

Since the outbreak of the 'Troubles' in Northern Ireland the paramilitaries, in a crude and violent bid to police their own communities, have exacted over 2000 so-called 'punishment' shootings or kneecappings. Both Republican and Loyalist activists maintain that they are responding to a community demand to stem levels of anti-social and criminal activity in their respective neighbourhoods.

"Throughout the course of the recent cease-fires the levels of beatings rose dramatically."

Rough justice

Mario Matassa offers some thoughts on paramilitary 'justice'.

The following exposition will focus on Republican paramilitary policing. (This is not to suggest that Loyalist 'rough justice' is not a significant issue equally worthy of study), it delineates the justification for internally directed forms of violence. Paramilitary 'rough justice', misguided though it may be, is not simply a blank manifestation of naked violence. Embedded in this practice is a fundamental quest for legitimacy. The operation of an alternative system of

policing reflects a deep rooted perception of failure in the state criminal justice system. This must be recognised if any sense is to be made of 'Rough Justice' in the Northern Ireland context.

By highlighting this issue I do not aim to fuel publicity or to add any semblance of credence or moral acceptability. The purpose, rather, is to enlighten in order to provide a basis for objective evaluation and discussion.

The practice of 'punishment'

Media representation of 'alternative justice' in Northern Ireland has been, for the most part, sensational and distorted. The media's partial account would have us believe that 'alternative' policing in nationalist areas is simply about 'punishment' beatings or shootings. However, these represent but a small part of a much more comprehensive system of internal control.

Nevertheless, 'punishment' shootings are continuously at the forefront of public attention and consequently it is appropriate to begin by quantifying the extent of this particular form of 'punishment'. Official statistics, supplied by the RUC, are available from 1973. Altogether paramilitaries in Northern Ireland have carried out over 2000 shootings of which nationalists have carried out slightly over 60%. Table 1 illustrates the

level of shootings by Republican paramilitaries throughout the course of the troubles, until 1994.

Patterns of violence

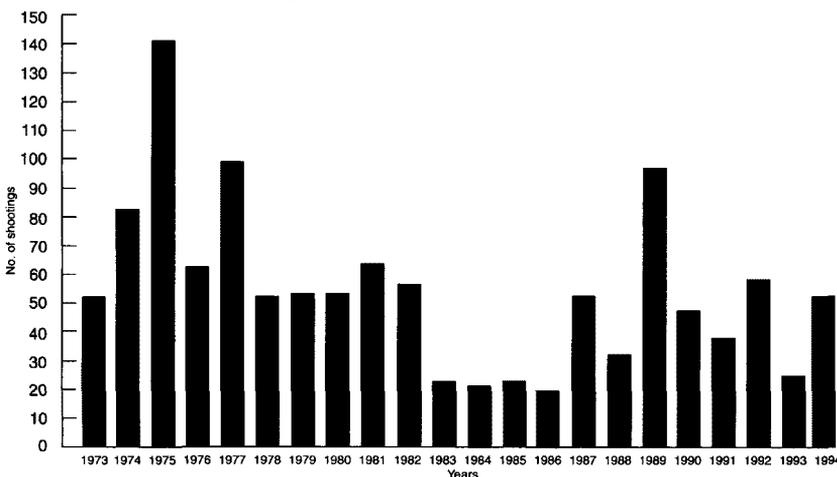
Internally directed violence is prevalent in working-class areas where the paramilitary support and hold is traditionally strongest. The majority of republican victims are parochially known as 'hoods'. Typical 'hooding' activities include, for example, joyriding, drug dealing and other forms of 'anti-social' activity. Most victims are male, working class, often unemployed, and are mostly aged between 16 and 29 years (see Kennedy, 1995).

The process of determining 'sentence' (though not, of course, the nature of the punishment itself), it is interesting to note, reflects in many respects that of the state system. For example, the seriousness of the 'offence' is considered in conjunction with the offenders' perceived 'previous record'. Also considered are such mitigating factors as unemployment, social and familial background, and alcoholism (Morrissey and Pease, 1982). The IRA maintain that representatives will mediate and consult with parents in an attempt to arrive at more 'constructive' or 'socially acceptable' ways of dealing with the problem.

Failing mediation, the extent of the 'punishment' is gauged according to the perceived seriousness of the crime. For instance, the victim could be shot once in each leg. Alternatively, in more extreme cases the offender can be shot in both legs, the ankles and the elbows (euphemistically known as a six-pack). The IRA are keen to stress that resort to physical methods is undertaken with great reluctance, and is an unfortunate result of the extraordinary situation and the lack of viable alternatives open to them.

The practice of kneecapping is only one small part of a much wider system of policing and control. Other sanctions include, for example, expulsions, abductions, direct and indirect forms of intimidation, and a variety of community type sentences, much akin to recently publicised measures imposed on curb crawlers in the United States, aimed at publicly humiliating the alleged offender. On a more extreme level, of course, are summary executions

Table 1
Punishment Shootings by Republican Paramilitaries, 1973-1994



Source: RUC statistics unit

Table 2

'Punishment' beatings by Republican paramilitaries, 1991-1996

Year	Number	Year	Number
1991	40	1994	32
1992	38	1995	141
1993	6	1996	172

Source: RUC statistics unit

(such as the shooting of 'alleged' drug dealers during the recent cease-fires) and, the highly publicised 'punishment' beatings.

Contrary to popular opinion, 'punishment' beatings are not a new phenomenon. In fact so-called 'punishment' squads have operated throughout the course of the troubles. The RUC have officially recorded such assaults since the early eighties (although it should be pointed out that official figures represent a bare minimum, as victims often do not need hospital treatment and are unwilling to report the crime). Between 1991 and 1996 Republican paramilitaries have carried out over 400 such assaults (RUC statistics unit). The typology of the average victim is practically identical to victims of 'punishment' shootings. Often repeat offenders will graduate from being beaten, sometimes on multiple occasions, to getting 'capped'.

To the average reader a 'punishment' beating might sound less savage than a shooting. In many instances however the opposite is the case. The attackers employ a variety of weapons including concrete blocks, hammers, baseball bats and sticks with nails protruding. The attacks are often more intense, violent and humiliating, and the injuries sustained are more grievous. Throughout the course of the recent cease-fires the levels of beatings rose dramatically. Table 2 gives some idea of the level of increase. To put these figures into proper context, however, it is important to realise that this increase is in many respects the result of the fact that both the IRA and Loyalist paramilitaries had, in light of the cease-fires, given tacit assurances that kneecappings would no longer be carried out. As such the rise in beatings partly reflects the substitution of shootings for beatings.

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The Republican justification

In an article on crime and punishment in the Belfast Telegraph the author posed the following hypothetical question: "If you were robbed, violated, raped, mugged, battered, bruised and generally physically and/or mentally wrecked would you prefer your assailant/s to be jailed for six months or two years or kneecapped by paramilitaries?" (Feb. 6, 1996).

Whilst I would assume that most people would be appalled by the notion of forcibly taking a 16-year-old from his home and shooting him in the knees for stealing a car, in many working-class nationalist areas of Northern Ireland the reaction is not so easy to gauge. Any specific measure of communal support would be difficult to assess as it is prone to change given the exigencies of any particular situation. Nevertheless, there does exist a considerable support base that allows for the continuation of these forms of 'punishment'.

To understand the tolerance accorded to IRA style 'rough justice', it is necessary to view the system in the social and political context within which it operates, and to be aware of the opinions, attitudes and experiences of those very people who demand it. The IRA generally justify employing extreme measures along three basic premises.

First, they argue that the RUC are perceived as sectarian, partial and unrepresentative of the views of Catholics. From the Republican point of view events such as those on the Garvaghy Road at Drumcree over the past few years would only serve to add credence to this view. Additionally Republicans argue that the RUC itself often apply extra-judicial means such as the much highlighted beatings at Castlereagh and the alleged shoot to kill policy (see Amnesty

International's report, 1994). As such the IRA maintain that they have an intrinsic duty to the community to fill the vacuum in policing caused by the lack of faith and confidence in the RUC as a police force.

Secondly, in line with any successful revolutionary organisation, it is essential to create alternative structures to that of the state. That is, in rejecting and contesting the legitimacy of the state, and the state's criminal justice system the creation of alternative structures is a requisite component of the overall strategy to affect political change.

Finally, the IRA maintain that the RUC employ criminals as part of their counter-insurgency strategy. They maintain that the RUC deliberately ignores the petty criminal and anti-social activity of the 'hoods' for their own strategic advantage. By doing so they argue that they are forced to employ valuable resources to deal with these offenders as failing to do so would reflect negatively on their image within the local community.

Conclusion

Although a few journalists and even fewer academics must be commended for both highlighting and informing this contentious issue (see for example McCorry and Morrissey, 1989, Munck, 1985, and Kennedy 1995), it would be fair to suggest that the debate on 'alternative justice' in Northern Ireland is still in its infancy. Coverage in national newspapers, for the most part, has been substantially shallow, tending to sensationalise and criticise without reflecting in any depth on the history, context, and opinions and attitudes of those living in the communities within which these forms of 'justice' are dispensed. By failing to do so they portray at best a partial but naive rendition. To be in a position to understand and objectively evaluate the system of social control operating in nationalist communities today, it is imperative to outline an account free from value laden traditional conservative morality.

The IRA are aware of the dan-

gers of alienating public opinion by resorting to activities which do not hold at least the tacit consent of the nationalist community. To be fair, the issue of policing is one of perennial debate in republican circles. Few republicans would argue in favour of the intrinsic merits of current procedures. However the IRA claim that they are acting in response to community pressure. Although the exact extent of this demand is difficult to ascertain it would be naive to attempt to deny that any such demand does exist. IRA members are recruited from, known to, and operate within their local community. Should that community reject their activities, it is unlikely that the IRA could have been able to sustain and wage their 'war' for the past 25 years.

Most of us would regard such practices as 'kneecapping' as morally reprehensible and utterly unjustifiable. However, I believe it is simplistic for us to condemn those who tolerate such practices without considering what compels them to do so in the first place. Many people living in nationalist communities feel alienated, brutalised, stereotyped and discriminated against. The RUC is not deemed as either effective or acceptable. The British Government's presence is viewed as illegitimate. And internally, the 'hoods' are regarded as an additional burden that the community should not have to tolerate. In these circumstances it is perhaps easier to understand why so many in Northern Ireland accept IRA 'rough justice'.

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