² A Duff and D Garland (eds), *A Reader on Punishment* (Oxford University Press: Oxford, 1994) at p. 218

³ P Shirlow and K McEvoy, *Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland* (Pluto Press: London, 2008) at p. 22

⁴ K McEvoy, *Paramilitary Imprisonment in Northern Ireland: Resistance, Management, and Release* (Oxford University Press: Oxford, 2001) at p. 354

use of the prison by the state and the means by which prisoners transformed prisons into crucial sites of resistance. By analysing the differing methods of resistance employed by these politically-motivated prisoners this dissertation examines the philosophical foundations, function and impact of prisoner resistance and its potential to instigate genuine, human rights-oriented political change.

Structure

This dissertation is divided into five sections. Following the introduction, the literature review includes an analysis of the prison in relation to socio-legal theories of punishment, with a particular focus on both the role of imprisonment in states undergoing conflict and the emergence of human rights for prisoners. The third and fourth chapters analyse the symbolic and explicit political impact of the diverse resistance strategies employed by prisoners in Long Kesh and Robben Island, and examine the extent to which such strategies influenced transitions to peace. Both case studies examine how the language and discourse of equality and human rights informed the actions of current and former prisoners. The dissertation concludes with a comparative analysis of lessons learnt from both case studies, and an assessment of the function of prisons and prisoner resistance in states experiencing conflict.

Methodology

This dissertation subscribes to a socio-legal approach: analysing the relationship between law and society, and assessing legal institutional structures such as the prison through a sociological as well as a legal or criminological lens. This research has been exclusively desk-based and as such makes extensive use of statistics and interviews undertaken by academics, policy-makers, and international agencies alongside extracts from prison memoirs. First-hand accounts of imprisonment are of particular value, and the language with which former prisoners frame their imprisonment is both telling and useful; however, throughout my analysis I have endeavoured to remain critical of any primary or secondary data used, and reflect on the assumptions that underlie it.

This dissertation is based on two case studies. As Ruane and Todd note, the comparative method is ‘not without problems’⁵ and there is a danger of aligning or eliding distinct cases. I have attempted, therefore, to demonstrate both the anomalies as well as the striking similarities of my case studies. The focus on black prisoners in South Africa resulted in part from necessity – there are fewer academic studies of white political prisoners in South Africa – and in part from my case study on Robben Island, which housed only black prisoners. While my discussion of Northern Irish prisons includes an analysis of Loyalist experience, I focus predominantly on Republican prisoners who are widely viewed as having used their prison experience to develop new political analyses, and to transform their experience into new forms of resistance.⁶ In addition, this dissertation focuses on the Republican male prisoner as unfortunately there are fewer studies, interviews, and statistics on female imprisonment. I have sought, where pertinent, to make reference to the experience of and resistance by Republican women prisoners, and critically analyse the marginalisation or absence of female prisoner experience in academic study.

The political significance of definition and terminology is a key feature of my argument, and consequently I have sought to use terms that are as politically neutral as possible. In my discussion of South Africa I use the term ‘political prisoners’ whereas in my Northern Ireland case study I have adopted the phrase ‘politically-motivated prisoners’ which Shirlow and McEvoy suggest is a more ‘neutral terminology’ that has been ‘used from the mid-1990s onwards’⁷. Just as definitions of the prisoner risk upholding one view of the conflict (use of the term ‘terrorist’ for Republican prisoners, for example, would indicate a state or Unionist viewpoint) definitions of the conflict itself are highly problematic. In both case studies I use the term ‘conflict’ rather than ‘war’ to distinguish both cases from the legal definitions of war that remain, particularly in the Northern Irish context, a contested point of interpretation but simultaneously emphasise the grave and significant nature of

⁵ J Ruane and J Todd, *The Dynamics of Conflict in Northern Ireland: Power, Conflict and Emancipation* (Cambridge University Press: Cambridge, 2000) at p. 4

⁶ As Feldman argues, analysis of Northern Ireland prisons ‘inevitably gravitates to the experiences and concepts of Republican inmates. They surpassed not only their Loyalist coprisonsers in the development of novel political ideology and symbolic war, but also their Republican comrades outside the prison.’ A Feldman, *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland* (University of Chicago Press: Chicago, IL, 1991) at p. 148

⁷ Shirlow and McEvoy, 2008, at p. 23

events which the term the ‘Troubles’ often succeeds in minimising.⁸ While academic objectivity is ultimately unrealisable, this dissertation endeavours to limit as far as possible its author’s political bias.

⁸ As Dickson notes, the use of the term the ‘troubles’ often suggests that the conflict is merely an insular affair, ‘internal to the United Kingdom’ while use of the term ‘conflict’ often denotes Nationalist or Republican sympathies. B Dickson, *The European Convention on Human Rights and the Conflict in Northern Ireland* (Oxford University Press: Oxford, 2010) at p. 5

2. Literature Review

From discussions of its origins, to debates surrounding its value, inevitability, and ultimate function, the institution of the prison holds a crucial place in criminological, socio-legal, and political theory.⁹ Since its earliest incarnation, no feature of the prison's existence and mode of operation remains uncontested. As Foucault, in his celebrated study of the prison, *Discipline and Punish*, notes, the prison 'should not be seen as an inert institution' rather it is a dynamic site on which political ideologies and systems of power are regenerated and reproduced.¹⁰

For the state, imprisonment is a crucial means of reinforcing political power and legal authority. The institutional features of the prison – what Liebling defines as 'containment, reformation, punishment, and self-maintenance'¹¹ – are a central tenet of the state's self-authorising process. Cavadino and Dignan identify five underlying assumptions of the prison: to demonstrate the exclusion and isolation of the prisoner; to reflect a state-formed but universally felt condemnation of the crime; to be punitive; to be governed by prison management; and to uphold human rights.¹² Ultimately, the prison has an explicit political function and a more symbolic, but no less significant, sociological function: it both reinforces state authority, and constructs cultural attitudes.¹³

Garland argues that punishment is a 'cultural artefact, embodying and expressing society's cultural forms.'¹⁴ However, punishment is not merely a passive purveyor of

⁹There is no fixed definition of the concept of the institution. For this dissertation I will use Barley and Tolbert's definition of an institution as: 'shared rules and typifications that identify categories of social actors and their appropriate activities and relationships'... they are 'both a product of and constraint on human action'. S R Barley and P S Tolbert, 'Institutionalization and Structuration: Studying the Links between Action and Institution' (1997) 18(1) *Organization Studies* pp. 93-117, at p. 96-7

¹⁰M Foucault, *Discipline and Punish: The Birth of the Prison* (Random House: New York, NY, 1995) at p. 235

¹¹A Liebling, *Prisons and their Moral Performance: a Study of Values, Quality, and Prison Life* (Oxford University Press: Oxford, 2003) at p. 354

¹²M Cavadino and J Dignan, *The Penal System: An Introduction* (Sage Publications: London, 2007) at p. 193

¹³I am using Garland's definition of culture: 'Culture refers to all those conceptions and values, categories and distinctions, frameworks of ideas and systems of belief which human beings use to construe their world and render it orderly and meaningful.' D Garland, *Punishment and Modern Society: A Study in Social Theory* (Clarendon: Oxford, 1991) at p. 195

¹⁴Garland, 1991, at p. 193

societal norms: as cultural values influence the formation of punishment, punishment correspondingly shapes culture. The Expressivist theory of punishment is useful here: in contrast to Retributivist and Deterrence theories that focus exclusively on the relationship between the offender and the state, Expressivism analyses the relationship between punishment and society, and stresses the potential for punishment to ‘affirm respect for law, reinforce a moral consensus, narrate history, and educate the public.’¹⁵ The use of punishment to form and reassert societal attitudes towards disobedience or egregious acts of violence becomes a crucial means by which the state reinforces legitimacy and power. Coyle argues that in ‘Western Society the state has increasingly taken on itself the duty of inflicting direct punishment on the offender. Crimes... are generally regarded as offences against the state.’¹⁶ But Coyle’s description is too generous: the state has not merely ‘taken [punishment] on itself’: by appropriating both the outrage of victimhood and the power to punish, the state entrenches its power. As Shirlow and McEvoy note, imprisonment is ‘central to the state’s broader process of social ordering... [and] embeds hegemonic definitions of right and wrong’.¹⁷

From Durkheim to Foucault, theorists have generated influential debates on this hegemonic function of imprisonment, a function that proves particularly fraught in states undergoing conflict. In such instances, where struggles over the concepts of society may themselves be catalysts for violence, this culturally formative function of punishment comes into sharp focus. For the state, prisons hold both a practical and a symbolic function: first and foremost they are a vital means of containing and incapacitating dissident individuals, negating the potential or power of opposition movements; second, designation of the ‘other’ during a conflict enables the state to establish and entrench the meaning of the conflict, to construct not merely how the conflict develops but how it is understood. McAdam et al comment on the function of framing processes for political groups, the ‘conscious strategic efforts by groups

¹⁵ MA Drumbl, *Atrocity, Punishment, and International Law* (Cambridge University Press: Cambridge, 2007) at p. 12

¹⁶ A Coyle, *The Prisons we Deserve* (Harper Collins: London, 1994) at p. 11

¹⁷ Shirlow and McEvoy, 2008, at p. 22

of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action.’¹⁸

Politically-motivated prisoners, however, continually resist the state’s attempts to define imprisonment and the wider conflict. Resistance can be broadly defined as a ‘counter-hegemonic struggle fought in the civil society sphere’.¹⁹ It is manifest in a variety of forms – from protests and political struggle to graffiti and demonstrations – and can seek a variety of outcomes from social, economic, and political transformation to an appropriation of space or power. The relationship between resistance and power is an uncertain one. Brown argues that resistance has no inherent power, it is ‘an effect of and reaction to power, not an arrogation of it’²⁰ In part, prisoner resistance reflects this weaker manifestation: while it has a profound practical and symbolic impact inequality of power between prisoner and the state remains stark. However, as McEvoy argues, resistance and power are ‘mutually shaping, defining, and changing in an ongoing dialectic’²¹. During times of conflict, prisons become crucial sites of contestation in which this dialectic is continuously played out.

The language and discourse of human rights is a crucial means by which prisoners challenge state penal practice. From critiques of inhumane penal practice to petitions to human rights courts, prisoners have attempted to uphold and enforce their rights. The United Nations (UN) established the *UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment* and the *UN Standard Minimum Rules for the Treatment of Prisoners* that act as (non-binding) guidelines for the functioning of prisons worldwide. They state that ‘All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person’ and condemns the use of torture or cruel, inhuman or degrading treatment, including corporal punishment or the use

¹⁸ D McAdam, J D McCarthy and M N Zald (eds), *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings* (Cambridge University Press: Cambridge, 1996) at p. 6

¹⁹ L Amoore (ed), *The Global Resistance Reader* (Routledge: London, 2005) at p. 13

²⁰ M Brown quoted in M S Corcoran, *Out of Order: The Political Imprisonment of Women in Northern Ireland, 1972-98* (Willan Publishing: Portland, OR, 2006) at p. 101

²¹ McEvoy, 2001, at p. 34

of solitary confinement.²² Alongside international standards, organisations such as the African Commission on Human and Peoples' Rights have established region-specific frameworks. For example, *The Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa* (2002) addressed the inhumane conditions such as chronic 'overcrowding' prevalent in most African prisons, and advocated the incorporation of human rights norms into national legislation.²³ Such treaties offer a potentially powerful system through which prisoners can claim their human rights. For political prisoners the language of rights ultimately become a crucial means by which to challenge the legal parameters of their confinement and generate radical forms of resistance.

²² *UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment*, A/RES/43/173, Adopted 9 December 1988.

<http://www.un.org/documents/ga/res/43/a43r173.htm> Accessed 12 August 2012 and *UN Standard Minimum Rules for the Treatment of Prisoners*, Adopted in 1955. Accessed 12 July 2012

²³ *The Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa*, Adopted 20 September 2002. African Commission on Human and Peoples' Rights Website <http://www.achpr.org/instruments/ouagadougou-planofaction/> Accessed 26 August 2012

3. Political status and paramilitary power: prison resistance in Long Kesh

Through an analysis of the diverse strategies of resistance formulated by politically-motivated prisoners in Long Kesh, this chapter examines the potential for prisons to become politically-charged institutions: sites in which the external conflict can be mimicked, re-generated, and transformed.

Far from submitting to the intended functions of imprisonment, politically-motivated prisoners subverted the structures of their imprisonment, and transformed the prison into a site of political resistance. Using a range of protests and forms of resistance, politically-motivated prisoners asserted their right to self-defined political status and established alternative narratives of the conflict that would have a profound impact on the progression, resolution, and memorialisation of the conflict. Through an examination of the influence and impact of politically-motivated prisoners, both during the conflict and in the transition to peace, this chapter assesses the inherent power and value of prison resistance, and its potential to provoke political transformation.

The Conflict in Northern Ireland

The Northern Irish conflict is notoriously resistant to definition: discussion and characterisations of the conflict generate highly charged debate. Though the timelines of conflicts defy clear boundaries, the Northern Ireland conflict (commonly known as the ‘Troubles’) is viewed as lasting from 1966 to 1998 and has been described as ‘by far the worst [conflict] seen in Western Europe since the Second World War’²⁴ with approximately 3,665 people killed.²⁵ The ‘Troubles’ are most often defined as an ‘ethno-nationalist conflict’, fought between two ethnic groups with competing claims of the nation-state.²⁶ Campbell and Connolly argue, however, that it constitutes a ‘triangular’ conflict, comprising not simply Loyalists who sought

²⁴ J Tonge, *Northern Ireland* (Polity Press: Cambridge, 2006) at p. 1

²⁵ B C Hayes and I McAllister, ‘Sowing Dragon’s Teeth: Public Support for Political Violence and Paramilitarism in Northern Ireland’ (2001) 49(5) *Political Studies* pp. 901–922, at p. 909

²⁶ Ruane and Todd, 2000, at p. 4

to retain Northern Ireland's connection to the UK and Republicans who wanted Irish unification, but also the British state.²⁷ State practice entrenched inequality, discriminating against the minority Catholic population with laws that undermined their right to vote, hold gainful employment, and live in humane conditions.²⁸ The fight for human or 'civil' rights was a central tenet of Republicanism, alongside aspirations of Irish unification or the building of a Socialist Republic, which sought equality, challenging state practice that had denied human rights and fair citizenship to a section of the population.

Prisons in Northern Ireland: Law, Institutions, and the State

The legitimacy, functions, and power of the state in Northern Ireland are highly contested. As Gormally et al note 'The state structure in Northern Ireland... has always been seen as a temporary formation'.²⁹ Governed by both the Northern Irish Assembly at Stormont (a bastion of Unionism during the conflict) and the British Government, the state itself has long been an actor in the conflict.

Throughout the conflict the British state refused to acknowledge its de facto combatant status, preferring instead to view its responsibility as being to 'hold the ring' between two opposing sects.³⁰ Yet assertions of neutrality are unjustified: the British state played a vital role in the legal and political foundations, development, and outcomes of the conflict. From the introduction of direct rule in 1972 – in which the British government assumed responsibility for security measures in Northern Ireland³¹ – to laws that sanctioned internment without trial in 1971 – resulting in the internment of over 2,000 individuals between 1971 and 1975 – the British state has attempted to demarcate the legal and political parameters of the conflict.³²

²⁷ C Campbell and I Connolly, 'The Sharp End: Armed Opposition Movements, Transitional Truth Processes and the *Rechtsstaat*' (2012) 6(1) *International Journal of Transitional Justice* pp.11-39, at p. 3

²⁸ R C Cottrell, *Northern Ireland and England: The Troubles* (Chelsea House Publishers: Philadelphia, PA, 2005) at p. 4

²⁹ B Gormally, K McEvoy, and D Wall, 'Criminal Justice in a Divided Society: Northern Ireland Prisons' (1993) 17 *Crime and Justice* pp. 51-135, at p. 124

³⁰ M Tomlinson, quoted in McEvoy, 2001, at p.15

³¹ M Cunningham, *British Government Policy in Northern Ireland, 1969-2000* (Manchester University Press: Manchester, 2001) at p. 12

³² A Mulcahy, 'Claims-Making and the Construction of Legitimacy: Press Coverage of the 1981 Northern Irish Hunger Strike' (1995) 42 *Social Problems* pp. 449-467, at p. 452

This state practice is nowhere more explicit than in the prison. For the British government, prisons were not merely places to neutralise disruptive forces, they were sites where the conflict could be managed and contained. As Purbrick asserts, ‘Imprisonment was a strategy of war in Northern Ireland, as in conflicts all over the world.’³³ While statistics on imprisonment remain contested, critics argue that between 1971 and 1998 approximately 15,000 Republicans and between 5,000-10,000 Loyalists were imprisoned.³⁴ The discrepancy in estimates for Loyalist prisoners is telling, resulting from a common state and Unionist conceptualisation of Loyalist criminal activity as serving rather than destabilising the state: as Loyalist graffiti and murals often declare, ‘Their only crime was loyalty’.³⁵ State legislation on imprisonment reflected broader political strategies: reactive containment and criminalisation. Reactive containment is a ‘military model’, characterised by a ‘mind-set of a “war” while criminalisation attempts to immobilise opposition by redefining it as ‘simple criminal activity’ or terrorism.³⁶ The power of definition is critical here; the categorisation of the enemy helps strengthen the state’s hegemonic power. Zarankin and Salerno define the act of categorisation as a ‘strategy of domination: part of the mechanisms dominant groups use to impose their will upon others.’³⁷ In Northern Ireland the state established itself as a legal arbiter, defining and thereby seeking to contain the conflict.

The affirmation of political-prisoner status was a central ideological aim of politically-motivated prisoners.³⁸ Anxious to distinguish themselves from criminals, and to legitimise their actions, in 1979 the IRA published five demands for political status in prison: the right to wear own clothes; exemption from prison work; freedom

³³ L Purbrick, ‘The Last Murals of Long Kesh: Fragments of Political Imprisonment at the Maze Prison, Northern Ireland’ pp. 263-284 in A Myers and G Moshenska (eds) *Archaeologies of Internment* (Springer: New York, NY, 2011) at p. 265

³⁴ Yet the impact of imprisonment stretches far beyond those who experienced it first-hand. Reports estimate that in the Lower Falls area, for example, ‘1 in 3 of the population have direct experience of the effects of imprisonment on their immediate family.... because of the length of prison sentences, two and three generations of families have been affected’ R Jamieson and A Grounds, ‘Facing the Future: Ageing and Politically-motivated former prisoners in Northern Ireland and the border region’ Report commissioned by Ex-Prisoner Assistance Committee (EXPAC), September 2008, pp.1-49, at p. 9

³⁵ McEvoy, 2001, at p.14

³⁶ Gormally, McEvoy, and Wall, 1993, at p. 55-7

³⁷ A Zarankin and M Salerno, ‘The Engineering of Genocide: An Archaeology of Dictatorship in Argentina’ pp. 207-227 in Myers and Moshenska, 2011, at p. 212

³⁸ Mulcahy, 1995, at p. 450

of association; the right to educational and recreational facilities; and the return of remission lost due to protest.³⁹ In 1981 then Prime Minister Margaret Thatcher asserted that ‘There is no such thing as political murder, political bombing or political violence. There is only criminal murder, criminal bombing and criminal violence.... There will be no political status.’⁴⁰ Rejecting the reactive containment model in favour of criminalisation, the state defined paramilitary groups as terrorists rather than political interlocutors as an attempt to diminish and delegitimise them, to re-designate the ‘Troubles’ as a law and order concern rather than a political conflict.

Case study: Long Kesh

Approximately 10,000 prisoners were interned at Long Kesh (re-named the Maze following the opening of the H-Blocks in 1976) which was politically and symbolically the most significant prison in the Northern Irish conflict.⁴¹

Prison Conditions

The accounts and memoirs of former prisoners testify to harsh surroundings, and persistent outrages against their human rights. As Gerry Adams notes, prisoners ‘endured horrendous conditions and bore great physical cruelty’.⁴² Violence and repression were central aspects of prison management and consequently prisoner experience. For example, prison staff responded to prisoner protests with ‘systematic beating... internal body searches... throwing scalding water over prisoners... hosing with cold water in winter... the prevention of visits... [and] the deliberate targeting and abuse of young prisoners.’⁴³ The architectural design contributed to its failings: separated into compounds with the introduction of the H-Blocks in 1976, and replete with floodlights, watchtowers, wire fences, and patrolling guards, Long Kesh was viewed by one British Army chaplain as ‘a prisoner of war camp’.⁴⁴

³⁹ McEvoy, 2001, at p. 91

⁴⁰ K M Fierke, ‘Terrorism and trust in Northern Ireland’ (2009) 2(3) *Critical Studies on Terrorism* pp. 497-511, at p. 500

⁴¹ L Purbrick in D Wylie, *The Maze* (Granta Books: London, 2004) at p. 91

⁴² Adams, 2003, p. 11

⁴³ D Moen, ‘Irish Political Prisoners and Post Hunger-Strike Resistance to Criminalisation’ *Selected Proceedings of The British Criminology Conference, Liverpool, 2000* pp. 1-20, at p. 6

<http://www.britisocrim.org/volume3/009.pdf> Accessed 25 July 2012

⁴⁴ Purbrick in Wylie, 2004, at p. 95

International observers repeatedly highlighted the inhumane conditions in the prison.⁴⁵ The International Red Cross undertook inspections at Long Kesh between 1971 and 1981 and repeatedly recommended alterations and improvement.⁴⁶ Implementation was slow, however, and prisoners continually protested against their conditions. From the late 1970s onwards, prisoners applied to the European Court of Human Rights, with challenges based predominantly on Article 3 (prohibition against torture) and Article 8 (the right to privacy).⁴⁷ While few of these challenges were ultimately successful they indicate the extent to which prisoners defied the legal strictures of the state, constructing their own parameters of legal arbitration, and thereby strategically asserting their human rights.

Prison Management

An analysis of the prison management of Long Kesh – the processes by which prisons were organised, categorised, and regimented – reveals the subtle ways in which prisoners destabilised the institutional structure of the prison. The prison was governed by The Prison Rules (NI) 1964 which detailed a typical day including overnight lock-up, head counts, and free association periods. The Rules, Purbrick argues, were intended as ‘the script for each and every day... [yet they] were never successfully imposed throughout the Maze.’⁴⁸ Far from conforming to these penal frameworks, prisoners created their own structures, activities and forms of behaviour. As one ex-Northern Ireland Office spokesperson on prisons declared, prisoners in Long Kesh ‘ran their own lives’.⁴⁹

The relationship between prisoners and prison staff is one example of this dismantling of institutional structure. Staff in the Northern Irish prison service were

⁴⁵ It is significant that contemporary reports on the current state of Northern Irish prisons also stress their failure to address human rights. For example, the Committee on the Administration of Justice report concludes that ‘the prison system in Northern Ireland does not measure up to international and regional human rights benchmarks.’ Committee on the Administration of Justice report *Prisons and Prisoners in Northern Ireland: Putting human rights at the heart of prison reform*, December 2010, at p. 7 http://www.caj.org.uk/files/2011/01/17/prisons_report_web2.pdf Accessed 18 August 2012

⁴⁶ ‘Memorandum’, Document summarising conclusions from the International Committee of the Red Cross visit to HMP Maze, Crumlin Road, Armagh and Magilligan, (30 July 1981), [PRONI Public Records NIO/10/13/2A]. http://cain.ulst.ac.uk/proni/1981/proni_NIO-10-13-2A_1981-07-30.pdf Accessed 7 August 2012

⁴⁷ Dickson, 2010, at p. 277

⁴⁸ Purbrick in Wylie, 2004, at p. 103-4

⁴⁹ J Moore, ‘Paramilitary Prisoners and the Peace Process in Northern Ireland’, pp. 83-97 in A O’Day (ed), *Political Violence in Northern Ireland: Conflict and Conflict Resolution* (Praeger Press: Westport, CT, 1997) at p. 88

predominantly Protestant, largely former British army personnel, and frequently engaged in acts of brutal repression against prisoners. Consistently hostile towards Republican prisoners, prison staff had a more complex relationship with Loyalist prisoners: just as white political prisoners in South Africa recall an uncertain relationship with their gaolers (they were simultaneously treated as traitors and better cared for than their black compatriots) Loyalist prisoners had conflicting relationships with manifestations of the state they ultimately sought to protect.⁵⁰ Republican prisoners consistently resisted their authority: acts of resistance ranged from serious violence and abuse against prison staff (twenty nine were murdered during the conflict, and many experienced ‘prolonged physical, verbal and psychological intimidation and abuse’ towards themselves and their families⁵¹) to more symbolic undermining of prison power, from draping blankets over wires to prevent surveillance, to organising their own structures and forms of command. As one former prisoner declared:

We fucked the screws; we even changed their vocabularies – their talk changed. They all started using our language as much as we did. Some of them even tried to learn the Irish.... We changed the prison... We just broke down the whole prison discipline.⁵²

By transforming the guards’ language, by forcing them to speak (and, at some level, consequently *think*) as they did, prisoners destabilised the boundaries between staff and prisoner. A process of reciprocity emerges here; while prisoners remained ultimately subject to the power of those that imprisoned them, they continually sought ways to invert this power, to ‘break’ institutional systems of discipline and control.

⁵⁰ See Ruth First’s assessments of her imprisonment, quoted in D Schalkwyk, ‘Chronotopes of the Self in the Writings of Women Political Prisoners in South Africa’ pp.1-37 in N Yousaf (ed), *Apartheid Narratives* (Rodopi: Amsterdam and New York, 2001) at p. 13 and discussions of Loyalist prisoners in P Shirlow, B Graham, K McEvoy, F Ó hAdhmaill and D Purvis, ‘*Politically Motivated Former Prisoner Groups: Community Activism and Conflict Transformation*’ A Research Report submitted to the Northern Ireland Community Relations Council, August 2005, at p. 45 <http://www.taristeachnorthbelfast.org/PMEPP%20final%20version1.pdf> Accessed 10 August 2012

⁵¹ T Irwin, ‘Prison Education in Northern Ireland: Learning from our Paramilitary Past’ (2003) 42(5) *The Howard Journal of Criminal Justice* pp. 471–484, at p. 473

⁵² A Feldman, 1991, at p. 214

Paramilitary Structures

The strength of prisoner resistance against institutional authority resulted, in part, from the role of paramilitary groups inside Long Kesh. Republican and Loyalist paramilitary groups (such as the Irish Republican Army (IRA), the Social Democratic and Labour Party (SDLP), and the Irish National Liberation Army (INLA) on the Republican side, and the Ulster Defence Association (UDA) and Ulster Defence Force (UDF) on the Loyalist side) in Long Kesh formulated their own command structures, appointing Officers Commanding (OCs) to organise the groupings and liaise with prison authorities. These frameworks and authority structures provided a coping strategy – a means by which prisoners could frame their prison experience, retain their paramilitary involvement through segregation inside the prison, and challenge prison authority.⁵³

Prisoner Identity, Prisoner Resistance

For the prisoners of Long Kesh the definition of imprisonment became a critical battleground, a site on which challenges to state-sanctioned narratives of the conflict could be played out. ‘Political agency’, Feldman argues, ‘is not given but achieved’.⁵⁴ Resistance was a critical means by which politically-motivated prisoners fashioned, entrenched, and asserted their collective identity. Consequently, resistance strategies in Long Kesh were designed to construct and entrench binary opposites, to distinguish and separate politically-motivated prisoners from “ordinary” prisoners, Republicans from Loyalists. The antagonistic foundations of political agency were a central tenet of prisoner resistance in Long Kesh, a means by which politically-motivated prisoners fashioned their distinct identities. One former prisoner of Long Kesh comments,

I remember telling people who were always talking about the ‘protests’ we were in, ‘Hold on a minute! This was more than a fuckin’ ‘protest’, this was a way of life for us!⁵⁵

Resistance was not merely a form of sporadic engagement but a mode of existence. Political prisoner resistance in Long Kesh took a variety of forms. From isolated

⁵³ B Devlin, *An Interlude with Seagulls: Memories of a Long Kesh Internee* (1982) <http://cain.ulst.ac.uk/events/intern/docs/devlin.htm> Accessed 8 August 2012

⁵⁴ Feldman, 1991, at p. 1

⁵⁵ Feldman, 1991, at p. 179

incidents such as violence or escape attempts (in 1983 thirty-eight provisional IRA members attempted an escape from the prison⁵⁶) to sustained resistance processes such as legal challenges (applications to national courts and international human rights courts for habeas corpus and extradition hearings⁵⁷) and educational programmes (Gaelic, Irish history, and political philosophy⁵⁸) prisoners rejected the strictures of prison life and their own conceptualisations of prisoner existence. The impact of prisoner resistance was not confined to the symbolic; numerous prisoners assumed political roles during their imprisonment: Bobby Sands was elected MP for Fermanagh and Tyrone, Kieran Doherty TD for Cavan/Monaghan, and Paddy Agnew TD for Louth.⁵⁹ While these prisoners were unable to fully assume these roles they were not merely figurative appointments: participating in mainstream political structures, maintaining positions of power that breached the boundaries of the prison, they destabilised state and penal authority, and developed radical means by which to disseminate alternative narratives of the conflict. It would be unwise, however, to over-emphasise the power inherent in prisoner resistance. Carlen notes the danger of ‘privileging small victories’ as this risks ignoring the ‘structural, punitive power of prisons’.⁶⁰ Any assessment must always be tempered by the knowledge that the state possesses enormous power over those it imprisons. Prisoner resistance has a significant but ultimately limited practical and symbolic impact: it is future-oriented, establishing guidelines for future political processes that can only be fully realised beyond the prison walls.

From Entry to Cell: three Subversions of Institutional Practice

The capacity for paramilitary subversions of institutional power can be examined through an analysis of three challenges to penal institutional practice: entry into the prison, the prisoner’s cell, and power over the prisoner’s body.

⁵⁶ B Gormally and K McEvoy, ‘Home Leave in Northern Ireland: Vacations for “Terrorists”’, pp. 161-7 in M H Tonry and K Hamilton (eds), *Intermediate Sanctions In Overcrowded Times* (Northeastern University Press: Boston, MA, 1995) at p. 161

⁵⁷ Shirlow and McEvoy, 2008, at p. 36

⁵⁸ As Purbrick notes, at Long Kesh ‘more prisoners enrolled in higher education at the Maze than at any other prison in the British system. Ten times more took university degrees.’ Purbrick in Wylie, 2004, at p. 108

⁵⁹ F Stewart Ross, ‘Between Party and Movement: Sinn Féin and the Popular Movement against Criminalisation, 1976–1982’ (2006) 21(3) *Irish Political Studies* pp. 337-354, at p. 341

⁶⁰ P Carlen quoted in Corcoran, 2006, at p. 101

Initiation

The prisoner's entry into a prison is a moment of profound importance. Feldman's definition of the initiation as 'the penal regime[']s] central rite of ideological reproduction', highlights the means by which it inscribes power onto the prisoner.⁶¹ From the outset the prison system must succeed in supplanting individual identity with the neutral and passive figure of the prisoner.⁶²

It is perhaps unsurprising that paramilitary groups targeted the moment of entry as a key point of resistance.⁶³ The central tactic was the refusal to wear uniform, to be treated as ordinary criminals. In doing so, prisoners were in breach of the Prison Rules and immediately lost all privileges. However, by resisting 'prisonisation' at the point of entry – resisting what Clemmer terms 'taking on the greater or less degree of the folk-ways, mores, customs and general culture of the penitentiary' – these prisoners challenged the prison's attempt to depoliticise them.⁶⁴ Devlin recalls how paramilitary groups enacted their own form of initiation: interrogating new prisoners to gain information, and root out potential informers. In this instance, then, prisoners did not appropriate and transform penal systems of power; rather, they replicated its functions for their own ends.

The Cell

The means by which prisoners destroyed, adorned, and transformed their cells was a further tactic in resisting what Feldman terms 'penal objectification' – institutional

⁶¹ Feldman, 1991, at p. 157

⁶² For a useful comparison see the experience of political prisoners in Argentina. Alongside the kidnapping and imprisoning of "political dissidents" during the military dictatorship, the de-clothing and clothing of prisoners at the point of entry were used as a repressive strategy: nakedness, blindfolds and leg-irons were all used to 'reinforce prisoners' isolation' and distance people 'from their own self-understanding as individuals'. The emphasis and manipulation of uniform, dress, and political identity served a wider purpose in the dictatorship: The military regime established Museums of Subversion where Argentinean citizens were shown mannequins dressed in stereotyped uniforms and dress of political dissidents. This public performance disseminated the power of state categorisation, prompting citizens to identify and denounce the 'enemy'. Zarankin and Salerno, in Myers and Moshenska, 2011, at p. 212

⁶³ The significance of immediate resistance is also noted by Mandela who recalls his arrival on Robben Island. Prison guards shouted at prisoners '*Haas! Haas!*', a word meaning 'move' customarily used towards animals. Mandela recalls saying to another prisoner: 'we must set an example; if we gave in now we would be at their mercy.' It is significant, also, that Mandela and others refused to wear the prison uniform, arguing that the prison shorts 'were meant to remind us that we were 'boys'. Nelson Mandela, *Long Walk to Freedom* (Abacus: London, 1994) at p. 405-6

⁶⁴ D Clemmer quoted in McEvoy, 2001, at p.24

sight and categorisation.⁶⁵ Prisons, as Corcoran argues wryly, are ‘meant to be impervious to appropriation by their inmates’ and cells are intended to be bastions of such incorruptibility.⁶⁶ The cell, a feature of prison architecture since the nineteenth century, is intended to represent the total isolation of the prisoner: not merely from the world outside, but from their fellow detainees. As Foucault argues, punishment must not only ‘be individual, but it must also be individualizing’.⁶⁷

For the prisoners at Long Kesh cells became critically important sites: places where they resisted the neutralising and pacifying effects of ‘prisonisation’. From murals and graffiti to the smearing of excrement and urine on the cell walls during the Dirty Protests, prisoners reconstructed penal space. The prison walls, while physically separating inmates, were transformed into purveyors of political ideology. Whether re-made into personal havens (when prisoners placed wallpaper on their cell walls) or reconfigured into politicised sites in more public acts (such as riots or ‘teach-ins’⁶⁸) the transformation of prison space was a profound political challenge.

The Body in Protest

Institutional subversion was simultaneously performed on the prisoner’s body through three successive forms of protest: the blanket strike, the dirty protest, and the hunger strike. The body became a site of conflict through which prisoners reinforced their collective prisoner identity and advanced their political ideologies.

From 1976 to 1981 over 500 (predominantly Republican) prisoners enacted blanket protests, refusing not only to wear prison uniform but to touch it or give prison staff their measurements.⁶⁹ The blanket protest did not merely challenge state institutional power but had echoes of a similar strike undertaken over one hundred years before by Irish republicans.⁷⁰

The blanket protests were followed by the dirty protest in which Republican prisoners, refusing to wash, smeared excrement on cell walls and poured urine into

⁶⁵ Feldman, 1991, at p. 157

⁶⁶ Corcoran, 2006, at p. 121

⁶⁷ Foucault, 1995, at p. 236

⁶⁸ Corcoran, 2006, at p. 122

⁶⁹ Purbrick in Wylie, 2004, at p. 104

⁷⁰ Purbrick in Wylie, 2004, at p. 104

hallways. Prison staff responded with violence and intrusive bodily examinations, and prisoners experienced a range of medical disorders.⁷¹ The experience of Republican women prisoners is significant here. Though their involvement in and influence on the conflict is less well documented⁷², their experience of imprisonment and their methods of prisoner resistance transform our understanding of Republican prisoner experience. In 1980, and lasting for one year, Republican women at Armagh prison engaged in their own dirty protest, using menstrual blood as well as urine and excrement. Neti argues that ‘As menstruating women, the bodies of the prisoners in Armagh became unconditionally gendered and sexualized.’⁷³ Women prisoners involved in the dirty protests subverted not only the strictures of prison rule but societal assumptions of the behaviour of women and the visibility of the female body. These women instigated new forms of protest, and expanded and redefined the concept of Republican prisoner resistance. Not surprisingly, prison staff responded with particular violence and vitriol towards women prisoners. The practice of strip searching in Armagh prison was viewed as a ‘method of domination and control’⁷⁴, a means not merely of reprimanding the unruly prisoner but of putting the deviant woman back in her place. It is worth noting, however, that female-prisoner manifestations of resistance are situated within both state and patriarchal power. As Corcoran argues, the actions of women prisoners ‘cannot aspire to a free field of autonomy. They are pragmatic expressions of refusal... embedded in pervasive material and ideological constraints.’⁷⁵ Nonetheless while such forms of resistance are limited they do offer a powerful challenge to the prison’s categorising functions.

The dirty protests are largely deemed a failure, however – termed by one former IRA prisoner as ‘self-damaging and ineffective’⁷⁶ – succeeding only in entrenching divisions between prisoners and prison staff. They were replaced by the hunger

⁷¹ T P Coogan, *On the Blanket: The Inside Story of the IRA Prisoners' "Dirty" Protest* (Palgrave Macmillan: New York, NY, 2002) at p. 19

⁷² Sullivan notes that ‘When they acknowledge female nationalists or republicans at all, men often construct women as long-suffering martyrs for the Irish cause’ rather than purveyors of resistance in their own right. Megan Sullivan, *Women in Northern Ireland: Cultural Studies and Material Conditions* (University Press of Florida: Gainesville, FL, 1999) at p. 25

⁷³ L Neti, ‘Blood and Dirt: Politics of Women’s protests in Armagh prison, Northern Ireland’, pp. 77-93 in Arturo J. Aldama (ed), *Violence and the Body: Race, Gender, and the State* (Indiana University Press: Bloomington, IN, 2003) at p. 79

⁷⁴ Gormally, McEvoy, and Wall, 1993, at p. 118

⁷⁵ Corcoran, 2006, at p. 99

⁷⁶ McEvoy, 2001, at p. 90

strike, undertaken by many Republican (and a small number of Loyalist) prisoners. A statement issued by the IRA in 1980 stated:

We the Republican Prisoners of War in the H Blocks, Long Kesh, demand as a right, political recognition and that we be accorded the status of political prisoners. We claim this right as captured combatants in the continued struggle for national liberation and self-determination.⁷⁷

By adopting the language of *Protocol II* of the Geneva Convention relating to non-international armed conflict, by defining the conflict as one of ‘self-determination’, they attempted to give legal legitimacy to their ‘struggle’ to be named prisoners of war.⁷⁸ The first Republican hunger strike lasted from early 1979 to late 1980, and the second from March to October 1981. An indication of developing strategies of resistance, participants in the first strike all began at once, while prisoners in the second staggered and thereby extended their strikes. Though viewed by many as a political failure (despite the granting of the five demands for political status over the intervening years) the hunger strikes had a crucial symbolic impact: they transformed political ideologies both inside and outside the prison, and garnered international sympathy and support for prisoner aims that would influence the standing of former prisoners in the ensuing peace negotiations.⁷⁹ Their actions, ultimately limited whilst inside prison, were political rehearsals, forms of resistance that laid the foundations for a new society that could be realised in the future.

After the Conflict: Long Kesh and its former prisoners

Peace settlements and the Good Friday Agreement (GFA) brought an end to sustained hostilities and the closure of Long Kesh, but political differences and competing interpretations of the past remain entrenched. This section argues that two specific features of prisoner resistance have continued to shape the political discourse in Northern Ireland: first, the creation of alternative narratives of the conflict has been transformed into an emphasis on public memory and national memorialisation; second, prisoner commitment to self-definition and political-

⁷⁷ McEvoy, 2001, at p. 91

⁷⁸ *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts* (Protocol II), Adopted 7 December 1978, <http://www.icrc.org/ihl.nsf/full/475?opendocument> Accessed 18 August 2012

⁷⁹ Shirlow and McEvoy, 2008, at p. 39

prisoner status following the conflict has become a focus on a new model of autonomous and rights-oriented Northern Irish citizenship.

The Manipulation of Memorialisation: The transformation of Long Kesh

Since the closure of Long Kesh in 2000 debates over its future have ranged, as Hicks et al argue, between those who want to ‘retain’ and those who want to ‘remove’.⁸⁰ Most commonly, Loyalists and their political representatives (and often victims’ families) advocate destruction of the site, while Republicans and Nationalists petition for its memorialisation.

Local conflict transformation organisations such as Coiste na n’Iarchimi have put forward a range of recommendations for the future of Long Kesh, advocating turning the site into a ‘Living Memorial Museum’, that would both memorialise the ‘troubles’ and educate the public about conflict resolution and peacebuilding.⁸¹ In 2003 the Maze Consultation Panel – made up of appointees from the Ulster Unionist Party, the Democratic Unionist Party, the Social Democratic Labour Party, and Sinn Fein – produced a report recommending the prison be turned into *inter alia* a ‘a multi-sports stadium’ and an ‘International Centre for Conflict Transformation’.⁸²

However, this attempt to place one meaning (albeit peace-oriented) onto the site has met with suspicion. Shirlow et al argue that, among Loyalists, there is a ‘palpable anxiety that republicanism has essentially copyrighted the prison experience’: Combat, a Loyalist newspaper, commented that Republicans had stolen the struggle for political status in prison, now ‘they would claim the whole history of those years in prison for themselves’.⁸³ It is worth noting, however, that despite such fears the

⁸⁰L McAtackney, ‘The Contemporary Politics of Landscape at the Long Kesh/Maze prison site, Northern Ireland’, pp. 30-54 in D Hicks, L McAtackney, G Fairclough (eds), *Envisioning Landscape: Situations and Standpoints in Archaeology and Heritage* (Left Coast Press: Walnut Creek, CA, 2009) at p. 49

⁸¹E Croke, ‘Dealing with the Past: Museums and Heritage in Northern Ireland and Cape Town, South Africa’ (2005) 11(2) *International Journal of Heritage Studies* pp. 131–142, at p. 133 and E Croke, ‘Putting contested histories on display: The uses of the past in Northern Ireland’, pp.90-105 in R Ostow (ed), *(Re)visualizing National History: Museums and National Identities in Europe in the new Millennium* (University of Toronto Press: Toronto, ON, 2008) at p. 96

⁸²Maze/Long Kesh Masterplan and Implementation Strategy, <http://cain.ulst.ac.uk/issues/sport/docs/mazeplan/ofmdfm300506.pdf> Accessed 18 August 2012

⁸³P Shirlow, J Tonge, J McAuley, and C McGlynn, *Abandoning Historical Conflict? Former Political Prisoners and Reconciliation in Northern Ireland* (Manchester University Press: Manchester, 2010) at p. 155

cleaning and preparation of Long Kesh has preserved only the Loyalist murals and graffiti, removing the presence of Republican prisoners – always the largest grouping in the prison – and allowing Loyalist images to dominate, as Purbrick argues, a ‘deserted space that was once contested through different forms of political representation.’⁸⁴ A place of profoundly contested meaning during the conflict, Long Kesh has become a site on which competing interpretations of the conflict continue to be played out.

On the Outside: Identity and Citizenship

The Good Friday Agreement (GFA) emerged from dialogue between the state and many former prisoners, and included provisions for the ‘accelerated’ release and reintegration of politically-motivated prisoners.⁸⁵ Yet the experience of Loyalist and Republican former prisoners has been markedly different: while Republican prisoners had a history of political imprisonment and a wealth of support networks across the Nationalist community, imprisonment was not a prominent feature of Loyalist politics and former prisoners report feelings of isolation and exclusion within their own communities.⁸⁶ Politically-motivated prisoners faced a range of problems on their release, from mental health issues and familial disconnection that beset all former prisoners, to the loss of comradeship and exclusion from certain jobs due to paramilitary involvement.⁸⁷ Though the GFA emphasises its commitment to prisoner reintegration, through education and ‘employment opportunities’⁸⁸ most former prisoners have turned instead to community-led organisations.⁸⁹ The GFA’s emphasis on reintegration is often distasteful to many former prisoners. As Gormally

⁸⁴ Purbrick, in Myers and Moshenska, 2011, at p. 279

⁸⁵ Good Friday Agreement, 1998, p.30 <http://www.nio.gov.uk/agreement.pdf/> Accessed 10 August 2012

⁸⁶ Shirlow et al detail anecdotal evidence to support this, contrasting ‘the public statements of republicans as they left the prison gates with loyalist prisoners covering their faces and hurrying away from the cameras.’ Shirlow, Tonge, McAuley, and McGlynn, 2010, at p. 154

⁸⁷ A Grounds and R Jamieson, ‘No sense of an ending: Researching the experience of imprisonment and release among Republican ex-prisoners’ (2003) 7(3) *Theoretical Criminology* pp. 347-362, at p. 356

⁸⁸ Good Friday Agreement, at p. 30

⁸⁹ Many women former political prisoners, however, report feeling excluded from traditional prisoner support systems. As one female ex-prisoner notes, ‘It’s hard on women who have been in prison. You see when they get out nobody pats them on the back or tells them their proud of them. People think women who are involved are odd. Most people think that only men should be fighting-not women.’ Quoted in P Shirlow, ‘The State they are Still In. Republican Ex-Prisoners and their families: An Independent Evaluation’ (2001) <http://cain.ulst.ac.uk/issues/prison/shirlow01.htm> Accessed 5 August 2012

argues, the term suggests that prisoners ‘are “outside” society and need to be brought back in... that “normal” society was right all along and the outcasts have now seen the error of their ways.’⁹⁰ For politically-motivated prisoners, this suggests, reintegration is a form of renunciation, return to society a form of retreat.

These challenges have prompted divergent political identities in the ex-prisoner community, dichotomous roles that have evolved from diverse prisoner resistance strategies. The involvement of some former prisoners, such as Gerry Adams, in state politics (while arguably entrenching a state system they had previously sought to destroy) results from the commitment of politically-motivated prisoners to the redistribution of power and the re-making of the Northern Irish state.⁹¹ The involvement of many former prisoners in community programmes from restorative justice to anti-racism education⁹² results in large part from the commitment of predominantly Republican prisoners towards the universal application of human rights and equal citizenship. Furthermore, the involvement of many former politically-motivated prisoners in joint conflict transformation work at interface areas results from the sporadic but significant instances of inter-sectarian prisoner engagement: from the presentation of a list of joint grievances to the prison management, to the actions of Gusty Spence, leader of the UDF, who instigated political lectures and debates between Loyalists and Republicans, such practical and political interactions between prisoners laid the foundations for a mutually-constitutive peace.⁹³

Through these acts of public unity, performed at both state and community levels, former prisoners have assisted in the creation of a new post-conflict Northern Irish

⁹⁰ Gormally B, ‘Conversion from War to Peace: Reintegration of ex-prisoners in Northern Ireland’, Bonn International Centre for Conversion, Bonn 2001, at p. 11
http://www.bicc.de/uploads/tx_bicctools/paper18.pdf Accessed 5 August 2012

⁹¹ Most former prisoners involved in party politics are members of the IRA and the SDLP while other Republican groups, alongside the majority of Loyalist paramilitary organisations, have not achieved such broad-based political power. As one former Red Hand Commando argues ‘the UVF and the RHC couldn’t convert their physical and military strength into the political because the wider unionist community does not accept former prisoners.’ Quoted in Shirlow, Tonge, McAuley, and McGlynn, 2010, at p. 107

⁹² It is important to note, however, that despite such a crucial role in the peacebuilding process the impact of former politically-motivated prisoners is, Shirlow and McEvoy argue, ‘relatively unexplored and at times purposefully ignored.’ Shirlow and McEvoy, 2008, at p. 8 and vii

⁹³ Shirlow, Tonge, McAuley, and McGlynn, 2010, at p. 80

identity, one that upholds difference and diversity even as it celebrates equality. The concept of citizenship is made fraught in post-conflict societies in which, as McKeever and O'Rawe argue, 'ambiguity remains over what citizens are citizens of'.⁹⁴ Former prisoners have assisted in the process of creating a new form of Northern Irish citizenship, one that reflects what Cowen defines as the 'dynamic' nature of citizenship, that 'exists in the *relationships* between members of a polis, and between those members and the groups, authorities, and institutions that govern.'⁹⁵ The dynamic nature of citizenship is crucial: it is not a fixed outcome but a process influenced by external socio-political factors. A central provision of the GFA is the recognition of 'the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose'.⁹⁶ The emphasis on the right to self-definition results, in large part, from prisoner resistance to state categorisation. Yet here, rather than retaining the binary divisions generated through resistance strategies developed at Long Kesh, the actions of former prisoners laid the foundations for a new form of Northern Irish citizenship in which the individual can include 'both' Irish and British definitions of self and nationhood.

This form of citizenship rests, in part, on the language and discourse of human rights. Throughout their imprisonment – through petitions to human rights courts to public calls for the realisation of the rights of prisoners – politically-motivated prisoners asserted their human rights. Profoundly influenced by such protests, the GFA's opening Declaration of Support states that the Government will be

founded on the principles of full respect for, and equality of, civil, political, social and cultural rights... and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities.⁹⁷

It is significant that equality provisions do not diminish but rather uphold difference: the ability to construct and practice these new forms of Northern Irish citizenship rests on a state founded on principles of human rights. However, it would be

⁹⁴ G McKeever and M O'Rawe, 'Political ex-prisoners and policing in transitional societies - testing the boundaries of new conceptions of citizenship and security' (2007) 3(2) *International Journal of Law in Context* pp.105-125, at p. 107

⁹⁵ D Cowen and E Gilbert (eds), *War, Citizenship, Territory* (Routledge: New York, NY, 2008) at p. 8 Author's emphasis.

⁹⁶ Good Friday Agreement, 1998, at p.4

⁹⁷ Good Friday Agreement, 1998, at p.4

premature to suggest that the GFA's aspirational tone has translated into a full realisation of rights: sectarian violence and political discord remain a persistent feature of Northern Irish life, and competing interpretations and narratives of the conflict remain entrenched. Nonetheless, the resistance strategies of politically-motivated prisoners and their actions following their release had a profound impact on the emerging respect for human rights in Northern Ireland.

Conclusion

This chapter shows the process by which prisons in conflict become sites of contestation: places where politically-motivated prisoners influenced, transformed, and potentially re-framed the conflict. Through diverse resistance strategies, and subtle subversions of penal institutional practice, politically-motivated prisoners challenged the authority of the state, and established radical alternative narratives of the conflict. In stressing the public, performative, and intensely political nature of imprisonment these prisoners profoundly influenced not merely how the conflict developed but how the conflict was understood both within Northern Ireland and in the international community. The contemporary impact of prisoner resistance is ultimately limited, their actions prove to be manifest in future political change. Through their commitment to self-definition and alternative political interpretations they laid the foundations for a new society in which human rights could be guaranteed for all. Their resistance generated an aspirational vision of the future, but it is a future that ultimately remains largely unrealised.

4. Negotiation and Dialogue: prison resistance on Robben Island

Just as Long Kesh reflected and transformed the wider conflict, Robben Island prison in South Africa became a site of intense political importance, where political prisoners subverted the concept of the isolated and isolating prison. From its establishment in 1962 to its closure in 1991 prisoners generated a range of resistance strategies that challenged Apartheid state practice and laid the foundations for a new political landscape.

In South Africa the majority black population experienced a drastic assault on their human rights, while in Northern Ireland it was the Catholic minority who suffered inequality. They shared a political struggle, each fighting for equal citizenship and a fairer distribution of power in a state that had historically disenfranchised and denied the rights of a section of the population.

Political prisoners on Robben Island developed a range of resistance strategies founded on principles of non-racialism and peaceful negotiation, strategies that would ultimately prove the more successful. Through their emphasis on non-violent protest and their commitment to developing positive relations with the all-white prison staff, prisoners on Robben Island modelled a form of co-existence and reconciliation. The impact of such strategies within Robben Island were limited, but they were always future-oriented: with the potential to be fully realised once the Apartheid regime had ended and the transition to a new form of rights-oriented citizenship had begun.

Prisons in Africa

The prison is not an indigenous institution in most African societies. Imported along with other western colonial structures, prisons only became widespread at the end of the nineteenth century. From their introduction they were a central means by which colonialists systematised and entrenched racial oppression forming a central part of

an ‘intense policy of taming political, economic and cultural resistance to white domination.’⁹⁸

Integral to this process was the categorisation of the black African prisoner as being ‘brutal and savage, but at the same time simple and childlike’. A striking corollary to this categorisation was the belief that imprisonment was insufficient punishment for black offenders: corporal punishment was deemed a necessary feature of prison life.⁹⁹ The paternalistic construction of the simple-minded savage makes imprisonment seem both necessary and inevitable, and entrenches colonial power. Furthermore, the black offender is defined as inherently criminal, incapable of rehabilitation. As Bernault notes ‘While the Western penitentiary reframed free individuals as equal citizens and legal *subjects*, the colonial prison primarily constructed Africans as *objects* of power.’¹⁰⁰ This distinction is crucial: black prisoners did not possess inherent rights, they were not purveyors of their own identity; rather, power was enacted upon them. Violence was (and remains) an endemic feature of many African penal systems where a persistent failure to address and implement human rights norms has resulted in chronic overcrowding, poor sanitation, and subhuman living conditions.¹⁰¹

Apartheid South Africa

The Apartheid regime, defined by Lewis as a ‘unique system of legally prescribed racial segregation and white domination’¹⁰², was imposed by the white minority government in South Africa from 1948 to 1994. Emerging from colonial segregationist systems, the Apartheid regime created a legal framework to entrench long-established discrimination against the black South African population. Black offenders and political activists were routinely assaulted and murdered inside prisons

⁹⁸ F Bernault, ‘The Shadow of Rule: Colonial Power and Punishment in Africa’, pp. 55-94 in F Dikötter (ed) *Cultures of Confinement: A Global History of the Prison in Asia, Africa, the Middle-East and Latin America* (Christopher Hurst: London, 2007) at p. 65-6

⁹⁹ S Pete, ‘A brief history of human rights in the prisons of Africa’, pp.40-66 in J Sarkin (ed) *Human Rights in African Prisons* (Ohio University Press: Athens, OH, 2008) at p. 49

¹⁰⁰ Bernault, 2007, at p. 55

¹⁰¹ African Commission on Human and Peoples’ Rights, 46th Session, *Report of the Special Rapporteur on Prisons and Conditions of Detention* <http://www.achpr.org/sessions/46th/intersession-activity-reports/prisons-and-conditions-of-detention/> Accessed 8 August 2012

¹⁰² S R Lewis, *The Economics of Apartheid* (Council of Foreign Relations Press: New York, NY, 1990) at p. 1

and detention centres¹⁰³, though these were largely recorded at the time as accidental death or suicide.¹⁰⁴ Approximately 80,000 activists were detained without trial between 1960 and 1990.¹⁰⁵

From enforcing racial distinctions to establishing insular black homelands, the Apartheid regime attempted to define and thereby marginalise and disempower black South Africans. This act of categorisation simultaneously produced the white South African. In his statement at the Rivonia trial in 1964 Mandela said ‘White supremacy implies black inferiority.’¹⁰⁶ White South African identity was constructed through the negation of black South African identity.¹⁰⁷ This dual process was enacted through the state’s political, civic, and security institutions: prisons and detention centres became sites where the state could entrench and disseminate its ideological authority. As Said argues, ‘The power to narrate, or to block other narratives from forming and emerging, is very important to culture and imperialism.’¹⁰⁸

Case study: Robben Island

Robben Island represents a striking example of prison as a site of resistance, a site where prisoners challenged the validity not only of their imprisonment, but of Apartheid itself. Robben Island had the ‘largest concentration of political prisoners over the longest period of time during apartheid rule’.¹⁰⁹ Prisoners were predominantly African National Congress (ANC) members, alongside Pan African Congress (PAC) activists and, from the early 1970s onwards, prisoners from the

¹⁰³ Political prisoner Molefe Pheto recalls the violence he experienced during his period of detention: I was ‘interrogated every day. They brought me up from the cells between nine and eleven in the mornings and kept me standing, asking me questions until about three in the afternoon.’ M Pheto, *And Night Fell: Memoirs of a Political Prisoner in South Africa* (Allison and Busby: London, 1983) at p. 57

¹⁰⁴ As former political prisoner Meer notes, detailing the deaths of numerous political prisoners such as Black Consciousness leader Steve Biko and Trade Unionist Lawrence Ndzanga, ‘All these deaths were murders, as we knew at the time and as were confirmed later.’ F Meer, *Prisoner Diary: One Hundred and Thirteen Days, 1976* (Kwela Books: Cape Town, 2001) at p. 8-9

¹⁰⁵ P Gready, *Writing As Resistance: Life Stories of Imprisonment, Exile, and Homecoming from Apartheid South Africa* (Lexington Books: Lanham, MD, 2003) at p. 1

¹⁰⁶ Mandela, 1994, at p. 437

¹⁰⁷ Jamie Frueh, *Political Identity and Social Change: The Remaking of the South African Social Order* (State University of New York Press: New York, NY, 2003) at p. xv

¹⁰⁸ E W Said, *Culture And Imperialism* (Vintage: London, 1994) at p. xiii

¹⁰⁹ F L Buntman, *Robben Island and Prisoner Resistance to Apartheid* (Cambridge University Press: Cambridge, 2003) at p. 3

Black Consciousness movement.¹¹⁰ Through emerging alliances and inter-party dialogue these organisations both challenged institutional authority and strengthened their political ideology. By combining acts of protest with sustained attempts to engage with and re-educate the prison staff, these political prisoners generated radical forms of resistance.

Prison Conditions

Robben Island was characterised by harsh and inhumane conditions. Forced to undertake brutal manual labour, prisoners were continually reminded of their subject status. As Nelson Mandela, imprisoned on the Island from 1963 to 1990, recalls new prisoners were greeted to the Island by prison staff shouting ‘Dis die Eiland! Hier gaan julle vrek!’ (‘This is the island, Here you will die!’).¹¹¹ While prison conditions would improve briefly when journalists or the International Red Cross visited the Island, violence and the arbitrary abuse of power remained a systemic feature of the prison.¹¹² As Buntman notes ‘Progress in ameliorating conditions was not linear; rather it had a “zig-zag” quality, which destabilised prisoners lives.’¹¹³ Prisoners were demoted to lower categories at whim, while, in the winter, warm clothing and hot water were withdrawn as punishment.

The petitioning by activists inside and outside the prison resulted in the inclusion of the *UN Standard Minimum Rules for the Treatment of Prisoners* in the 1959 Prison Act, nominally providing a legal minimum standard by which prisoners could petition for and enforce their human rights, but conditions remained brutal. The UN continually condemned the imprisonment of South African political prisoners and the Apartheid regime more widely, imposing cultural and economic sanctions on the state and establishing the Special Committee Against Apartheid.¹¹⁴ Through the actions of international and multilateral actors, alongside the sustained resistance and

¹¹⁰ While both the ANC and the PAC sought the end of white minority rule, the ANC engaged with a range of actors such as whites and Communists, while the PAC established what Buntman terms ‘a more narrow African identity.’ F L Buntman, ‘Categorical and Strategic Resistance and the Making of Political Prisoner Identity in Apartheid’s Robben Island Prison’ (1998) 4(3) *Social Identities: Journal for the Study of Race, Nation and Culture* pp. 417-441, at p. 418

¹¹¹ Mandela, 1994, at p. 405

¹¹² Mandela, 1994, at p. 487

¹¹³ Buntman, 2003, at p. 37

¹¹⁴ W W Nyangoni, *Africa in the United Nations System* (Associated Universities Press: Cranbury, NJ, 1985) at p. 182

protest of South Africans both inside and outside Robben Island, prison conditions slowly improved as the underlying legitimacy of the state came into question. In contrast to Northern Irish prisoners who received little support from international actors (barring the Irish-American diaspora and other liberation movements¹¹⁵) and struggled to find ways of internationalizing their struggle, South African prisoners received support from the UN which was instrumental in promoting international condemnation of the Apartheid regime, and garnering support for political prisoners.¹¹⁶

Four Subversions of Penal Practice:

The potential for political prisoners to challenge the structures of their imprisonment is illustrated through four subversions of penal authority: the construction of resistance processes and forms of protest; subversion of the implacability of prison space; refusal to submit to the authoritative role of prison staff; and the development of collective political ideologies.

Resistance: Education and Protest

Resistance and political-prisoner identity are inextricably linked, each continually constituting and re-framing the other. From isolated acts of protest to long-term strategies of resistance, prisoners constructed new forms of collective activism that would influence the development of political ideology far beyond the Island. Buntman distinguishes between two forms of resistance, strategic and categorical: while older prisoners utilised a form of strategic resistance, viewed as part of a temporary political strategy rather than a means of establishing identity, younger prisoners employed a form of categorical resistance that functioned not merely as a tactical approach but a vital means of constituting identity.¹¹⁷ In this instance, resistance becomes a way of living, a form of continuous protest that challenged the state institutions' construction and deconstruction of racial identity. The significance of this performative strategy of resistance should not be underestimated: resistance

¹¹⁵ F Cochrane, 'Irish-America, the End of the IRA's Armed Struggle and the Utility of 'Soft Power'' (2007) 44(2) *Journal of Peace Research* pp. 215-231, at p. 220

¹¹⁶ A Klotz, *Norms in International Relations: The Struggle Against Apartheid* (Cornell University Press: New York, NY, 1995) at p. 53

¹¹⁷ Buntman, 1998, at p. 433-4

becomes an active process, a “living” form of engagement, providing guidelines for a future without racial segregation.

Buntman’s concept of strategic resistance is evident in the range of sporadic protests enacted by prisoners: from hunger strikes to petitions, from creating alternative food sources to work and hunger strikes.¹¹⁸ Mandela notes the use of ‘go-slow’ strikes in which prisoners would work at half speed¹¹⁹ and Ahmed Kathrada, prisoner at Robben Island from 1964 to 1990, who wrote a series of letters to friends and relatives during his imprisonment, comments on the 1971 prisoner strike, in which they refused to work in the quarry, stating that ‘for the past few year we have not really worked. We have demanded creative work. They say they are unable to. So we just go to the quarry and do nothing.’¹²⁰ The refusal to work, to allow their bodies to become participative enablers of the state, subverted the prison’s function as a purveyor and consolidator of state authority.

Prisoners engaged in both sustained and sporadic forms of resistance. Many prisoners enrolled in education programmes, organised political discussions, and instituted cultural events, from an ‘annual games competition’ to play readings in which prisoners performed plays such as Anouilh’s *Antigone*.¹²¹ In his first letter to his family Kathrada states if ‘anyone at home starts worrying about me, they must just imagine that I’m not in jail but at university.’¹²² By transforming the prison into the ‘university’ Kathrada, and others who educated themselves whilst at Robben Island, rejected the stultifying impact of the prison and appropriated the experience of imprisonment: education was both a coping strategy and a means of developing political ideology.

¹¹⁸ Robben Island, Report: *Integrated Conservation Management Plan*, at p. 45 <http://www.robben-island.org.za/> Accessed 10 August 2012

¹¹⁹ Mandela, 1994, at p. 459

¹²⁰ R D Vassen (ed) *Letters from Robben Island: A Selection of Ahmed Kathrada’s Prison Correspondence, 1964-1989* (Michigan State University Press: East Lansing, MI, 1999) at p. 48

¹²¹ Vassen, 1999, at p. 64

¹²² Vassen, 1999, at p. 39

Prison Space

Far from subjecting themselves to the isolation that prison spaces necessarily entail (compounded by the isolation inherent in the island geography of the prison) prisoners on Robben Island continually asserted power over the spaces they inhabited. For example, prisoners developed secret communication channels across the prison and appropriated the gardens on the Island: alongside the pleasure they derived from gardening, gardens enabled communal debates and famously provided a hiding place for Mandela's memoir *Long Walk to Freedom*.¹²³ Former political prisoner Ernest Dikgang Moseneke notes this crucial appropriation of space:

They thought we were so much poison we had to be kept and contained in one bottle, and that worked wonders.... It was one of the biggest gifts we ever got... the minute we were put together, our survival was on the cards.¹²⁴

politically-motivated prisoners subverted the state's containing, incapacitating, and neutralising aims of collective imprisonment: far from stultifying the conflict, communal imprisonment became a vital means by which prisoners generated and regenerated political ideology. They transformed the prison space into political space, collective incarceration into collective political action.

Prisoner/Prison Staff Relations

Prison staff at Robben Island were exclusively white.¹²⁵ Just as the relationship between prisoners and prison staff at Long Kesh proved peculiarly problematic – while their relations with Republican prisoners were consistently hostile, their engagement with Loyalist prisoners reflected the inherent contradictions of Loyalist imprisonment – the relationship between prison staff and prisoners at Robben Island was simultaneously antagonistic and transformative. Despite the racism, both covert and overt, exhibited by prison guards, and the sustained and systemic brutality enacted on inmates, prisoners often developed strong positive relationships with their gaolers. As Kathrada states, our 'relationship with warders has been quite cordial and

¹²³ Robben Island, *Integrated Conservation Management Plan*, at p. 29

¹²⁴ Ernest Dikgang Moseneke quoted in Buntman, 2003, at p. 1

¹²⁵ Robben Island, *Integrated Conservation Management Plan*, at p. 42

with some decidedly warm... ironically, it is in jail that we have closest fraternisation between the opponents and supporters of apartheid'.¹²⁶

While this 'fraternisation' resulted in part from the necessity of engaging with those with whom they shared close physical proximity, this intimacy between the oppressor and the oppressed derived not simply from geographical coincidence but from intensive political design on the part of prisoners. As a former prisoner recalls, prisoners such as Nelson Mandela and Walter Sisulu 'realised that if we adopted a particularly humane, dignified, friendly attitude (short, of course, in collaborating in our own indignity) that eventually we would break through.'¹²⁷ In this instance, then, it is not prisoners but prison *staff* who become contested and politicised figures: people on whom prisoners could practice their political ideology, and commitment to racial equality. The age of many of the prison staff, and developments in prison officer training, were critical components of this process. Kathrada argues that older wardens 'know one thing and that is revenge and constant punishment' while younger staff 'at least talk of rehabilitation and many of them seem sincere.... if they spend their impressionable years working with political prisoners, I am sure it will have a healthy impact on their outlook.'¹²⁸ This generational shift resulted in a potent subversion of institutional practice, a powerful reversal of roles that challenged the successful running of the prison. As one former prisoner notes, 'eventually we became the teachers, literally, of some of these warders... The authorities quickly realised that they couldn't keep any set of warders for too long because the danger of fraternisation was obviously very great.'¹²⁹ It would be unwise to over-emphasise the impact of such inversions of institutional practice, however. Prisoners remained subject to those that imprisoned them and power inequalities between prisoner and the state remained entrenched. Nonetheless, these actions were highly significant: their commitment to modelling good relations between prisoners and prison staff created a philosophical framework for a future South Africa in which reconciliation could begin.

¹²⁶ Vassen, 1999, at p. 47

¹²⁷ N Alexander quoted in Buntman, 1998, at p. 430

¹²⁸ Vassen, 1999, at p. 53

¹²⁹ N Alexander, quoted in Buntman, 1998, at p. 430

Political Groupings and Ideological Development

Political discourse did not atrophy on the island: the prison became a site of political ferment. Political disagreements between the ANC and the PAC were compounded in the late 1970s with the influx of young activists from the Black Consciousness movement. However, inter-generational conflict ultimately resulted, as critics such as Gready argue, in a ‘revitalized and rejuvenated prison life’¹³⁰ These inter-organisational discussions and disagreements were crucial to the development of a relevant and powerful anti-Apartheid ideology. As Mandela recalls, ‘Our survival depended on understanding what the authorities were attempting to do to us, and sharing that understanding with each other.... Whatever we knew, whatever we learned, we shared, and by sharing we multiplied whatever courage we had individually.’¹³¹ Just as the collective nature of paramilitary imprisonment threatened prison authority in Northern Ireland, the prison staff at Robben Island were anxious to stress the individual and therefore isolated status of prisoners. Former political prisoner Naidoo states that

every warder and officer would tell us that prison regulations forbade us from using the word ‘we’, that we were in prisons as individuals and not as a group, but we would persist in saying ‘we’ and ‘us’ when speaking to those in charge, however high their rank.¹³²

Language becomes a site of contestation here: by using the terms ‘we’ and ‘us’, by asserting their conceptualisation of prisoner experience, political prisoners asserted their ability not merely to self-define but to define themselves as a collective group. They appropriated the terms of their imprisonment in a subtle but powerful act that challenged institutional power and asserted their own. We should be cautious about protestations of unity, however. As Schalkwyk argues, prisoners often ‘present a rosy picture of solidarity that, one suspects, resides more in ideological correctness than in consummation’.¹³³

The emphasis on collective political action, and the emergence of ideologies developed in prison, had a strong impact on external South African politics. Buntman argues that the ‘lessons learnt on Robben Island were successively and

¹³⁰ Gready, 2003, at p. 67

¹³¹ Mandela, 1994, at p. 463

¹³² A Naidoo quoted in Gready, 2003, at p. 68

¹³³ Schalkwyk, 2001, at p. 21

successfully implemented by the waves of released prisoners who invigorated resistance politics on the outside'.¹³⁴ By emphatically demonstrating their ability to influence and construct external political development (both during Apartheid and after it ended) these prisoners challenged the most fundamental function of prisons – the isolation of the prisoner from the rest of the world. Their acts of resistance did not merely mitigate some of the harsher features of their imprisonment, but laid the foundations for their role in post-Apartheid state politics. Their commitment to establishing positive relations between black prisoners and white prison staff provided a basis for a new vision of society.

Robben Island after Apartheid: Politics, Identity, and the Museum

Robben Island, and its prisoners, held a central role in the transition from Apartheid South Africa to a state that aspired to human rights, ultimately influencing both the resolution of the conflict, and how that conflict was understood. This process was performed in two explicit ways: through the memorialising process undertaken in the transformation of Robben Island prison into a museum, and through the creation of the South African Constitution and Bill of Rights that entrenched human rights and equal citizenship into the law.

From Prison to Museum

The Robben Island Museum was established in 1997.¹³⁵ The speed of this transformation is striking: memorialisation was deemed a vital feature of early-stage post conflict reconstruction. The construction of memory, the defining of a cultural national heritage, is a central means by which fragile states supplement and entrench their legitimacy. The ability to construct what Hoelscher and Alderman term 'social memory', to control the means by which the past is framed, presented, and understood, is a central means by which emerging states enforce their authority.¹³⁶

The Robben Island Conservation plan declares that it is a 'living museum' that aims to 'memorialise and promote its unique universal symbolism of the triumph of the

¹³⁴ Buntman, 2003, at p. 5

¹³⁵ Robben Island Museum website, <http://www.robben-island.org.za/> Accessed 15 August 2012

¹³⁶ S Hoelscher and D H Alderman, 'Memory and place: Geographies of a critical relationship' (2004) 5(3) *Social and Cultural Geography* pp.347-355, at p. 348

human spirit over adversity and injustice'.¹³⁷ The emphasis on the museum's active nature is striking: far from merely documenting the past, the museum becomes a 'living' memorial that reflects contemporary debates on history and human rights even as it details the past.¹³⁸ Corsane suggests that through interactions with former prisoners museum visitors become 'active participants in interpretation and meaning-making rather than passive recipients of fixed messages.'¹³⁹

This dynamic form of memorialisation reflects a wider shift in South African approaches to the depiction of memory. Crooke argues that Apartheid definitions of heritage 'neglected the history of black South Africans... [and] avoided certain aspects of history, such as slavery... [which] has led to an almost complete absence of black people in middle and high management in South Africa's museums.'¹⁴⁰ In direct contrast, former prisoners were central to the prison's transformation into a museum. Recommended as a National Monument by former prisoners and others in government, the construction and running of the museum was led by former prisoners (often in positive dialogue with ex-prison staff) who function as curators and tour guides. The involvement of former prisoners at Robben Island countered the Apartheid state's tradition of exclusion, marginalisation, and wilful ignorance: black (and dissident) voices were not merely acknowledged, they constructed the entire history and understanding of the Island.¹⁴¹ As these prisoners explain their imprisonment they appropriate and re-define it, challenging the Apartheid regime's hegemony over narrative and power, and creating an alternative analysis of the past.

From Prisoner to Politician: changing identities in post-Apartheid South Africa

This transformation was simultaneously performed on the black prisoner. In the final days of Apartheid and in its aftermath, the Apartheid state's definitions of black

¹³⁷ Robben Island, Report: *Integrated Conservation Management Plan*, at p. 3

¹³⁸ Robben Island, Report: *Integrated Conservation Management Plan*, p. 3

¹³⁹ G Corsane, 'Robben Island: facing the challenges of creating a National Museum in a World Heritage Site', pp. 64-71 in J Schofield, A Klausmeier, and L Purbrick (eds) *Re-mapping the Field: New Approaches in Conflict Archaeology* (Westkruuz-Verlag: Bonn, 2006) at p. 69

¹⁴⁰ Crooke, 2005, at p. 135

¹⁴¹ Such appraisals must be moderated however. Coombes reflects on the gradual sanitisation of the prison's history and focus, noting that increasingly Mandela's cell was the only one to be identified, generating a focus on him to the exclusion of other political prisoners and to the diverse and often contrasting political ideologies in the prison. A E Coombes, *History After Apartheid: Visual Culture and Public Memory in a Democratic South Africa* (Duke University Press: Durham, NC, 2003) at p. 73-4

politically-motivated prisoners as the dangerous, excluded, ‘other’ were abandoned and transformed. The inclusion of prisoners began while many were still on Robben Island. As Buntman notes, ‘prisoners on Robben Island began to build a polity and even a nascent parliament in their prison’,¹⁴² engaging in political dialogue with figures such as De Klerk and Botha.¹⁴³

This political legitimisation of the black prisoner was publicly enacted: following their release, various prisoners such as Mandela and Sisulu became central figures in South African politics. In contrast to other jurisdictions in which former politically-motivated prisoners are vilified or ignored, the experience of political imprisonment in South Africa became a sign of strength and sacrifice rather than a cause for stigma. This novel interpretation resulted, in large part, from a growing consensus (influenced by the political sanctions and responses from international actors as well as the actions of indigenous political activists) that the Apartheid regime was violent and unequal, and that acts of defiance were therefore justified. As the political prisoner became idolised and idealised, prisoner experience became a vital feature of state political discourse. The widely-acknowledged significance of political prisoner resistance is exemplified in the decision to produce a replica of Mandela’s cell inside the South African parliament and situate features of Robben Island architecture inside the new Constitutional Court.¹⁴⁴ This act made manifest the debt owed to political prisoners and signified a vital shift: political prisoners were no longer marginalised or deplored, and the experience of imprisonment became central to developing state politics.

This change in attitudes towards the political prisoner signalled a wider shift in definitions of identity and citizenship in post-Apartheid South Africa. Identity has always been an exogenous construct in South Africa: the concept of a “pure” or unadulterated South African identity for either the black or white population is erroneous.¹⁴⁵ Rejecting the racial categorizations that were so central to the Apartheid regime, the new South African government aspired towards a new form of

¹⁴² Buntman, 2003, at p. 5

¹⁴³ Mandela, 1994, at p. 653

¹⁴⁴ A Quattrocchi, ‘Justice Under a Tree: The Inspiration Behind a South Africa Court Building’ (2010) 46(16) *Arizona Attorney* pp. 16-26, at p. 20

¹⁴⁵ M Steyn, “Whiteness Just Isn’t What It Used to Be”: *White Identity in a Changing South Africa* (State University of New York Press: New York, NY, 2001) at p. 7

citizenship that reflected this more fluid form of identity. It is through the ‘collapse of legislated identities’, argue Moodley and Adam, that the vision of a ‘South African ‘rainbow nation’ emerged’: a form of citizenship that belied racial segregation and aspired towards full equality.¹⁴⁶ The Interim Constitution of 1993, made into permanent law in the final Constitution of 1997, laid great emphasis on ‘non-racialism’ and equality.¹⁴⁷ The section on National Unity and Reconciliation proclaims its vision of ‘a future founded on the recognition of human rights, democracy and peaceful co-existence’.¹⁴⁸ The Constitution aspires towards a pluralist society in which identities are constructed not through the rejection or negation of others but through respectful engagement, through what Chapman terms ‘cultural interchange’.¹⁴⁹

In its commitment to non-racialism and human rights the Constitution formalised the ideology of politically-motivated prisoners. Non-racialism, for example, was a key principle of the ANC who maintained a multi-racial membership throughout Apartheid and following its demise. The 1991 ANC Constitutional Guidelines define non-racialism as:

[a] South Africa in which all the artificial barriers and assumptions which kept people apart and maintained domination are removed. In its negative sense, nonracial means the elimination of all colour bars. In positive terms it means the affirmation of equal rights for all.¹⁵⁰

During (and following) their incarceration political prisoners demonstrated this commitment to the ‘elimination’ of race barriers, and a universal application of human rights, through their sustained attempts to establish good relations between prisoners and the all-white prison staff. Their attempts to re-educate and build friendships between themselves and prison staff were a form of gentle subversion, a method of positive protest and resistance that laid the foundations for wider reconciliation. The emphasis on non-racialism and mutual exchange results, in large

¹⁴⁶ K Moodley and H Adam, ‘Race and Nation in Post-Apartheid South Africa’ (2000) 48(3) *Current Sociology* pp. 51-69, at p. 51

¹⁴⁷ South African Interim Constitution, 1993

<http://www.info.gov.za/documents/constitution/93cons.htm> Accessed 20 August 2012

¹⁴⁸ South African Interim Constitution, 1993

¹⁴⁹ M Chapman, ‘The Problem of Identity: South Africa, Storytelling, and Literary History’ (1998) 29(1) *New Literary History* pp. 85-99, at p. 97

¹⁵⁰ P N Bouckaert, ‘The Negotiated Revolution: South Africa’s transition to a multiracial democracy’ (1997) 33 *Stanford Journal of International Law* pp. 375-411, at p. 399-400

part, from the concept of *Ubuntu*, a traditional African justice practice, which was a central tenet of the South African Truth and Reconciliation Commission (TRC), publicly espoused by Archbishop Desmond Tutu and President Nelson Mandela. *Ubuntu* is both a philosophy and a process that focuses on ‘consensus through dialogue’ and rests on the notion of ‘*Umuntu ngumuntu ngabantu... a person is a person through other persons*’.¹⁵¹ The emphasis on mutual construction is crucial: if identity is established through inter-subjectivity, the post Apartheid South African identity must be generated by sustained positive engagements between all members of the population. It would be naive, however, to suggest that equality and human rights are universally applied in post-Apartheid South Africa: poverty, inequality, and injustice remain endemic and subsequent governments have struggled to negotiate what Moodley and Adam term ‘the tension between the ideal of colour-blindness and the need to recognise race in order to diminish the reality of racial inequity’¹⁵², the problem of retaining difference and diversity while upholding commonality. However, while total equality is unrealised in post-Apartheid South Africa the resistance and ideology of political prisoners (both during and following their imprisonment) inspired a new form of mutually sustaining, equal, and diverse citizenship which recognises, as Chapman notes, that ‘identity-making... [emerges from] not only either/or, but also both/and.’¹⁵³

Conclusion

Prisoners at Robben Island were not isolated from the conflict: rather they were instrumental in how the conflict progressed, ended, and is now being remembered. Former prisoners (and Robben Island itself) hold a profoundly symbolic role in South Africa: through their resistance to state institutional practice, politically-motivated prisoners undermined the legal and political foundations of Apartheid. But their impact is not confined to the symbolic: through their strategies of resistance during their imprisonment, through their commitment to reconciliation and peaceful negotiation both then and on release, political prisoners were able to realise their political aims, transforming the concept of South African citizenship and laying the

¹⁵¹ D J Louw, ‘The African concept of *ubuntu* and Restorative Justice’, pp 161-174 in D Sullivan and L Tift (eds), *Handbook of Restorative Justice* (Routledge: London, 2008) at p. 161-2

¹⁵² Moodley and Adam, 2000, at p. 56

¹⁵³ Chapman, 1998, at p. 97

foundations for a society which aspired towards the universal application of human rights.

5. Conclusion

This dissertation has argued that politically-motivated prisoner resistance has a profoundly significant symbolic and political impact in states undergoing conflict. Far from maintaining their function in non-conflictual states, prisons during conflict become charged sites where competing claims to power are dynamically played out.¹⁵⁴ Through diverse strategies of resistance politically-motivated prisoners in Long Kesh and Robben Island subverted penal institutional power, fundamentally challenging state authority, and generating alternative narratives of the conflict which transformed systems of power within the prison, and the progression of the conflict far beyond the prison walls.

There are striking similarities between the experiences of the South African and Northern Irish politically-motivated prisoner. First, the political context in which these paramilitary and political organisations operated are markedly similar – both countries were colonised states in which (in Northern Ireland still, and in South Africa during Apartheid) the colonisers had an entrenched and powerful role¹⁵⁵ – and dissident political groups sought to undermine the legitimacy of a state which had impoverished and disenfranchised a section of the population. Second, both groups of prisoners were committed to collective action founded on the continuation of paramilitary structures in prison. Far from isolating and incapacitating these individuals, the experience of communal imprisonment offered opposition groups a powerful strategy for renewal and regeneration. From establishing paramilitary commanding officers in the H-Blocks to engaging in cross-organisation political debate in the gardens of Robben Island, politically-motivated prisoners exhibited a self-authority that challenged the authority of prison management and the immutability of institutional power.¹⁵⁶ Third, these prisoners shared a commitment to asserting their human rights and struggle for just and equal citizenship. Through their actions both within prison, and following their release, politically-motivated

¹⁵⁴ McEvoy, 2001, at p. 355

¹⁵⁵ T G Mitchell, *Native vs. Settler: Ethnic Conflict in Israel/Palestine, Northern Ireland, and South Africa* (Greenwood Press: Westport, CT, 2000) at p. 1

¹⁵⁶ Purbrick in Wylie, 2004, at p. 95 and Robben Island, *Integrated Conservation Management Plan*, at p. 29

prisoners in both jurisdictions generated radical new forms of citizenship that aspired towards a full realisation of human rights.

However, any assessment of these salient similarities must be tempered with an examination of the marked contrasts between the two case studies. These differences ultimately tell us much about the symbolic significance, political power, and potential impact of prisoner resistance. The resistance strategies and political aims of these two sets of prisoners were profoundly different. For Northern Irish politically-motivated prisoners, political ideologies and prison resistance were founded on the commitment to sectarian segregation, self-definition, and political-prisoner status: acts of resistance, therefore, were designed to emphasise and ensure the separation of prisoner from prisoner, and prisoner from prison staff.¹⁵⁷ From the hunger strikes that paradoxically individualised and communalised prison protest, to acts of extreme and brutal violence against prison staff and their families, prisoners at Long Kesh engaged in acts of resistance that upheld the strength of paramilitary ideologies through the construction and entrenching of binary opposites.

In stark contrast, strategies of resistance on Robben Island were founded on principles of non-racialism, reconciliation, and equality. Politically-motivated prisoners generated a panoply of resistance measures that sought to establish positive relations between prisoners and prison staff. This commitment to the re-education and politicisation of their white gaolers, this emphasis on non-violent resistance and peaceful negotiation, reflects the long-term political thinking of Robben Islanders.¹⁵⁸ Their resistance strategies were future-oriented, preparatory performances that laid the foundations for a new post-Apartheid South African society.

The success of these opposing resistance strategies can be analysed through the actions of and attitudes towards former prisoners in post-Apartheid South Africa and post-Good Friday Agreement Northern Ireland. In contrast to Northern Ireland where very few former prisoners are engaged in state politics (and those who are, such as Gerry Adams, hold profoundly contested roles) many South African former prisoners, most notably Nelson Mandela, have become central figures in state

¹⁵⁷ Mulcahy, 1995, at p. 450

¹⁵⁸ N Alexander, quoted in Buntman, 1998, at p. 430

politics. This difference results, in part, from the processes by which narratives of the conflict have been, and continue to be, created. While the Apartheid regime is over and is now almost universally viewed as inhumane, the Northern Irish conflict has abated but remains unfinished, and interpretations of its origins and meaning, and the role of former political prisoners, remain highly contested. The success and impact of the actions of South African political prisoners is more explicit: the commitment to negotiation on the part of South African prisoners resulted in a political transition focused on reconciliation, and created a new form of citizenship founded upon concepts of non-racialism and universal equality.¹⁵⁹ The success of Northern Irish prisoner resistance is harder to calculate. Their commitment to human rights, and their particular focus on prisoner status, laid the foundations for a peace agreement that guaranteed national self-definition and human rights to all sectors of the population. Many former prisoners have developed significant roles at the grassroots level, promoting peace at interface areas and participating in conflict transformation and restorative justice measures at the local level.¹⁶⁰ Yet the integration of such measures has been a slow process and many former prisoners in Northern Ireland report feelings of marginalisation and social exclusion.¹⁶¹ The idolised and idealised conceptualisations of the South African prisoner have not emerged in Northern Ireland where the former prisoner is simultaneously mythologised and vilified by opposing parts of the population.

The contrasting successes of Northern Irish and South African prisoner resistance reflects underlying problems and inconsistencies within the concept of resistance itself. Far from simply preventing the exercise of an external manifestation of power, acts of resistance aspire towards the appropriation, replication, and subversion of systems and transmissions of power. Yet such aspirations of resistance are rarely achieved and its prison manifestation is limited: regardless of the subtle and transformative means by which they symbolically breached the prison walls, these prisoners remained subject to the institution that contained them. McEvoy's cautious assessment of resistance is useful here: defined as a 'process' rather than an objective or outcome, its meaning and significance are contingent upon its future

¹⁵⁹ South African Interim Constitution, 1993

¹⁶⁰ Shirlow and McEvoy, 2008, at p. 8

¹⁶¹ Grounds and Jamieson, 2003, at p. 348

impact. Its present incarnation has limited impact, its influence on the wider conflict can be fully realised only in the future.¹⁶² While their degrees of success vary, the resistance strategies of politically-motivated prisoners in South Africa and Northern Ireland laid the foundations for systems of governance that aspired towards the universal application of equality and human rights.

Word count: 15,163

¹⁶² McEvoy, 2001, at p. 34

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