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'A virtual target painted on my back...': Contested constitutionalism in a post-conflict society

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BEING IN SHADOW AND LIGHT

Academics in Post/Conflict
Higher Education

I AM CONCEALED
WITHOUT TRIAL
ARRESTED IN

Edited by Dina Zoe Belluigi



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6. 'A Virtual Target Painted on my Back...': Contested Constitutionalism in a Post-conflict Society

Colin Harvey

Contextualising 'Free to Think'

How did I end up, in 2022, making the statement contained in the title of this chapter? This is a question that you, the reader, may be asking, and one I still ask myself. I am a Professor in the School of Law at Queen's University Belfast (QUB), with an academic career of over thirty years, spanning these islands (Britain and Ireland) and beyond. Although public engagement and civic activism were always intrinsic to my work, I never really anticipated being in this position, writing a 'lived experience' narrative of my own personal/professional situation, despite my deep admiration for those who do. A sense of vulnerability and unease remains. Law Schools are changing, with critical voices and new perspectives well-established, but much heavily doctrinal work discourages such approaches, with acknowledgement of subjectivity sternly erased. Nevertheless, here I am. A small act of defiance, a signal of allyship with others under threat and at risk anywhere.

To understand this contested constitutionalism better, context is required (Harvey, 2002). Think about it for a moment. The island of Ireland is a partitioned place, home to two distinctive jurisdictions. Northern Ireland, a region of the UK (the United Kingdom of Great Britain and Northern Ireland, to give it the full title), and what I will call here the Republic of Ireland (an independent sovereign state). Common membership of the European Union (EU) covered over the

harsher aspects of existing fracture lines (Harvey, 2020; Harvey and Kramer, 2019). A sophisticated form of governance had managed a sustained period of relative stability from 2007, with the difficulties of this form of power-sharing plain. An agreed way of resolving the constitutional question stood behind it all, a decision for 'the people' to make (Harvey, 2021a). Popular sovereignty thus rested alongside established democratic and institutional processes (Harvey, 2021b).

Then along came a referendum in June 2016 to disrupt all of that. Afterwards, the border assumed even greater significance. The destabilising impact of Brexit for Northern Ireland is well documented, and people are living with the unfolding realities. I, like many others, spent the years since examining the consequences and suggesting evidence-based solutions to manage associated tensions and difficulties (Harvey et al., 2018a–f).

The UK-wide referendum had varying implications across the increasingly strained Union. The region where I live and work wanted to remain in the EU, but these votes were not decisive. The many pious political references to consent counted for little. The border on the island of Ireland is now an external border of the EU. A stark statement capturing the magnitude of Brexit and the risks of deepening separation. I recall recording an online video, for a series with other School of Law colleagues, alerting people to the further division that would follow: Northern Ireland rests on several fault lines (Harvey, 2016). Many of the predictions played out over the fraught years of negotiation, in a post-conflict society attempting to recover from the complex legacies of political violence. The region was a seeming afterthought in an ideologically driven project fuelled by narrow versions of English nationalism that were never going to deliver on the extravagant promises made. We wondered then what would happen when reality dawned but were often too weighed down by the urgency of emergency responses and desperate attempts to mitigate the damage.

What was going to happen next? The initial reaction on this island was a protective one, anchored in a deep commitment to locating plausible policy responses. People worked hard to preserve the gains made during the peace process. There was well-founded worry about the return of a 'hard border' on this island, and an evolving awareness of multiple Brexit-related impacts. Difficult questions emerged around

conceptions of the border and its meaning, particularly for minority ethnic and migrant communities who knew and experienced the solidity of existing demarcation lines (Pivotal, 2022). This connected to ongoing and wider problems, including on the responsiveness of universities in Northern Ireland (Belluigi and Moynihan, 2023).

For many there was an obvious starting point: Northern Ireland needed a carefully crafted special arrangement to address its particular circumstances, one that respected the fundamentals of the Good Friday Agreement (the Agreement) (Harvey and Skoutaris, 2018). Continuing membership of the EU was taken for granted for so long that there was a real risk that the significance of this dramatic rupture might be downplayed. It was exhaustively debated in Ireland, for good reason (Harvey, 2020). There were genuine fears about the short and long-term impacts, and it was not apparent that those who had promoted Brexit grasped what it would mean for the island of Ireland, particularly if they opted for harsh forms of abrupt and lasting divergence from the EU.

The Agreement is a peace/political/legal agreement that acknowledges the pluralist nature of complex relationships across these islands (Harvey, 2022). It is multi-stranded for a reason, the legal and political expression of a grounded reality that most accept: the region is not like other places in the UK or Ireland. It may sound odd to recollect now, but there was always a credible argument—one that transcends the existential constitutional question—for doing something legally different for Northern Ireland. This seems like such a self-evident point. How odd it then was to watch 'muscular' forms of unionism promote and seek to impose a uniform approach. A mockery was made of prior assumptions about the UK as a pluralist constitutional arrangement. What was the entire peace process about if not to demonstrate the distinctiveness of the region and its post-conflict challenges? Did people not know the many ways that Northern Ireland was already different? It was lost and forgotten by those mired in simplistic talk of the revival of sovereignty and long-departed ideas of Britishness—a dangerous cocktail when consumed in the volatile circumstances of ethno-national conflict.

As an academic who has never viewed universities as sealed off from society, I engaged in direct public activism, including vocal support for work to ensure that no hard border returned to the island of Ireland and

that rights be respected. That meant travelling far beyond lecture halls and seminar rooms. Like others, I was personally and professionally worried about the implications, including for vital human rights and equality guarantees. I remain convinced that the disturbing toxicity of the language around Brexit was about much more than leaving the EU. The whole debate was unleashing sinister forces, and in the interview below I quite consciously frame the discussion in those terms. Subsequent events have vindicated this perspective and these arguments. When the Brexit project displayed signs of unravelling, it became apparent who would be blamed (Harvey et al., 2018c).

My public response mapped comfortably onto my scholarly reflections and ongoing academic work about the impact of Brexit. Why would I not pursue these matters in the open? Public engagement was something I had always done, and it seemed like a logical response. With colleagues at QUB, Ulster University and a local NGO (the Committee on the Administration of Justice), I secured research funding to take this work further in the BrexitLawNI project (ESRC ES/R001499/1; Harvey et al., 2018a–f). Our aim was to consider the human rights, equality and conflict transformation consequences of Brexit for Northern Ireland, and we sought to be innovative in exploring the questions raised. The outputs helped to shape wider deliberations and the answers that eventually emerged. It was notable, for example, how deeply the link to safeguarding the broader peace process resonated with others.

Damage limitation only gets you so far. It was becoming clear to me that there needed to be much more focus on the constitutional future of the island of Ireland, especially in the new circumstances of Brexit. My proactive involvement in civic initiatives on this matter through, for example, the Constitutional Conversations Group and Ireland's Future, reflected well-established patterns of participation in societal debates. To put this simply: it is what I tend to do. I was pleased to be part of these social movements for change.

In April 2017, the European Council confirmed that Northern Ireland had a way back to the EU via the self-determination/principle of consent provisions of the Agreement. A vote for constitutional change would mean automatic re-entry to the EU (Bassett and Harvey, 2022). Stop and ponder the power of that intervention: opting for a united Ireland would deliver return to the EU for the region. The right not only to have

a view about that outcome, but to pursue it, was supposed to be legally guaranteed in the Agreement. How could you avoid highlighting it? Surely this new dimension to an old debate had to be examined?

The significance was profound, and added to a personal and professional sense of responsibility to embark on further preparatory work on precisely this question. It also connected to something I was used to from the human rights world: testing legal promises. I was in the habit of writing more impact-relevant pieces, primarily with the aim of influencing public policy discussions, as an academic at Queen's willing to take a position and speak out on the merits of a united Ireland—something I did regularly on human rights and equality. Without in any way overstating it, I became a public figure, with all that means in the age we are in. I avoid the term 'public intellectual' because I struggle with the pretensions that surround it, even if that is what I was doing in advancing arguments about achieving a united Ireland. Two independent research reports on the EU and Irish unity attracted attention (Harvey and Bassett, 2019; Bassett and Harvey, 2022). Very little of the feedback addressed our substantive arguments. Much of the criticism circled around the company I was keeping, and the use of the university logo on the reports, even though that was and remains standard practice. What else was inspiring the reaction? I will leave others to answer that.

From 2019 to the end of 2022 matters became intense, and at times distressing, in what had the appearance of a highly personalised and directed campaign against my position at Queen's. The focus on my workplace included interventions by high-profile members of political parties, well-known public commentators, and an anonymous 'concerned QUB student' group. Collating the mountain of materials for this chapter, and for a recent conference presentation, offered a grim reminder, but also a further opportunity to consider the patterns and meaning. The whole episode continues to have the look and feel of orchestration, conveniently timed for a political moment when an 'instability narrative' was required. Future historians will hopefully have the archival records needed to make a rounded assessment of that period. My efforts to gather evidence are necessarily limited and I speak here of how it was subjectively experienced; the feeling of being made

a public example of. More than one person since has noted how my treatment was being observed by others.

What happened on social media is a well-worn and familiar tale. Much of it remains publicly available; the lack of accountability is part of the picture—eerie echoes of the conflict years, fought with different techniques and new tools, contestation evolving into vicious new forms. The endless online trolling involved direct and implied threats, with some of that tied to conspiratorial allegations of the existence of a shadowy elite group seeking to take control of the professions in Northern Ireland. A definite playbook was being utilised; reactionary movements in civil society engaging in transnational dialogue, learning from each other. The relentlessness of the activity creates a disturbing sense of menace, and many of the online anonymous actors are skilled at intimidating opponents. They know what they are doing. Looking back now there were delegitimising components, with an explicit political objective: a message was being sent about participation in these constitutional conversations and how they should be conducted. A life spent teaching law did not prepare me for what followed: security advice from the Police Service of Northern Ireland (PSNI) about my arrangements—at home and at work—and much more, an exhausting insider guide to the justice system that left me concerned. If someone in my privileged position could not secure accountability, what hope was there for others? Odd moments included an interview in a BBCNI studio in Belfast where I was asked repeatedly to condemn the Provisional Irish Republican Army (PIRA), following on from a related question raised during seminars at the university (and circulated by an anonymous online account). Other experiences with BBCNI were not good, leaving me to wonder about the role of our local public service broadcaster.

I noticed more often than usual the defaults in this segregated region, how perception works, and how community background informs interactions within institutions. To a dispiriting extent the targeted campaign achieved its intended purpose, my professional life reduced to toxic caricatures. I began to understand, from an internal perspective, what accounts of epistemic injustice meant (Fricker, 2013; Fricker, 2007; Harvey, 2021c).

A public statement that I released in November 2022, underlining my lifelong rejection of violence, indicates how far things had gone.

Lines had been decisively blurred, with no sense anymore—for myself or others—of any real separation between who was in public life and who was not. Matters became even more surreal in 2022, with prominent political figures becoming involved. In this world, everyone is a potential target and the attempted silencing of progressive voices is present everywhere. Those associated with hostility to ‘cancel culture’ were often at the forefront—a contradiction they did not appear to appreciate.

During the 2019–2022 period, I continued my work on a Bill of Rights for Northern Ireland and had to deal with reports from the Northern Ireland Assembly, and in local media, that my appointment to an Expert Advisory Panel had been blocked. Much of this was discussed in public and is readily available via an online search. I heard many stories—often privately expressed—of what can happen to people in these situations and, in my view, there is a troubling level of quiet toleration in Northern Ireland of the entirely unacceptable. More than once the suggestion was made that having a view about the constitutional question was a form of self-exclusion, the implication being that I deserved everything that was coming my way, that I brought this on myself. Frequently though, the impact is less obvious and the risk in academic life is of isolation, which then makes you more vulnerable. There is a temptation to blame yourself, to self-censor, and to withdraw. I acknowledge that in a region like this, entire careers are constructed in this way—a pragmatic response to a conflicted space, a way of coping and surviving. It remains perplexing to me; would you really tell a human rights scholar, for example, never to engage in rights activism, or a lawyer never to have an activist view of the rule of law?

Perhaps academics are too prone to see patterns where none exist. I know not everyone will agree, but my view is that there was an element of co-ordination, linked to a broader campaign of staged instability in opposition to the Protocol (now the ‘Windsor Framework’). There were twin objectives in my specific case: stifle the debate and question my employment status at Queen’s. Those are strong statements, but I believe they can be evidenced. In 2022, the singling out grew louder, the security implications intensified, and in the context of increasingly angry protests about the then-Protocol, I started using the language of this podcast interview. I gave it much anxious thought before doing

so. In a society where armed groups remain active and present, the repetitive targeting of people can have devastating consequences. Years of experience working with human rights activists, locally and globally, meant I was familiar with what was required, and I received wise advice about the need to escalate what was happening and place it in the public arena. I did not initially perceive myself as a 'scholar at risk', but good activist friends persuaded me otherwise. It made me wonder—and still does—about other academic colleagues facing similar challenges who do not have these networks of support. I am acutely aware this is a perilous time for courageous scholars who are prepared to carry the implications of their research into the public sphere.

I am writing this chapter in 2024, while reading back over a transcript of my interview with Rob Quinn from 2022. What strikes me is how incoherent I sound in the unedited version, and the differences between the written word and my own rambling speech patterns. At times embarrassing, in editing this, a lot is consciously left in. My inability to speak in straight lines is obvious. The use of 'I think' illustrating my self-doubting mindset, the impact of what was happening, and the difficulty of expressing personalised forms of impact. My hesitation in explicitly naming things is obvious, then and now—evidence of the lived experience of conflict, where ambiguity can be your friend. A fear lurking there too, the knowledge that many of my vocal opponents are not shy about the deployment of 'lawfare'. I was becoming worn down and you can tell that from this interview. By the end of 2022, matters had deteriorated even further.

There is much more to be said, including on any lessons that might be learned. I am conscious of how fortunate and privileged I am, and will be forever grateful for the solidarity and support received. I was not suspended, did not lose my academic job, the violent threats are still only that, and we have not been forced to move home. I have tried to contextualise my own experience and am acutely conscious of the university as a site of various culture wars. I am aware of how some of my choices are perceived. I suspect aspects of my professional standing are damaged beyond repair. Like many who engage in such work, I include an appeal here to the understanding of future generations—the hope of a measure of vindication one day, even if it may not be visible now. My strong suspicion is that more will emerge in the public domain

to help us understand that post-Brexit period. It is heartening to watch as the volume of literature on a united Ireland expands (Humphreys, 2018; Collins, 2022; Connolly, 2022; Meagher, 2022; O'Leary, 2022). The work of detailed preparation is in a new and different place and my hope is that this will develop further.

I am self-aware enough to understand that appeals to 'freedom' within academic institutions do not always carry the same meaning. I do not have an absolutist view; university campuses must be safe places, free from hatred. The heightened vigilance acquired then has never left me. The overriding sense of worry, of being under a form of societal surveillance, all stays with you. Some of the most unnerving messages received (from self-identified 'veterans') were those telling me I was a 'dangerous person' and was being 'watched'. That may sound trivial, but it leaves you wondering about the human beings hidden behind those anonymised worlds. What happens if you encounter them on the street or at your place of work? Your confidence is eroded, levels of anxiety increase, knowing that powerful internal and external actors are waiting for the slightest perceived mistake. This is often compounded by forms of denialism grounded in ignorance, an attitude that dismisses your experiences. A great danger is turning in on yourself, withdrawing and becoming detached from your professional life.

What advice might be given and what could I share that would help? I have learned to be much more critical of, and reflective about, higher education. Yes, expertise matters, but there is a politics of expertise in universities that can be about control, domination and exclusion. Forms of gatekeeping that do not resemble legitimate peer-review. Scholars must be permitted to be open and honest about their views of the constitutional future of Ireland, for example.

The problems are exacerbated by the hyper-competitive and artificial performance cultures that permeate UK higher education. The risk is that sites of critical challenge, such as universities, become subservient to powerful interests and thus lose core functions. We should question more than we currently do the imposed boundaries that aim to separate universities and academics from their societal contexts and the promotion of change. Universities are too often locations for the perpetuation of oppressive hierarchies, wrapped in the deceptively inclusive and soothing language of neoliberal corporate cultures.

Words of solidarity are significant, particularly if publicly expressed. External allies letting your institution know that they are observing does help. Deeds often send a more powerful signal. The scholarly community has a role everywhere: do not allow a vulnerable colleague to become unfairly isolated and marginalised through these aggressive, externally driven campaigns of intimidation. If this is accompanied by internal exclusion, then the experience of even coming onto campus can be dreadful. The noise generated around you also carries risks for others: guilt by association. My citation strategy in this chapter, for example, may appear self-indulgent but it is deliberate. You will note the references to my own contributions—a minor form of rebellion against the airbrushing dynamic that is part of this experience.

In the worst cases, malign external actors exploit the tensions within institutions, with your plight becoming a ‘debate’ in which people engage—sometimes while you are physically present. This is a strange form of ‘side taking’, which is unnerving if you are at the core of it. Though the storm may pass, it can be difficult to reconstruct your academic involvement and credentials. The end result can be quiet forms of internal exile, a reputation harmed beyond recovery. Across a range of fields, places and institutions, we need to be vigilant for signs of this in university life and find ways to address it. As I write, I watch the horrific consequences for those who speak truthfully about Gaza.

I continue to talk about a united Ireland and how to achieve it. Not only as an available option to be studied but as an outcome that I desire, an objective that I want to see realised. I will not apologise for that. And this speaks to what is vital in any effective response. There should not be a retreat from the public sphere and critical interaction with the societies we are part of and claim to serve. Ground should not be ceded. By staying in the intellectual space, you are making the primary point. As indicated, none of this is made easier by structural factors, including those that frame life in higher education and approaches that destroy collegiality in any institution, reducing universities to insecure production lines for manufactured outputs to meet constructed games of resource allocation. The commodification of everything leads to further erosion of independent, critical civic spaces.

I hope these introductory reflections provide helpful context for what follows in this interview. As with any such personalised narrative,

I am too close to the experience to be objective. In practice, I am unsure anymore what that would even mean; I am working through the implications still.

Free to Think Podcast¹

Colin Harvey in Conversation with Rob Quinn

Free to Think talks with Colin Harvey, a Professor of Human Rights Law and former Head of the School of Law, Queen's University Belfast about what UN experts described as a 'smear campaign' against him for his work debating the possibility of new constitutional arrangements for the island of Ireland after Brexit. An expert on human rights and constitutional law and former Commissioner of the Northern Ireland Human Rights Commission, Harvey references growing up during the 'conflict', achievements under the Good Friday Agreement, and how these are threatened by Brexit. Harvey sees the pressures on him as part of a larger struggle against human rights and democratic values going on around the world and says that academics have a responsibility to robustly defend those values, despite the risks.

RQ: Welcome to *Free to Think*. A podcast where we celebrate people who think, question and share ideas. I'm Rob Quinn [hereafter RQ], Executive Director of Scholars at Risk, and your host. With each episode we bring you conversation with interesting inspiring people whose research, teaching or expression falls at the sensitive intersection of power and ideas. We'll be speaking with those who have the courage to seek truth and to speak truth, often at great risk, as well as those who work to defend them.

Our guest today is Colin Harvey [hereafter CH]. He's a Professor of Human Rights in the School of Law at Queen's University Belfast,

1 This is an edited transcript of an audio file originally published online in April 2022 by Scholars At Risk's (SAR) *Free to Think* Podcast as 'Episode 22: "A Virtual Target Painted on my Back..." A Conversation with Northern Ireland's Professor Colin Harvey on the Social Responsibility of Scholars in Post-conflict Societies', conducted by SAR Executive Director Rob Quinn, <https://www.scholarsatrisk.org/resources/podcast/>. This transcript is published with the permission of Rob Quinn and Scholars at Risk, Inc.

a Fellow of the Senator George J. Mitchell Institute for Global Peace, Security and Justice and an Associate Fellow of the Institute of Irish Studies. He's a former commissioner of the Northern Ireland Human Rights Commission and an expert on human rights law and constitutional law. Professor Harvey is also a board member of Ireland's Future, a non-profit, non-partisan organisation which was established to promote, debate and discuss Ireland's future, including the possibility and viability of new constitutional arrangements on the island after Brexit. Colin, welcome to *Free to Think*.

CH: Thank you very much Rob, I'm delighted to be in conversation with you.

RQ: So, Colin you've been studying, writing and speaking on human rights and constitutional law for some time now. How did you get started in this field?

CH: It's a great question, I suppose to trace back my own personal history. I was born and brought up in Derry in Northern Ireland/the North of Ireland and I grew up really at the height of the conflict here. It was the words and language of the civil rights movement in Derry of the mid to late 1960s echoing in my ears and many of the people around me. That was a strong influence on me and I always have felt whatever I've done that I really wanted to stand on the side of those who are most marginalised and oppressed anywhere, the most vulnerable, and that's shaped my academic working life, whether it's in university law schools doing articles and books—footnotes and all that—but also I'd say my activism as well.

RQ: And how about on the teaching side? So, you've been in academia really for the duration of the Good Friday Agreement, how have you found students have changed over the years?

CH: I think one of the things that's remarkable about living here in Belfast is it's a relatively small community. So many of the people you teach, you eventually see when they go on to become lawyers or they're doing other things, and they go on and shape and change the world. I think that's one of the better parts of the job, to watch people go on and shape things beyond university settings. The other scary thing, Rob, I

think is that—I was talking about it in class the other day—that many of the people I teach now were born post-Good Friday Agreement. And the thing that strikes me about that is there's things in my memory bank that I take for granted about Ireland, Northern Ireland, these islands or whatever, that are not part of the memory of the people I'm teaching. They thankfully grew up in a post-conflict society. We have our difficulties and challenges now but nothing like Derry in the 1970s and 1980s. So, they have experienced a new way and a new framework. Some of the things that slightly older people take for granted are really not part of their horizon. That's something to be thankful for, to be cherished at the moment. When I think in a post-Brexit landscape and environment—and things getting febrile and volatile again—that we all need to just hold on to how far Northern Ireland has actually come since the Good Friday Agreement, and make sure that this generation does not have to experience what many of us went through.

RQ: And so picking up on that, in the last six months or so your name has been brought up in the print media, on social media, even by some politicians. If I'm not mistaken, you're being compared to Nazis and paramilitaries, and I think one journalist even suggested you should be voted off the island. What's this recent notoriety all about?

CH: It's really going back a number of years now. So, I was tracing it out around work that I, and a number of others, were doing in a post-Brexit context. Maybe to explain it to your audience. In 2016 the UK voted to leave the European Union—Brexit, the 'B' word. But Northern Ireland voted to remain, so was essentially removed from the European Union against the wishes of a majority of its people, which is a big deal here, and one of the things that I, and others, said at the time was that this was going to be deeply problematic for this region. This is a post-conflict society still recovering from a serious and intense violent conflict over many decades, and that it was likely to destabilise the place. It's given nobody any satisfaction to say that turned out to be a rather accurate prediction.

I suppose then in the post-Brexit context, if you think about the island of Ireland—which is already partitioned—when the UK and Ireland were both in the European Union, that common membership of the EU was an important background assumption of the peace process. Brexit

has taken one part of the island out of the EU. So, for many people here it's this practical, symbolic repartition of the island of Ireland. The issue of the border on the island has opened up again post-Brexit, and the European Union said in April 2017 (European Council) that Northern Ireland has an automatic re-entry option to the EU, if the provisions of the Good Friday Agreement on self-determination were to be exercised. And that's the issue that has attracted a lot of attention. I've done a fair bit of work in the last three or four years on urging people to face into it, to plan and prepare in a responsible and sensible way for the possibility that people here may actually vote to return to the European Union by re-unifying the island of Ireland. And I—and others—have been saying that post-Brexit it's at least plausible that people will be presented with that choice. So, getting ready, preparing, planning responsibly for the time at which the question will be asked and letting people know. That seems wise to me, and I then found myself caught up in all of that really, in terms of those bigger constitutional questions, and that's made me a target for those primarily who would like to maintain the Union with Britain, and perhaps don't want that constitutional conversation even to be happening.

RQ: So, let's bring it back to how you got called into this, at least in the media. Within that power sharing structure there was some conversation in recent months about a Bill of Rights panel that was supposed to be formed under the agreements. Is that right?

CH: Yeah, to sketch out the background and context and where I fit into this framework. I think it's important for the audience to get that background because there's really been structural destabilisation of the society as a consequence of Brexit, and there's an irony in this that many academics predicted that would happen, unfortunately living through the consequences of our own scholarly predictions playing out.

I have quite openly worked on the preparation and planning dimension of Irish reunification, and so I've written research reports and I've spoken publicly about that. And to name it for your audience, as a result of doing that I find myself attracting the attention of the main Unionist political parties. I've been the focus of comment in different forms of media and newspapers but also probably as many people will be aware, the biggest storm at the moment is social media, where I'm

the target—particularly in loyalist social media circles—of some really quite extraordinary language; I've been called the most remarkable things in the last few years, nothing has been missed. But ultimately my sense of that is because I ventured into that constitutional space, quite deliberately and consciously, there's people who don't want that space to be opened up. To put it candidly, by targeting me they are attempting to send a message to people very clearly: don't go where Professor Colin Harvey has gone or this could happen to you.

I've been working for many, many years on the Bill of Rights process in Northern Ireland and was a Human Rights commissioner, I served on the Human Rights Commission for two terms, was involved in drafting the Bill of Rights proposals in 2008 to the British government, and understandably applied to be on a panel that was to be established to advise a committee of the Northern Ireland Assembly on this issue. I then find myself the subject of media speculation that the Democratic Unionist Party was allegedly blocking my appointment. Like everyone else I'm reading the media reports, so I find myself at the centre of all that—it was intense towards the end of last year (2021). My situation was debated in the Northern Ireland Assembly as well, when the committee report was eventually produced. So, it was quite an uncomfortable, difficult time, where I found myself at the centre of a whirlwind really.

RQ: So, how has that attention—the social media denigration—how has that affected you in your work?

CH: I think the first thing is I am a fairly determined person, I've been involved in public life before, when I was on the Human Rights Commission. But I never experienced anything like this. You know I grew up during the conflict, it's just a really febrile, difficult and challenging time—so I have ploughed on and I'm conscious I do not want to be derailed, but it's difficult; it's also excruciatingly embarrassing having to talk about yourself in these sorts of contexts as well. The labelling of me I find incredibly worrying. You'll know recently here a loyalist armed group, there was a bomb scare, where a van was hijacked and driven to an event that the Irish Minister for Foreign Affairs was at; I was at that event as well.

Some of these armed groups are making noises around people like me, so it's a really very unnerving time, where some of the old language

of the 1980s/1990s is re-emerging here and I find myself at the centre of that. So, it is unsettling, it's concerning, you're trying to do the day job of teaching and researching.

RQ: So, we have this labelling, as you say, or 'othering', declaring you somehow outside the bounds of the profession and so forth. Just quickly, have you ever felt that your position was at risk, as a professor at the institution?

CH: Yes, I have. I'll explain what I mean by that. Certainly in 2019, when it emerged that political parties here, serious political parties and their members, were approaching the university about me and my work. It's just unnerving, it would be unnerving for anybody. Members of parties in the government going to your boss saying, this person who works in your place, do you endorse this stuff that he's doing? So, it's a nervy time. I always remain slightly on edge really, while there has been reassurance and there's enormous amounts of support and solidarity, to be candid, you just worry that sometimes your employer or the university might go: 'is this guy worth all this hassle?' You know. So that's always in your mind.

RQ: You mentioned the context, the history of violence, right? Have you ever felt physically threatened? Or that anyone that is close to you would be at risk?

CH: Again, Belfast is a small place and even if nobody has actually issued an explicit death threat against you, there is always the concern that where you've been persistently labelled, here, that people believe that. So, they don't see you as an academic, they don't see you as a civic actor, they see you as something else. In fact, some of the language recently is that I'm part of some weird conspiracy, trying to take over the place. So, it's just that, the worry is that people believe that and, in the febrile atmosphere that is here at the moment, that they act on it. I don't want to overplay that and again I really emphasise, looking at what's happening in Ukraine and other parts of the world, there are massive problems all over the world, but for me at the moment it is a concern that this non-stop labelling has consequences. Words matter and people can act on them.

RQ: So, in a recent statement, UN special rapporteurs, experts on freedom of expression, right to education, human rights defenders, and the independence of lawyers, they called what you're experiencing a 'smear campaign' and they denounced what they called baseless claims against you and warned that threats of physical attack against academics can have dire consequences not only for the academic but for the country. How do you feel about that statement? Was it helpful?

CH: I really, really appreciated the statement and the expressions of solidarity and support, Rob, that have come as a result of all this. What we've found historically—as part of the human rights movement in Northern Ireland—is sometimes this can have a real impact where local interventions don't. So, the statement was deeply appreciated by me and I'm very thankful for the intervention, also in the context of this podcast and these discussions. Sometimes when you're enmeshed in a situation, which you find excruciatingly embarrassing, you don't see it. So, what I mean by that is, you're just so used to things that you brush them aside, you don't take them seriously. Until people make you sit down, collate things, look through it, present it to other people objectively and they actually go: 'this a problem; we need to say something about this, this isn't okay'. So that's a long-winded way of saying that international support matters here. People notice, and it has an impact.

RQ: What you're describing to me sounds a lot like what we have seen experienced by scholars all over the world. You know, one of the things that I've seen in this work is that violence isn't actually the primary tool of repression, it's isolation, it's these pressures and rumours and whispers and insinuations or outright accusations that cut the ties between people and isolate the person they're trying to silence. Sometimes that's to create a space where it's easier for violence to happen, but often it's just that isolation and—I'm hearing in what you're saying—the psychological impact and dynamic on the individual in the middle of it. Is that right?

CH: Yes, Rob, so it's a very interesting way of putting it. Ultimately my view is that, I've said earlier, people are trying to send a message through me, right? So, it is character assassination, I think it's textbook stuff, because they want me to stop, and they want the conversation to stop, and they want other people not to join that discussion. And

so the more impact it has on me, it sends a stronger message, but the isolation thing is interesting, just to think about my context: I'm a former Head of the Law School of Queen's, I've run this place, I've been on the governing body of Queen's, I've served in public life across the society in relatively prominent positions, including in higher education settings in the UK. My life has transformed since I stepped into this constitutional discussion. I describe it as a case of people shuffling sideways when they see you coming type thing, you know that suddenly I'm an inconvenient person to have on a project. When I stepped into this space, my life, my professional life changed. And I can only interpret that as a whirlwind that has followed, and it's intended to say something to me and others about these sorts of conversations.

RQ: So, what do you say to those who say, this is just the price of being an academic? You work on sensitive issues, you need to be prepared to take some heat for your ideas.

CH: I think that's fair, and I've never been one who's shied away from taking heat and never really been one to run out to complain about it, so in some senses I find all this embarrassing. I like engaging publicly on substantive issues, I don't like being the person who says this is a problem. But people I know and trust here—and have been involved in the human rights world for many years—they have said, 'you need to do something about this, this is not okay'. There is legitimate public debate and dialogue around ideas expressed and substantive positions. But repeated *ad hominem* slurs by individuals that are effectively playing the person and not the argument? In a post-conflict society where—for example, as we speak now—loyalist armed groups are talking about targeting the Irish Government and Irish officials around the Protocol, I would say that people like me have had a virtual target painted on my back; to say, this guy, he says he's an academic, he's not really an academic, he's something else. So, I think that there's serious democratic dialogue, there's robust democratic debate and I've been in that, in the human rights and constitutional worlds, but this is something else.

RQ: And so, what do you say to those who say it's one thing for an academic to teach your classes and write your articles for academic journals, but it's a different thing to engage with the public, to hold

public events, to publish in the newspapers or speak on TV? What do you say to those who say, that's not academic work, that's politics?

CH: Well, what I say to that is there's been a major emphasis in universities here in recent times, including in various research assessment exercises, on public engagement, on the need for academics to make their work open and accessible to the wider public and also to engage in the public sphere in democratic and peaceful dialogue, in specific public debates. And I fully endorse that trend within the university context, because I receive public money and I live in a community that has all sorts of equality and rights challenges. I don't see it as my role to spend forty years sitting in a library, writing articles and books that people can't afford to pay for or access and they reside there read by a few people and not many other people. I just could not face myself—and given the background that I'm from here—to talk about human rights in a university and pack up and go home in the evening and watch what's happening, I couldn't really live with myself doing that. I've written the big books and articles around all of that but I think I'm a professor you know, we're paid to profess, and publicly funded as well. The public should expect that, and I do my work deliberately. I write books, I talk in podcasts like this, I write in newspapers because we have an obligation to explain complex things in accessible language to the public that really pays a lot of my salary. But the final point I would make, Rob, is that I'm also a person who lives here, who lives in this society; and I have rights as well, both in my professional and personal capacities—to have a view, take a position, to speak my mind, conscious that when I do that I do that like anybody else. I do think there's a responsibility on us in universities not to close ourselves off from the wider world.

RQ: You mentioned that you've gotten a lot of support. Who else has spoken up on your behalf? What's the response been of your colleagues or the university?

CH: There's been a lot of support from my colleagues in the Human Rights Centre at Queen's and in wider civil society—including the UN special rapporteurs—people who have weighed in. That's good also for the broader principles around academic freedom and the rights of not

just me but my colleagues in general here at Queen's, to take positions and to engage in wider public debates.

That's been one of the great things as well. You work away during the university year—year in and year out—and you do your teaching and you go home. But you sometimes forget the impact you're having on people. Until you hit a moment of crisis and some of the most wonderful things are said, lovely things are said and emerge and that's been one of the really heartening things of the last while.

RQ: Do you ever want to say, enough's enough, you've done your part? And sort of step away and work on something else?

CH: No. And I'll tell you one of the reasons at the moment that's concerning me. We need to broaden this out around the European context. There are narratives and arguments and forces that are emergent across Europe, and the wider world, that scare me and worry me. There are voices, echoes of the past that are re-emerging around authoritarianism and around views and challenges to basic democratic rule of law, rights-based values that we perhaps sometimes take for granted. I think, for example, in the area of human rights at the moment there's a real struggle against human rights going on in parts of Europe, and around the world, and we need to robustly defend those values, against some of the vociferous platforms that we see and repetitive, aggressive anti-democratic voices that are gaining a foothold. That can prevail, you know. I'm involved in human rights and equality and constitutional law because I fundamentally believe in all the values that underpin those concepts around human dignity and human rights. And we need to be there, for those values now and speaking in a European context, at the moment. That can't just be in academic articles, that has to be engaging against disinformation and, let me be very blunt: basic lies. That has to be challenged by academics and others.

RQ: And do you think your fellow academics understand that role that you're trying to play? What would you like them to know or to do?

CH: All I would really say is it relates to the bigger point about isolation. It sounds rather pathetic to say, right, but it's around inclusion. Sometimes show and not tell, right? And what I mean by that for academics and scholars around the world, just to be included. Just to not quietly be

dropped off things because you're an inconvenient colleague. Or that you may find it slightly more challenging to get funding for something if you have somebody like me involved in your project. Or for having the courage to, and I'm not talking about Colin Harvey, I'm talking about other scholars around the world, to issue the invitation when maybe some people are saying, don't, you know. I think sometimes for scholars at risk everywhere around the world there's the e-mail expressing solidarity—which is fantastic—but for scholars at risk, all around the globe, it's sometimes show, not tell. Of showing that this person, wherever they are anywhere in the world, is one of us, is a scholar and we're going to issue the invitation. He's going to be on our project, no we're not going to exclude her. I think that really matters. Not just for me but for scholars at risk anywhere.

RQ: You know, Colin, our network stretches to more than six hundred [higher] education institutions in forty countries. We work with scholars from over a hundred countries. For the academic who may be listening somewhere else and who may feel some connection to what you're describing experiencing, who may hear some similarities between their situation and your situation, and a push-back against their own work or their own ideas, what would you say to them?

CH: I would say: 'you're not alone'. There is a world of solidarity and support out there for you, that to reach out whether it's to you, Rob, or me. There are people everywhere around the world who will be in solidarity with you, to make contact, that you're not there on your own. Facing this, some of the values that are fundamental to scholarly life in universities are under attack all around the globe, and that we're all in solidarity together.

When I was Head of School I worked with your program and know that people can find a home anywhere around the world, I think that is absolutely invaluable. And just to commend the work that Scholars at Risk does and in my own context at Queen's, just give me a ring. E-mail me. If you do need to talk, if there's anything I can do, let me know as well, because we're all going through things that, when you listen to the stories and the narratives it may be different or distinct, but some of the patterns are very old and very familiar. Sometimes just hearing from other people and other experiences is enormously helpful.

RQ: Colin, any final thought you would like to share with our listeners?

CH: I just really want to express my appreciation for the invitation and the opportunity to speak as part of this podcast series. I want to commend you, Rob, for the work that you're doing. The world needs Scholars at Risk at the moment, more than ever before. I would ask anybody listening to this to support your efforts and the work that you're doing. I just want to end by saying this. Whatever happens next here, I'm not going to be derailed or distracted from the work that I'm doing. I haven't stepped into this space accidentally, what I've done I've done consciously and deliberately, because I feel I have a responsibility as an academic embedded in this society that we essentially are here to serve, to do what I've done.

Thank you again for the opportunity to talk to you today.

RQ: Well, thank you Colin very much for sharing your time and your story and for reminding us that there is a responsibility that comes with the role of being a scholar in society and that includes a responsibility to each other and to be in solidarity. So, thank you very much.

CH: Thank you, Rob.

RQ: This has been an episode of *Free to Think*, a podcast presented by Scholars at Risk, where we celebrate people who have the courage to think, question and share ideas. If you enjoyed this episode please subscribe on your favourite podcast platform like iTunes or Spotify to receive automatic updates on new episodes and while there add your five star rating review to help us reach more listeners. You can also send us your comments, reactions or suggestions for future conversations by e-mail to scholarsatrisk@nyu.edu or on social media to [@scholarsatrisk](https://twitter.com/scholarsatrisk). Thanks for listening and please, keep thinking.

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