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Political Prisoners and the Irish Conflict 100 Years On

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Abstract: This article traces the impact of Irish political prisoners on the prison landscape in Ireland, north and south, over the past 100 years. For the post-1969 period in Northern Ireland, it explores three different styles of prison management: reactive containment, criminalisation, and managerialism. It also examines the ways in which political prisoners sought to resist, including through strategic use of law, dirty protests and hunger strikes, escapes and the use of violence. The article then discusses the early release of prisoners under the Good Friday Agreement and the role that ex-prisoners have played in the peace process. It concludes with some reflections on the ongoing tensions between the state and dissident republican prisoners, asking what lessons (if any) can be gleaned from the past 100 years.

Keywords: conflict; Ireland; Northern Ireland; political prisoner

The plight of political prisoners in Ireland was discussed at the first annual meeting of the Howard League for Penal Reform in June 1921.¹ The Committee registered ‘grave concern’ regarding ‘very serious allegations with regard to the treatment of prisoners ... in Ireland’. In light of the Irish authorities’ refusal to facilitate an inspection of places of detention in Ireland (in contrast to normal practice in England and Scotland), the Committee requested an immediate and impartial inquiry into their treatment (Howard League for Penal Reform 1921). In a subsequent report published in October 1921, a series of concerns were highlighted including: accusations of torture and inhumane treatment; lack of oversight regarding political prisoners and internees held under military control (inaccessible even to Justices of the Peace); and the treatment of women and girls in male-controlled settings (Anon 1921). Political prisoners and the challenges that they present remained a constant feature of the penal

and political landscape in these islands throughout the 20th Century and up to the present day.

This article traces the relationship between the incarceration of politically-motivated prisoners and broader processes of conflict and conflict transformation. It considers the ways in which such prisoners have 'resisted' in order to assert their status as politically-motivated rather than 'ordinary' inmates. It also explores different ways in which the state has managed such prisoners and the direct consequences of management styles for relations within the prisons and indeed for the broader community. Finally, we reflect on the lessons that can be gleaned from that long experience in light of contemporary challenges associated with 'dissident' republican prisoners held in Northern Ireland. Before examining the most recent phase of political imprisonment, it might be useful to consider the broader context for that first report on political prisoners in the *Howard Journal*.

Political Imprisonment 1916–62: Repression, Resolve and Revival

Following the Easter Rising of 1916, the British government imprisoned and interned thousands of Irish republican prisoners in Ireland, England and Wales (O'Mahony 1987). In June 1917 many were freed under a Royal Prerogative of Mercy (an amnesty in all but name) in a failed attempt to allay continued unrest in Ireland. By April 1919, the vast majority were out (McEvoy 1998, p.1,543). However, the mass sweeps and arrests precipitated by the Irish War of Independence ensured that prison cells did not lay vacant for long. By the time that a truce was finally called in July 1921, more than 500 republicans were imprisoned in Britain and prison accommodation in Ireland was stretched beyond capacity. To supplement the Irish convict prisons (Maryborough and parts of Mountjoy), local prisons, minor prisons, bridewells, detention camps and military barracks were adapted to house political prisoners. Thousands more were held as internees in camps and prisons (McConville 2014, p.167). This was the bleak political backdrop to the report published by the Howard League for Penal Reform in October 1921.

Within two months of publication of that report, an Irish delegation including Michael Collins (Irish Minister for Finance and Irish Republican Army (IRA) leader) and Arthur Griffith (founder of Sinn Féin) concluded peace negotiations with the British government by signing the Anglo-Irish Treaty (Coogan 1990; Feeney 2002). This Agreement (signed on 6 December 1921) marked the end of the Irish War of Independence and paved the way for the release of thousands of men and some women held as internees in camps and prisons. As with the releases in 1919, prison numbers were swiftly replenished. The Treaty created a new independent Irish Free State but enabled six north-eastern counties ('Northern Ireland') to opt-out and remain a constituent part of the United Kingdom (thus solidifying the May 1921 Government of Ireland Act). Affording dominion status to the new state, the Treaty controversially required political representatives to swear allegiance both to the Irish Free State and King George V. A civil war ensued between pro- and anti-Treaty factions of the IRA and by June 1922

the number of political prisoners had swollen to some 12,000 men and women (McConville 2014, p.179). Prison struggles for political status were all the more bitter when pitched against erstwhile comrades. Releases progressed rapidly following the defeat of the anti-Treaty forces in May 1923 but, in the decades that followed, political imprisonment remained at the epicentre of Irish political and public life.

In the aftermath of a costly and brutal civil war, the leaders of the independent Irish state unashamedly prioritised survival. Anti-democratic (and at times authoritarian) strains far outweighed political generosity and imagination (O'Regan 1999) – including with regard to political prisoners. A recurring sting for those deemed a threat to the state was the fact that successive Irish governments (not least those led by Fianna Fáil, the political party that emerged from the anti-Treaty IRA) proved at least as willing as the British to deploy coercive powers such as internment and military tribunals. With an acquittal rate of less than one in ten, the Special Criminal Court established under the Emergency Powers Act 1939, was regarded by many as 'a fig leaf for administrative detention' (McConville 2014, p.616). Conditions within prison throughout the 1930s and 1940s were equally unforgiving. Political prisoners in military custody were routinely held in isolation and there were recurrent – but heavily censored – reports of ill-treatment and brutality.² This provoked ongoing resistance including escapes and escape attempts. There were also a number of high-profile IRA prisoner deaths as a result of hunger strikes for political status and better conditions (MacEoin 1997, p.536).

Political imprisonment became an equally prominent feature of the penal landscape in the new state of Northern Ireland. Since its inception the state has relied on the use of emergency laws, including widespread powers of arrest and internment, to quash dissent. To supplement the state's limited prison estate, prison ships such as the *Argenta* and later the *Al Rawdah* became home to internees and parts of Belfast's dilapidated Crumlin Road prison were adapted to hold long-term prisoners (Kleinrichert 2001). Corporal punishments such as flogging and birching (provided for in the Civil Authorities (Special Powers) Act 1922) were used mainly for politically-related offences (McConville 2014, p.409). As in the south, a familiar backlash of protest, hunger strikes and escapes ensued.

The number of political prisoners in Belfast prison remained relatively small throughout the late 1920s and 1930s but the threat of a renewed IRA offensive and an IRA bombing campaign in Britain provoked wartime internment on both sides of the Irish border. By 1942, some 802 IRA suspects in Northern Ireland had been deprived of their liberty (McEvoy 1998, p.1,546). Efforts at infiltration were also stepped up, sowing internal division and demoralisation, not least within prison walls. By the close of the Second World War the IRA had been reduced to a mere fragment of its former capacity (Bryson 2007, p.10).

Having failed to make a mark on Britain with the bombing campaign, the IRA shifted its focus to the northern state. Inspired by a number of successful arms raids in the early 1950s, it launched a new campaign, 'Operation Harvest' in December 1956. This 'Border Campaign'

amounted to a phased series of attacks led by southern units of the IRA. As before, the security vice was tightened on both sides of the border, with concurrent internment and mass arrests. By the time the campaign ended in 1962, close to 200 political prisoners had been sentenced and convicted in both jurisdictions and several more were imprisoned in England (McConville 2014, p.811). By December 1963 all political prisoners had been released (McEvoy 1998, p.1,548).

To summarise, the experience of Irish political prisoners between 1916 and 1962 has a number of recurring features. On both sides of the border such prisoners were held in harsh conditions and accusations of maltreatment and intermittent brutality were commonplace. These prisoners invariably resisted any attempt to treat them as ‘ordinary’ rather than political prisoners, provoking inevitable confrontation with the prison authorities. The numbers incarcerated followed the ebb and flow of successive IRA campaigns. Once hostilities ceased, such prisoners were typically released. This template continued to frame the experience of political prisoners in the period from 1969 onwards.

Political Imprisonment and the Northern Ireland Conflict: Management, Resistance and Release

In 1969, Northern Ireland had a daily prison population of just 493 (Gormally, McEvoy and Wall 1993). By 1973 the prison population had swollen to almost 3,000, 26% of whom were internees (Northern Ireland Prison Service 1977, pp.24–6). Between 1969 and 1998 a total of approximately 25,000–30,000 people were imprisoned for politically-motivated offences – a significant proportion of the local population (Shirlow and McEvoy 2008). Jamieson, Shirlow and Grounds (2010, p.11) estimated that ex-political prisoners make up at least 13.5% of the male cohort of 50- to 59-year-olds in Northern Ireland; this percentage is significantly higher in working-class republican and loyalist communities. The prisons became a political and ideological battleground in the conflict between the Northern Ireland state and its enemies. While a similar contest ensued in the Irish Republic, for reasons of space we focus in this section on the experience of male republican prisoners in Northern Ireland.³

One of the authors has previously identified three overlapping but distinctive approaches to the management of political prisoners during the Northern Ireland conflict. These were framed as (i) *reactive containment*, (ii) *criminalisation*, and (iii) *managerialism* (McEvoy 2001). Reactive containment was most prevalent in the period between 1969 and 1975. It was essentially an extension of the government’s broader security policy, casting prisons as sites for holding insurgents once they had been removed from the conflict in the community (McEvoy, McConnachie and Jamieson 2007). Drawing on tactics developed by the British military in other colonial contexts, it was associated with a range of strong-arm security tactics including extra-judicial killings, torture, internment without trial, and the development of non-jury (Diplock) courts to try those accused of terrorist offences (Boyle, Hadden and Hillyard 1980; Jackson and Doran

1995; McEvoy 2001). Paradoxically, however, this security-oriented style afforded de facto political status to political prisoners and was formalised in 1972, with the introduction of 'Special Category Status'. This allowed prisoners to be segregated according to political faction, to wear their personal clothing, to abstain from prison work, to maintain significant autonomy and self-regulation within their distinct 'camps' or wings, and to engage with the authorities through paramilitary leadership structures (Campbell, McKeown and O'Hagan 1994; Challis 1999).

Upon the withdrawal of Special Category status in March 1976, the government changed tack and set about implementing a policy of 'criminalisation' – treating politically-motivated prisoners as 'ordinary' criminals as part of a strategy designed to 'break' terrorism. The prison administration stopped negotiating with political prisoners' representatives and instead began rigidly enforcing the rules that applied to all prisoners such as wearing a prison uniform and engaging in prison work. Republicans and loyalists were also now forced to integrate with the 'ordinary' prison population (Campbell, McKeown and O'Hagan 1994; McEvoy 2001; McKeown 2001).⁴ Within this context, prisons predictably moved centre stage in the broader ideological and political conflict (Gormally, McEvoy and Wall 1993). This period was characterised by increased brutality, violence, and dehumanisation and a general deterioration of prison conditions (Butler 2016).

Challenges to these circumstances such as the 1980–1 hunger strikes were politically damaging to the government and resulted in an unmanageable situation in the prisons (see further below). In response, the British state began in the course of the 1980s to adopt a more managerial approach to political prisoners. The state began in particular to emphasise bureaucratic control, viewing prison as a place where political violence could be managed but not necessarily defeated (McEvoy 2001). Implicitly, this model accepted political violence as an inherent and normalised feature of society and addressed its consequences on the basis of a technocratic calculation of risk (Gormally, McEvoy and Wall 1993; McEvoy, McConnachie and Jamieson 2007). In practical terms, this meant that the prison system became more flexible in its dealing with inmates, facilitating the segregation of political prisoners by faction, enabling constructive engagement between staff and prisoners, and engaging in negotiation and consultation (via paramilitary command structures) to minimise conflict. Prisoners were granted increased privileges, were allowed to wear their own clothes, were not forced to do prison work, had free association with others, and had access to educational facilities (Campbell, McKeown and O'Hagan 1994; McKeown 2001). This managerial approach to political prisoners persisted throughout the period of the ceasefires and up to the commencement of the early releases under the Good Friday Agreement 1998 (see further, below).

Of course, the other key dimension to the relationship between the state and political prisoners was determined by the actions of the prisoners themselves. Deploying well-established prison coping strategies (see Clemmer 1940; Sykes 1958), political prisoners engaged in co-ordinated

resistance to their imprisonment (Cohen and Taylor 1972; McEvoy, McConnachie and Jamieson 2007). In this regard, Irish political prisoners were of course mirroring the resistant strategies of political prisoners elsewhere. There are, however, a number of ways in which their resistance was distinctive. First, their tactics were intimately connected with their broader political movement in terms of authorisation, organisation and execution. Their resistance was therefore often seen as an extension of the struggle with which they were engaged outside of prison – a means of furthering their political cause and challenging the legitimacy of their imprisonment (McEvoy 2001; McEvoy, McConnachie and Jamieson 2007; McKeown 2001). Second, and related, prisons in Northern Ireland gradually became a key site wherein the wider political conflict played out (McEvoy 2001). Third, although there are undoubtedly overlaps with political prisoners in other parts of the world, the particular strategies of resistance employed were steeped in Irish history.

As noted above, Irish republican prisoners have had a long history of resistance to imprisonment. Republican political prisoners have typically approached prison resistance collectively, organising themselves through their internal command structures. Focusing mainly on issues concerning political status and prison conditions, their strategies of resistance have included (i) the use of the law, (ii) escape, (iii) self-sacrifice through hunger strikes and other protests, and (iv) violence.

Resistance through legal means is, again, a well-established tradition in societies experiencing political or social violence, and it manifested in a number of distinctive ways in Northern Ireland (McEvoy, McConnachie and Jamieson 2007). In the early part of the Northern Ireland conflict, political prisoners refused to recognise the legitimacy of the legal system – mocking the regulations, refusing to participate, and using court as a platform for political speeches. By the 1980s, however, a more sophisticated approach to the use of law had developed. This involved actively challenging policies and practices through strategic use of judicial review of the prison's disciplinary system, international human rights appeals, and extradition battles. These tactics cast the prisons and the broader justice system as sites of both practical and symbolic resistance, with prisoners appropriating the law against the state. Not all attempts were successful, but a number of high-profile cases were decided in favour of prisoners, including extradition cases that caused significant political embarrassment for the British government (McEvoy 2000, 2011).

In addition, escape has long since served as a classic expression of resistance for Irish republican prisoners, representing a full-frontal attack on state power that holds the potential to ridicule and embarrass (McEvoy 2001). In the course of the conflict, dozens of political prisoners escaped by scaling walls, brandishing weapons, disguising themselves as priests and visitors, hiding in vehicles, and by digging tunnels (Challis 1999).⁵ The IRA in particular proved willing to commit significant resources to escape attempts because they saw it as their duty as prisoners of war and because successful efforts served as powerful propaganda. From 1921 to 1999, some 37 republican prisoners escaped from Crumlin Road Prison. Thirteen of

these broke free within a six-month window in 1971 (Challis 1999). The most notorious escape from a Northern Ireland prison took place in 1983, when 38 prisoners hijacked a lorry at the Maze Prison and drove through the front gates (Kelly 2013).

Another form of resistance by republican prisoners involved the use of self-sacrifice to symbolically transform the body into a site of struggle (Feldman 1991). A graphic illustration of this type of resistance was provoked by the withdrawal of Special Category status in 1976. In protest, republican prisoners at the Maze Prison began to wear blankets instead of the standard issue prison uniform. This escalated in 1978 to include a 'no wash' or 'dirty' protest which involved prisoners smearing their excrement on cell walls (similar protests commenced at Crumlin Road, Magilligan, and Armagh Women's Prison; see Aretxaga (1995); Corcoran (2006)). This particular form of resistance had no precedent in the culture at the time (Aretxaga 1995). Having failed to secure any concessions, seven republican prisoners then embarked on a hunger strike in October 1980.⁶ Their five demands were: the right not to wear a prison uniform; the right not to do prison work; the right of free association and to organise educational and recreational pursuits; the right to one visit, one letter and one parcel a week; and full restoration of remission lost during the protest. By the time this strike ended in December 1980, the original seven had been joined by a further 30 republican men and three women at Armagh prison (Corcoran 2006). Having concluded that the British government had reneged on promises made during negotiations, a second hunger strike was initiated in March 1981. Although this strike resulted in the death of ten prisoners and ended with no immediate or obvious victory, it functioned as a major recruitment drive for the Provisional IRA. It also significantly increased the IRA's international profile, widening the net for fund raising and the acquisition of arsenal (Taylor 1998). Perhaps most significantly, inspired by the election of one of the hunger strike leaders, Bobby Sands, as a Westminster MP, it highlighted new opportunities for electoral gains and thus had a profound influence on the future shape of Sinn Féin and the broader republican movement (Bean 2007, p.63).

Finally, it is clear that physical violence was a recurring theme in the republican repertoire of resistance. Violence was directed against prison staff, rival prisoner factions, and prison property in order to protest against material conditions within the prison and to challenge and directly confront the power and agency of the prison authorities. Examples include the burning of the Long Kesh compounds in 1974, the subsequent 14-hour solidarity siege at Armagh Prison (during which a handful of female prisoners held the prison Governor and several staff members hostage), and the sustained loyalist riots in Crumlin Road Prison in 1994 (Challis 1999; McEvoy 2001). Although a somewhat inevitable by-product of other forms of resistance, the use of violence could be counter-productive for political prisoners, in particular posing a risk to the prisoners and provoking backlash from prison authorities. As a result, the use of violence became

increasingly calibrated during the latter period of the conflict, focusing on particular prisons and, indeed, particular prison staff.⁷

Thus, in the course of the Northern Ireland conflict there was a complex and shifting dialectical relationship between efforts by the state to manage political prisoners and efforts by such prisoners to resist. A range of different management approaches were adopted by the state, reflecting evolving ideological, political and policy positions. In response, political prisoners deployed a complex repertoire of resistance techniques. Although sharing some common features of prisoner resistance in other conflict situations, their strategy was deeply rooted in the local political context and incorporated a unique and innovative blend of historical and contemporary tactics. These were in part defensive (seeking to safeguard political status and decent prison conditions) and in part offensive (using prison as a continuation of their broader contest against the state). After the signing of the Good Friday Agreement in 1998, prisoners belonging to political groups that participated in the relevant ceasefires became eligible for early release – a *de facto* acknowledgement of their political status. The vast majority of such prisoners held in Northern Ireland were released within two years. Their release and subsequent participation in the peace process has been a crucial and influential component of sustainable peacebuilding, which is what we examine next.

From Prison to Peace: The Good Friday Agreement and the Early Release Scheme

In the negotiations leading to the IRA and loyalist ceasefires in 1994, it became clear that the issue of prisoner release was inevitably going to feature in the peace settlement. Indeed, the breakdown of the IRA ceasefire in 1996 was due in part to the failure of the John Major government (which relied on Unionist support at Westminster) to respond imaginatively to a range of issues, including the transfer of republican political prisoners from Britain to Northern Ireland (McEvoy and Gormally 1997). A Labour government (with a 179-seat majority) was formed by Tony Blair in May 1997 and, following renewed negotiations, the IRA ceasefire was restored. In August, less than a month into this ceasefire, Secretary of State Dr Marjorie Mowlam indicated that while she was not *yet* ready to consider prisoner releases ‘... as the cease-fire holds, other options become possible’ (*Irish News* 1997). In January 1998, after loyalist prisoners threatened to withdraw their support for the peace process, Dr Mowlam went into the Maze to meet both loyalist and republican prisoners, presenting them with a 14-point plan which included provisions on the early release of political prisoners (*Irish News* 1998).

The provision for the early release of paramilitary prisoners in the Good Friday Agreement was one of the most controversial elements of the settlement. It provided that all prisoners belonging to factions on ceasefire would be released within two years of the Agreement and also committed the British and Irish governments to putting in place mechanisms designed to help facilitate prisoner reintegration. For many direct victims, the

release of political prisoners was understandably a very bitter pill to swallow. In reality, however, it would not have been possible for either republican or loyalist leaders to move their constituencies away from violence without this key concession. Moreover, the early release process clearly ‘worked’, certainly in criminological terms. A total of 482 prisoners (249 republicans, 194 loyalists and 39 non-affiliated) were released early under the scheme. These prisoners were released on licence which meant that they could be returned to prison based on intelligence without being reconvicted of another offence. In the course of more than 20 years, only 26 have had their licences revoked (16 loyalists, ten republicans) and only twelve of these were accused of alleged reinvolvement in political violence.⁸ By comparison, the recidivism rate for ordinary adult prisoners in Northern Ireland is 42% reconviction within one year of release (Northern Ireland Statistics and Research Agency 2019).

As the peace process unfolded, prisoner groupings (supported by the EU Peace and Reconciliation Fund to the tune of €36 million between 1995 and 2016) developed a ‘self-help’ model to assist with their reintegration into society (Shirlow and McEvoy 2008). Moreover, former loyalist and republican prisoners became increasingly embedded in grassroots conflict transformation work, becoming key agents in challenging cultures of violence and finding practical means of resolving inter-communal conflict (McEvoy and Shirlow 2009). Republican ex-prisoners involved in such work have also been at the forefront of efforts to improve relations between the police and historically-estranged republican communities, deploying political negotiation skills honed in Northern Ireland’s prisons (Braithwaite 2020; McEvoy and Albert 2020).

Conclusion: Contemporary Political Imprisonment in Northern Ireland

Although the republican movement proved remarkably successful in keeping its base intact throughout the peace process, there was inevitably some ‘splitting’ away from the mainstream organisation. A relatively small cohort of republicans remained fundamentally opposed to the cessation of an armed campaign. That cohort, in turn, subdivided, but the term ‘dissident republican’ is employed collectively to refer to those who oppose the peace strategy being advanced by Sinn Féin and the mainstream republican movement (Morrison 2014). In general, these dissident republicans regard the Sinn Féin peace strategy as a ‘sell-out’ – a betrayal of the sacrifices of past generations of republicans (McGlinchey 2019).

In the 20 years since the signing of the Good Friday Agreement, more than 50 people have been killed by various dissident republican organisations, 29 of them when the Real IRA detonated a bomb in the centre of Omagh, County Tyrone, in 1998 (Tonge 2014). While that organisation’s capacity was significantly reduced in the aftermath of Omagh, sporadic fatal attacks against police, army and prison personnel have persisted. Between 2009 and 2019, dissidents were responsible for the deaths of two Police Service of Northern Ireland (PSNI) officers, two British soldiers, two

prison officers and a journalist. MI5 continues to classify the threat from dissident republicans as 'severe', meaning that an attack is highly likely.

There are currently approximately 30 dissident republicans and ten loyalists being held in Maghaberry Prison. Although small in number, their existence keeps alive the traditions of protest and resistance that have featured in earlier phases of conflict, with familiar calls for political status and protests to highlight alleged prison brutality and disregard for prisoners' rights. There have been some attempts to emulate the no-wash protests of the late-1970s and early-1980s (Morrison 2017, pp.595–6) and dissident republicans have also engaged in sporadic short-lived hunger strikes. The murders of the two prison staff by dissident republicans have been explicitly linked to these various prison protests. In a number of key respects, however, the contemporary relationship between republican dissidents and the state differs from previous generations.

First and foremost, dissident republicans have not succeeded in garnering anything like the community support attracted by the provisional republican movement. Sinn Féin was able to secure approximately one-third of the nationalist vote while its armed wing the Provisional IRA was engaged in political violence. Since the IRA campaign ended, it has become by some distance the largest nationalist party in Northern Ireland and is now the official opposition in the Irish Republic having received the highest number of first preference votes in the 2020 general election. Second, there are significant questions about the calibre of the organisation of dissident republicans – evidenced by their extensive infiltration by security force agents – which, in turn, impacts on their ability to organise sustained resistance strategies within the prison. Third and related, as McGlinchey (2019, pp.56–7) has argued, the splits, schisms, and tensions between the different dissident factions within the prison and outside significantly hampers their capacity for organised resistance.

On the part of the prison authorities, while mistakes have undoubtedly been made, there is evidence of a growing desire to avoid unnecessary disputes with political prisoners. Pragmatic accommodations have been reached on a range of issues including acquiescing to the prisoners' demand for segregation by paramilitary faction, addressing concerns about inadequate educational facilities and establishing clear channels of communication designed to reduce tensions (Bell, Gormley-Heenan and Morrow 2019; House of Commons Northern Ireland Affairs Committee 2004; Independent Reporting Commission 2018). As a former senior manager in the Northern Ireland Prison Service told one of the authors:

One would hope that the hard lessons of managing paramilitary prisoners have been internalised. Prisons are not the place to fight ideological battles – you don't pick unnecessary fights, you make prison conditions as decent as you can, and you try not to let them escape. (personal Interview, 15 October 2020)

Reflecting back on the past 100 years, this plea for principled pragmatism is perhaps the enduring lesson with regard to the management of Irish political prisoners.

Notes

- 1 This was the inaugural meeting of the Howard League for Penal Reform – an amalgamation of the Howard Association and the Penal Reform League. Political prisoners are defined in this article as those who have been imprisoned for politically-motivated violent acts, legally defined as terrorism in the UK. Under successive emergency legislation in Northern Ireland – later extended to Britain via the Prevention of Terrorism (Temporary Provisions) Act 1974, terrorism is defined as ‘the use of violence for political ends and includes any use of violence for the purpose of putting the public in or any section of the public in fear’ (see the Detention of Terrorists (NI) Order 1972, Article 2(2)). In the Republic of Ireland the relevant legislation is the Offences Against the State Acts 1939–98. For a detailed discussion on definitional debates regarding political imprisonment see McEvoy, McConnachie and Jamieson (2007). Some of the archival work for this article draws upon the AHRC funded project ‘Amnesties, Prosecutions and the Public Interest’ AH/J013897/1.
- 2 In February 1932, the editor of the *Irish Press* was fined £100 for publishing articles alleging the ill-treatment of prisoners in the custody of the Civic Guard (*Irish Times* 1932).
- 3 For a discussion of the experience of political imprisonment in recent decades in the Republic of Ireland, Irish political prisoners in England, loyalist prisoners in Northern Ireland and female republican prisoners see respectively: Rogan (2011), O’Donnell (2011, 2012), McEvoy (2001), and Corcoran (2006). For further analysis of Irish political prisoners in Irish and English maximum-security prisons see McConville (2021).
- 4 Margaret Thatcher, who became Prime Minister in 1979 summed up the strategy she had inherited from the previous Labour government as follows: ‘There is no such thing as political murder, political bombing or political violence. There is only criminal murder, criminal bombing and criminal violence. We will not compromise on this. There will be no political status’ (speech at Stormont, 5 March 1981).
- 5 Tunnelling was used at different stages by both republican and loyalist prisoners and could be very extravagant. One tunnel discovered by officials in 1978 was found with an electric lighting system, air pumps, and wooden support planks. Another was discovered in 1997 that reached 40 feet in length. After the Maze Prison was demolished in 2007, a tunnel stretching 60 feet was discovered. A more daring escapade was the 1973 escape from Mountjoy Prison which involved an IRA unit flying a helicopter into the prison, enabling several senior republicans to escape.
- 6 Hunger strikes have been used in a variety of contexts throughout history, with political prisoners employing such tactics in jurisdictions including South Africa, Israel, Guantanamo and India (Buntman 2003; McEvoy, McConnachie and Jamieson 2007; Mulcahy 1995). The hunger strike has particular resonance in Irish history, however, dating back to the 7th Century when it was employed under the Brehon Law system to shame someone who had wronged the hunger striker. It was later used by republican prisoners in the aftermath of the Easter Rising, during the War of Independence and the Irish Civil War. Such examples have attracted international attention from a variety of outside movements and independence leaders, including Indian revolutionaries, Jatindranath Das and Subhas Chandra Bose, who cited Irish hunger strikes as sources of inspiration (Bhave 2016; Silvestri 2000).
- 7 Between 1942 and 2016 a total of 32 members of the Northern Ireland Prison Service were killed. All but two of these individuals lost their lives in the post-1976 period.
- 8 Email correspondence from the Northern Ireland Sentence Review Commission to Professor Kieran McEvoy, 20 September 2019.

References

- Anon (1921) ‘Irish political prisoners’, *Howard Journal*, 1, 61–2.
Aretxaga, B. (1995) ‘Dirty protest: symbolic over-determination and gender in Northern Ireland ethnic violence’, *Ethos*, 23(2), 123–49.
Bean, K. (2007) *The New Politics of Sinn Féin*, Liverpool: Liverpool University Press.

- Bell, C., Gormley-Heenan, C. and Morrow, D. (2019) *Report on Education and Training Opportunities for Prisoners in the Separated Regime in Northern Ireland*, Belfast: Department of Justice.
- Bhave, P. (2016) *An Easter Re-Rising*, RTE. Available at: <https://www.rte.ie/radio1/doconone/2016/0331/778511-an-easter-re-rising/> (accessed 27 January 2021).
- Boyle, K., Hadden, T. and Hillyard, P. (1980) *Ten Years on in Northern Ireland: The Legal Control of Political Violence*, Belfast: Cobden Trust.
- Braithwaite, J. (2020) 'The conversation, the journal, not the book', *International Journal of Restorative Justice*, 3(1), 106–21.
- Buntman, F. (2003) *Robben Island and Prisoner Resistance to Apartheid*, Cambridge: Cambridge University Press.
- Butler, M. (2016) 'Prisoners and prison life', in: D. Healy, C. Hamilton, Y. Daly and M. Butler (Eds.), *The Routledge Handbook of Irish Criminology*, London: Taylor & Francis.
- Bryson, A. (2007) *The Insider: The Belfast Prison Diaries of Eamon Boyce 1956–62*, Dublin, Republic of Ireland: Lilliput Press.
- Campbell, B., McKeown, L. and O'Hagan, P. (1994) *Nor Meekly Serve My Time: The H Block Struggle 1976–1981*, Belfast: Beyond the Pale.
- Challis, J. (1999) *Northern Ireland Prison Service 1920–1990*, Belfast: Northern Ireland Prison Service.
- Clemmer, D. (1940) *The Prison Community*, Boston, MA.: Christopher Publishing House.
- Cohen, S. and Taylor, L. (1972) *Psychological Survival*, Harmondsworth: Penguin.
- Coogan, T.P. (1990) *Michael Collins: A Biography*, London: Hutchinson.
- Corcoran, M. (2006) *Out of Order: The Political Imprisonment of Women in Northern Ireland, 1972–1999*, Cullompton: Willan.
- Feeney, B. (2002) *Sinn Féin: A Hundred Turbulent Years*, Dublin, Republic of Ireland: O'Brien Press.
- Feldman, A. (1991) *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland*, Chicago, IL.: University of Chicago Press.
- Gormally, B., McEvoy, K. and Wall, D. (1993) 'Criminal justice in a divided society: Northern Ireland prisons', *Crime & Justice: A Review of Research*, 17, 51–135.
- House of Commons Northern Ireland Affairs Committee (2004) *The Separation of Paramilitary Prisoners at HMP Maghaberry*, London: HMSO.
- Howard League for Penal Reform (1921) 'First annual meeting', *Howard Journal*, 1, 3–5.
- Independent Reporting Commission (2018) *First Report*, Belfast: HMSO.
- Irish News* (1997) 'Mowlam jail hint brings political fury', *Irish News*, 11 August.
- Irish News* (1998) 'Prisoners fate tied to settlement', *Irish News*, 10 January.
- Irish Times* (1932) 'News summary', *Irish Times*, 18 February.
- Jackson, J. and Doran, S. (1995) *Judge Without Jury: Diplock Trials in the Adversary System*, Oxford: Clarendon.
- Jamieson, R., Shirlow, P. and Grounds, A. (2010) *Ageing and Social Exclusion Among Former Politically Motivated Prisoners*, Belfast: Changing Ageing Partnership.
- Kelly, G. (2013) *The Escape: The Inside Story of the 1983 Escape from Long Kesh Prison*, Belfast: M&G Publications.
- Kleinrichert, D. (2001) *Republican Internment and the Prison Ship Argenta 1922*, Dublin, Republic of Ireland: Irish Academic Press.
- MacEoin, U. (1997) *The IRA in the Twilight Years: 1923–1948*, Dublin, Republic of Ireland: Argenta.
- McConville, S. (2014) *Irish Political Prisoners, 1920–1962: Pilgrimage of Desolation*, Abingdon: Routledge.
- McConville, S. (2021) *Irish Political Prisoners 1960–2000: Braiding Rage and Sorrow*, Abingdon: Routledge.
- McEvoy, K. (1998) 'Prisoners, the Agreement, and the political character of the Northern Ireland Conflict', *Fordham International Law Journal*, 22(4), 1539–76.

- McEvoy, K. (2000) 'Law, struggle and political transformation in Northern Ireland', *Journal of Law and Society*, 27(4), 542–71.
- McEvoy, K. (2001) *Paramilitary Imprisonment in Northern Ireland: Resistance, Management and Release*, Oxford: Oxford University Press.
- McEvoy, K. (2011) 'What did the lawyers do during the "war"? Neutrality, conflict and the culture of quietism', *Modern Law Review*, 74(3), 350–84.
- McEvoy, K. and Albert, A. (2020) 'John Braithwaite: standards, "bottom-up" praxis and ex-combatants in restorative justice', *International Journal of Restorative Justice*, 3(1), 94–105.
- McEvoy, K. and Gormally, B. (1997) 'Seeing is believing: positivist terrorology, peace-making criminology and the Northern Ireland peace process', *Critical Criminology*, 8, 9–33.
- McEvoy, K. and Shirlow, P. (2009) 'Reimagining DDR: ex-combatants, leadership and moral agency in conflict transformation', *Theoretical Criminology*, 13, 31–59.
- McEvoy, K., McConnachie, K. and Jamieson, R. (2007) 'Political imprisonment and the war on terror', in: E. Jewkes (Ed.), *Handbook on Prisons*, Cullompton: Willan.
- McGlinchey, M. (2019) *Unfinished Business: The Politics of Dissident Irish Republicanism*, Manchester: Manchester University Press.
- McKeown, L. (2001) *Out of Time: Irish Republican Prisoners, Long Kesh 1972–2000*, Belfast, Republic of Ireland: Beyond the Pale.
- Morrison, J. (2014) *The Origins and Rise of Dissident Irish Republicanism: The Role and Impact of Organisational Splits*, London: Bloomsbury Academic.
- Morrison, J. (2017) 'Copying to be different: violent dissident Irish republican learning', *Studies in Conflict & Terrorism*, 40(7), 586–602.
- Mulcahy, A. (1995) 'Claims-making and the construction of legitimacy: press coverage of the 1981 Northern Irish hunger strike', *Social Problems*, 42(4), 449–67.
- Northern Ireland Prison Service (1977) *Annual Report*, Belfast: HMSO.
- Northern Ireland Statistics and Research Agency (2019) *Adult and Youth Re-offending in Northern Ireland*, Belfast: NISRA.
- O'Donnell, R. (2011) *Special Category: The IRA in English Prisons. Vol. 1: 1968–1978*, Dublin, Republic of Ireland: Irish Academic Press.
- O'Donnell, R. (2012) *Special Category: The IRA in English Prisons. Vol. 2: 1978–1985*, Dublin, Republic of Ireland: Irish Academic Press.
- O'Mahony, S. (1987) *Frongoch: University of Revolution*, Dublin, Republic of Ireland: FDR Teoranta.
- O'Regan, J. (1999) *The Irish Counter-Revolution, 1921–1936: Treaty Politics and Settlement in Independent Ireland*, Dublin, Republic of Ireland: Gill & Macmillan.
- Rogan, M. (2011) *Prison Policy in Ireland: Politics, Penal-welfarism and Political Imprisonment*, Abingdon: Routledge.
- Shirlow, P. and McEvoy, K. (2008) *Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland*, London: Pluto Press.
- Silvestri, M. (2000) "'The Sinn Fein of India": Irish Nationalism and policing of revolutionary terrorism in Bengal', *Journal of British Studies*, 39, 454–86.
- Sykes, G. (1958) *The Society of Captives: A Study of a Maximum Security Prison*, Princeton, NJ.: Princeton University Press.
- Taylor, P. (1998) *Provos: The IRA and Sinn Fein*, London: Bloomsbury.
- Tonge, J. (2014) 'A campaign without end?: "dissident" republican violence in Northern Ireland', *Political Insight*, 5(1), 14–17.

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