WHEN LAW FALLS SHORT:
INFORMAL JUSTICE INITIATIVES IN WEST BELFAST, NORTHERN IRELAND

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Bachelor of Arts in Anthropology

By
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Abstract

This study investigates the current state of informal justice initiatives in West Belfast communities in Northern Ireland. After emerging from thirty years of internal armed conflict between politically and ideologically divided groups, Northern Ireland has grappled with restoring peace and promoting reconciliation through institutional reform, the demilitarization of armed factions, cross-community projects, and capacity building initiatives. As the peace process has unfolded, critical conversations concerning the need for non-violent and non-discriminatory crime control have been taking place. These conversations addressed vital concerns such as the needs for police reform, an end to paramilitary punishment, and a means of bridging the gap between local and state-led crime control models. As a result, new modes of conflict resolution have been adopted and legitimized in the seventeen years since the peace agreement.

This research project employs ethnographic methods including interviews, participant observation, and document analysis collected throughout nine weeks of fieldwork in Belfast to assess how conflicting notions of justice, crime, and authority contribute to the continuing role of such local justice initiatives. This project uses the literature on transitional justice, legal pluralism, and alternative sources of authority to inform an ethnographic study of informal justice initiatives in Belfast, as it analyzes the manner in which local actors claim or are given authority over crime, conflict, and crisis as they work to provide access to justice outside the parameters of the formal legal system.
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<tr>
<td>BCC</td>
<td>Belfast City Council</td>
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<tr>
<td>CJINI</td>
<td>Criminal Justice Inspection of Northern Ireland</td>
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<tr>
<td>CRJ</td>
<td>Community Restorative Justice [movement]</td>
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<td>CRJI</td>
<td>Community Restorative Justice Ireland</td>
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<td>CSF</td>
<td>Community Safety Forum</td>
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<td>PCSP</td>
<td>Policing and Community Safety Partnerships</td>
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<tr>
<td>DHSS</td>
<td>Department of Health and Social Services</td>
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<tr>
<td>DoJ</td>
<td>Department of Justice</td>
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<tr>
<td>DPP</td>
<td>District Policing Partnerships</td>
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<tr>
<td>FCC</td>
<td>Falls Community Council</td>
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<tr>
<td>GFA</td>
<td>Good Friday Agreement</td>
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<tr>
<td>IRA/PIRA</td>
<td>[Provisional] Irish Republican Army</td>
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<td>NICRA</td>
<td>Northern Ireland Civil Rights Association</td>
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<td>NIFRS</td>
<td>Northern Ireland Fire and Rescue Service</td>
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<td>NIHE</td>
<td>Northern Ireland Housing Executive</td>
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<tr>
<td>NIPB</td>
<td>Northern Ireland Policing Board</td>
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<tr>
<td>PBNI</td>
<td>Probation Board for Northern Ireland</td>
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<tr>
<td>PPS</td>
<td>Public Prosecution Service</td>
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<tr>
<td>PSNI</td>
<td>Police Service of Northern Ireland</td>
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<tr>
<td>RUC</td>
<td>Royal Ulster Constabulary</td>
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<tr>
<td>UDA</td>
<td>Ulster Defense Army</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Name</td>
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<tr>
<td>UFF</td>
<td>Ulster Freedom Fighters</td>
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<td>UVF</td>
<td>Ulster Volunteer Force</td>
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<tr>
<td>YJA</td>
<td>Youth Justice Agency</td>
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<td>WAYS</td>
<td>Wrap Around Youth Support</td>
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Figure 1: Left- Map of local government districts and wards in Belfast. Below – Zoomed image of West Belfast wards that are focused on throughout this study.

Chapter One

Introduction

On the evening of Good Friday several years back, a nationalist community in West Belfast, Northern Ireland faced mayhem in the streets as republican men lined up ready to confront criminals who were causing trouble in the area. As the criminals climbed out of a car, waving machetes and hollering threats, roughly thirty local residents gathered to address the disturbance. Meanwhile, several police vehicles sat stationary at the end of the road, closely monitoring the scene. At that point the situation could have gone in several directions. The criminals could have decided it was not a good night to wreak havoc and driven away, the able-bodied republicans could have forcefully brought an end to the chaos, and in the worst case, lives could have been lost as these two groups engaged in violent confrontations in the streets. However, the situation did not culminate in any of these scenarios. Instead, a local city councilor, who was amongst the group of republican men, made the controversial decision to phone the police and ask them to intervene and deescalate the tension. The same city councilor recalled this particular situation as he talked to me about conflict resolution and local initiatives to manage crime without intervention on the part of the state. He found that asserting his authority in such situations, while controversial, initiated steps towards working relationships between state institutions and local communities.
Situations like this are not unique to West Belfast communities; they occur across the globe on a daily basis. Individuals and communities alike are constantly making decisions concerning dispute resolution. Whose responsibility is it to confront a cashier who shortchanged a customer? What should the local McDonald’s do when intoxicated youths flood through their doors disturbing the flow of business? How should a community member respond to a young adult threatening to end his or her life in the center of a community park? What happens when witnesses to a crime scene refuse to speak with the investigations team? The possible answers and remedies to these examples vary dramatically from one society to the next and may not be the same between individuals in a single community. The solutions may be found in the hands of an elected representative, a local youth club, a team of emergency service responders, a drug rehabilitation group, a police officer, or the involved parties attempting to resolve the situation without the assistance of a third party. In some situations, an individual may have a number of options when attempting to address these questions. In others, that same individual may feel pressured by social norms or required by legal norms to respond in a certain way.

In West Belfast the answers to these questions are rarely clear cut and are hardly uniform from one community to the next. While it is expected and accepted for members of some cultures to turn to law enforcement bodies the minute trouble is in the air, in others, phoning the police can be highly controversial and could even qualify as a reason for social exclusion. In the case of the Good Friday confrontation in West Belfast, the question was how to deescalate a potentially violent and
threatening situation without compromising community relations and trust. While the police were able to prevent a violent conclusion to the disturbance, it was not without its consequences as this particular nationalist community had long harbored distrust in the police and often avoided police involvement in disputes of any kind. This was not the end of the situation, as relationships were tested, strained, and ultimately sacrificed in an effort to challenge entrenched resistance to state-led law enforcement in West Belfast. This example presents many of the issues surrounding authority, crime, legitimacy, jurisdictional claims, and the nature of community and state relations that are addressed in this research. Here, I will draw on nine weeks of ethnographic research to analyze the state of informal justice initiatives in West Belfast communities as they are confronted with the legacy of political violence that enveloped the North for several decades.

**Aim and Scope**

My aim in this project is to explore the manner in which contestations over power and authority have shaped the work being done by informal justice initiatives and transformed the ways individuals conceptualize justice. The legacy of political conflict and the continuation of social and political divisions across the country create a unique context in which extra-legal crime management mechanisms have emerged and thrived in West Belfast communities. This study analyzes these projects ranging from individual actors and small community groups to more formalized schemes such
as restorative justice organizations. The manner in which these initiatives build and shape relationships between statutory bodies and local communities is of particular interest. My goal is to depict how actors engaged in informal justice mechanisms position themselves as they work with local communities and contribute to ongoing discussions concerning broader global justice movements. This project seeks to answer the following questions:

- How do institutional actors claim authority over crime and conflict in local communities?
- In what ways do the actions of those engaged with informal justice projects deny, resist, or redistribute traditional state authority, and how do individuals position themselves in relation to these power structures?
- How do informal justice actors seek to build legitimacy as a means of gaining community support?

Here, “institutional actors” refers to the individuals who were actively participating in the promotion or execution of informal justice methods and organizations on any level.

Based on my ethnographic research with such institutional actors, this study proposes that the role of informal justice initiatives has shifted as the peace process in Northern Ireland has progressed. These projects have become entrenched as they challenge state-centric power structures and provide participatory and locally-led crime control projects. Furthermore, they have provided alternative solutions to crime, conflict, and crisis that require scholars, state representatives, and local practitioners to
conceptualize the boundaries of authority and the ownership of justice. While these institutions emerged within a specific context that allowed them to gain legitimacy within local communities, they have become embedded in larger criminal justice functions. Perceptions of these organizations have gradually changed, and they now occupy a space beyond their initial role of providing an alternative to punitive paramilitary style punishments, and have taken on a more permanent role in bridging local ideas of justice with those held by state actors. These actors participating in these projects are renegotiating the boundaries of authority by working with statutory bodies and local communities to find alternative paths to justice that meet the needs of local communities in a way that legal institutions operating under the rule of law may not be able to.

This study illustrates how the concepts of legal pluralism and participatory justice play out in informal justice arenas in West Belfast. While carefully maneuvering dicey political issues and the presence of a strong local identity, non-state actors have reimagined the role of locally-led initiatives and the relationship they can have with the state without sacrificing legitimacy. This research is intended to paint a more detailed picture of the functions of these projects and the relationships these initiatives build and nurture between both state and non-state groups and individuals. The following chapters will consider these questions as they have been discussed, displayed, and presented by the individuals who participated in this study.
Project Background

The island of Ireland has a long-lasting legacy of divisions between Irish and British populations. This conflict over identity has played out on political, religious, social, linguistic, and spatial platforms for centuries. Northern Ireland was partitioned from the Republic of Ireland in 1920, and between 1920 and the early 1960s the Catholic populations, who usually identified themselves as Irish and did not support the partition, faced discrimination at the hands of the British unionists, who often claimed Protestant lineage.1 What began as a civil rights movement led by Catholic activists in the late 1960s quickly spiraled into an armed conflict as British troops became involved. Over the next thirty years, the conflict known as the Troubles unraveled across the North. Paramilitary organizations were revived, bombing campaigns were conducted, political cooperation came to a screeching halt, and the legacy of a divided population in Ireland was entrenched in the North.

The conflict formally ended in 1998 with the signing of the Good Friday Agreement (GFA). However, the legacy of civil conflict continues to have a lasting impact on the country. Massive walls and fences laced with barbed wire loom over the points at which unionist and nationalist neighborhoods converge. Many schools

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1 It is important to note that these terms are not interchangeable, and each refers to a specific section of the population holding certain political and ideological beliefs. While the sectarian division has often been referred to as the root of conflict in Northern Ireland, these identities are not always in line with one’s political beliefs and as such will not be the terminology used throughout this paper. Instead the terms nationalist/unionist will be used to discuss the moderate political groups and unarmed members of certain communities while the terms republican/loyalist will refer to more extreme political actors and those who were involved in the armed conflict during The Troubles. The extent to which individuals identify with one group or another exists on a spectrum as there is a great deal of variation concerning the extent of one’s political or religious opinions.
remain segregated, artistic depictions of the Troubles can be found all over the city, and the underlying tension still lingers.

It is within this context that the issues of policing, justice, crime, and punishment become staples in the discussion of peacebuilding throughout the country. Since the partition of Northern Ireland, local communities have harbored distrust and even hostility towards law enforcement bodies. The Royal Ulster Constabulary (RUC), the active police force throughout the Troubles, actively discriminated against nationalist Catholic populations. Throughout the Troubles, documented cases of collusion with the British Army and corruption amongst the constables have been uncovered and have revealed the political role that the RUC took on throughout the conflict. The responsibility to enforce social norms and punish transgressors was taken up by paramilitary organizations such as the Provisional Irish Republican Army (PIRA/IRA) on the nationalist/republican side and the Ulster Volunteer Force (UVF) and the Ulster Defense Army (UDA) on the unionist/loyalist side. These armed groups, and the IRA in particular, used what became known as paramilitary punishment as a means of social control in their communities. The dissolution of these bodies led communities to develop informal projects as they sought to fill the gap left behind. Meanwhile, law enforcement bodies were undergoing reforms in hopes of making the police more acceptable and therefore legitimate in the eyes of local communities.

Although paramilitary punishment was phased out under the peace agreements, new models of locally owned justice projects emerged. Informal justice refers to
institutions or methods used by non-state actors to address crime or conflict in an unofficial, voluntary, and decentralized manner. These projects often operate under loose rules that emphasize the ad hoc and participatory nature of locally-led conflict resolution projects. Though many different forms and levels of these informal justice projects will be discussed in these chapters, the community restorative justice (CRJ) movement is the most well known and the largest of these programs. This movement encompasses the innovative approach to restorative justice as it is has emerged from the “bottom-up” in the case of Northern Ireland. In these cases, restorative justice organizations are led by local community members rather than any formal entity as they seek to address community problems and concerns. Both unionist and nationalist communities have established restorative justice organizations to confront low-level crime, antisocial behavior, and other conflicts within the community. This project stemmed out of my interest in transitional justice, alternative dispute resolution, and power dynamics in post-conflict countries. The data collected over the course of my fieldwork speaks to broader understandings of justice, crime, and authority in local communities and the manner in which these are addressed and claimed by various actors.

Project Significance

In this study I provide an anthropological approach to the study of informal and restorative justice in Northern Ireland, and address broader questions concerning
authority, legal pluralism, and the distribution of justice. In 2009 Anna Eriksson published her book *Justice in Transition: Community Restorative Justice in Northern Ireland*, which maps the conception and development of CRJ projects in Northern Ireland using criminology as the theoretical foundation of the research. Since this time, restorative justice organizations have undergone many changes as the procedures and certification process of these bodies has been established and developed. Under these more formalized procedures, new relationships have been fostered and power dynamics have shifted. Actors began participating in discussions concerning the future of restorative justice as it could address crime and conflict in local communities. This study will build upon earlier studies of CRJ and informal justice to assess the roles they now play in local communities.

This study also informs the literature of legal anthropology as it seeks to understand local perceptions of power and authority, and the ways that these shape and are shaped by the complex legal situation in post-conflict Northern Ireland. As described in Chapter Two, I use the literature on transitional justice, legal pluralism, and the alternative sources of authority to analyze the roles of authority and power structures as they play out against the backdrop of historical conflict. Ultimately these dynamics shape the nature of relationships between communities and the state. This study contributes to these bodies of work as it uses the framework of well-developed concepts to analyze ever-changing dimensions of legal versus local authority. Legal scholars and social scientists have acknowledged the lack of research addressing how and why people take law enforcement tasks into their own hands (Merry 1992;
Sheptycki 2001). This ethnographic study of informal justice in Northern Ireland can shed light on how non-state actors gain legitimacy as alternative sources of justice and the role these actors have in the transitional stages of a post-conflict nation.

**Project Methodology**

This study is based on nine weeks of ethnographic fieldwork in Belfast, Northern Ireland. The research was carried out as a “research externship” conducted through Ohio University’s Center for Law, Justice & Culture. I had previously traveled to Northern Ireland as part of a study abroad program looking at human rights, law, and justice in Northern Ireland in the spring of 2013. I was drawn back to Northern Ireland as my studies narrowed in on legal anthropology and the informal mechanisms communities use to combat social and legal transgressions. The Institutional Review Board at Ohio University approved this research, and I received a variety of university funding sources including the Student Enhancement Award, the Provost’s Undergraduate Research Fund, and the Honors Tutorial College’s Dean’s Discretionary award.

As an anthropological study, I collected data using three primary tactics: participant observation, interviews, and site documents. The field sites encompassed the informal justice institutions and included local community centers, resident’s associations, restorative justice organizations, and related events and meetings. Since Eriksson’s study (2009), restorative justice organizations have undertaken serious
restructuring and development, and therefore new dynamics need to be analyzed. Additionally, these organizations have begun establishing well-developed networks and reputations amongst the communities and political systems within which they operate. These networks made access to data and participants more feasible.

The most significant institution analyzed throughout this study is Community Restorative Justice Ireland (CRJI). CRJI is a community-led organization with several offices located throughout Belfast, Derry, and Newry. Each office has paid employees as well as several volunteers that work on their projects. The organization signed on to a protocol enacted by the Northern Ireland in 2007 and has been accredited through a series of inspections by the Criminal Justice Inspection of Northern Ireland (CJINI). Throughout my fieldwork I served as an intern for the organization, helping with administrative tasks and participating in inter-organizational meetings. Many of my interviews and site documents were conducted at or taken from the Andersontown CRJI office; however, connections were made with other branches around the Belfast area. I selected CRJI based on their work and active engagement with statutory bodies, local communities, and other institutional actors that were significant in this study.

The fieldwork began with participant observation at research sites. Participant observation was conducted throughout the entire nine weeks of fieldwork. In observing the daily activities and discussions taking place at the various field sites, I considered the communication styles, local vernacular, body language, and physical settings of informal justice actors and initiatives. This form of data is crucial as it gives the study direct access to the behavior and language of the participants. All data
collected through participant observation was collected in the form of field notes, which were then coded and typed up each evening with observations, applications, and reflections.

The second stage of my research included ethnographic interviews with informal justice project leaders, employees, and volunteers, as well as community members participating in any extra-legal justice projects. I also interviewed other community actors including city councilors, representatives from statutory organizations, and community workers in different fields. I built subject pools through CRJI networks as well as independent research and outreach. Interviewing the actors engaged with informal justice initiatives provided an understanding of the individuals’ actions, thoughts, beliefs, motivations, and reflections on the research topics. This data supplements participant observation, as it was used to analyze thoughts and beliefs rather than just actions. All research participants were informed of the project’s nature and the manner in which the data would be analyzed, stored, and used to inform this project. Over the course of the fieldwork I conducted twelve structured interviews and fifteen unstructured interviews.

Structured interviews lasted one hour and were conducted in the CRJI offices, a coffee shop, or similar venue deemed most comfortable to the informant and safe for the researcher. I began each interview by acquiring verbal informed consent from the participant. The sessions were often tape-recorded and many notes were taken throughout each interview. Each subject was asked a series of questions addressing his
or her role in informal justice projects and his or her opinions and experiences working within these channels.

Unstructured interviews were conducted in the same venues as structured interviews; however, these interviews lasted anywhere from thirty minutes to two hours depending on the length of the informant’s answers. Verbal consent was obtained before each interview, but these sessions were not always tape-recorded in the same manner as the structured interviews. All of the recordings and jottings from structured and unstructured interviews were coded and appropriately stored to protect the identities of the research participants. Additional follow-up interviews were scheduled with individuals based upon the insights they provided, as well as to provide feedback on my interpretations of the data. Follow-ups were conducted as unstructured interviews. After completing each interview, the tape recordings were transcribed and all identifiers were removed from the notes.

Site documents were collected from many of the field sites and included promotional pamphlets, monthly newsletters, informational packets, forms, annual reports, and other materials produced by the organizations or individuals that participated in the study. Some of these documents were retrieved from the websites of the organizations, others from bulletins or e-mails. These documents can help demonstrate how the organization promotes itself, communicates with local populations, and represents itself to the inspection agencies or other funders. This data supplements the information gathered through observation and interviews to provide
three different levels of analysis: internal, individual, and collective thoughts and actions.

In close-knit communities such as those in West Belfast, it can be challenging to break through cultural barriers and gain access to the desired data. As an American student, I am not privy to the trust and openness shared between community members. While many participants were eager to share their experiences, there were certain community members who were more hesitant to participate in a formal study conducted by a foreign student. Research participants were always aware that any data they provided might be used in this thesis, and this knowledge may have impacted the responses given on sensitive or culturally complex issues.² These are all complexities that I was aware of as I entered the field as a foreign student researcher, and that have impacted the depth and breadth of this study. To avoid any negative backlash directed at any of the participants, all names and obvious identifying information has been changed or removed to protect the identities of the subjects. At times I have altered direct quotes to remove specific locations or names in order to protect the identity of the participant.

² The case of the Boston College Oral History Project, a memory project looking at the Troubles in Northern Ireland, exemplifies the complexities and concerns regarding interviews and confidentiality when dealing with instances of past violence, crime, and conflict. The interviews recorded by the BC project, which began in 2001 and collected interviews up until 2006, were subpoenaed by the U.S. Department of Justice to be handed over to the British government as they contained evidence regarding ongoing investigations into illegal activity during the Troubles. The material led to the arrest of prominent republican figures as recently as 2014. Cases such as this highlight the potential legal ramifications of interviews conducted as academic research. This case is well known amongst political actors in Northern Ireland, which may impact the levels of vulnerability participants in a study such as this will be comfortable with. In a post-conflict setting there are very specific social and legal issues surrounding research, which were accounted for as I prepared for this study, but still may have impacted the extent of my data. See McMurtie 2014.
Chapter Overviews

This thesis consists of six chapters. Chapter Two presents an overview of the relevant bodies of literature that have influenced this study and to which this study contributes. The literature of significance here includes theoretical approaches to transitional justice, anthropological and sociological literature concerning legal pluralism and authority, and the recent emergence of innovative anthropological studies of policing and crime control in different societies. These three conceptual approaches provide the foundation upon which this study is built. It is also significant that these groups of thought and scholarship are not commonly used in conjunction with one another, but, when done so, they provide a profound depth to the analyses of participatory justice, grassroots initiatives, claims to authority, and understandings of crime in post-conflict settings.

Chapter Three presents background information that is crucial to understanding the historical and topical context of this research. This chapter briefly explores the history of conflict in Northern Ireland, with a focus on practices of paramilitary punishment. It then explores the relationship between communities and the police force and how these dynamics impacted the establishment of informal justice organizations. I then look at the changing dynamics since the signing of the GFA in 1998 and the emergence of strong informal justice organizations such as CRJI that came to replace the system of paramilitary punishment. This historical context is
important to understanding the underlying attitudes, values, and beliefs that shaped the
development of informal justice organizations.

Chapter Four considers three different levels in which individuals or groups of
actors engage with informal justice distribution: assumed authority, claimed authority, and
proscribed authority. Here the concepts relating to authority, crime, and
jurisdiction are applied to analyze how and why certain actors engage with the
community on issues of conflict, crime, and dispute resolution and how these actors
either promote these services or are sought out by community members. I consider
examples from a city councilor, a community drug program, the activities of dissident
republican groups, and the projects of CRJI as examples of these levels of authority.

Chapter Five examines reforms made in the search for legitimacy and authority
by CRJI. I start by briefly outlining the values, purposes, and stated desired outcomes
of CRJI. I then look at the relationships it has built with statutory organizations, and
how the practitioners have balanced community trust and changing relations with the
state. I examine how people discuss and implement the Protocol that was put in place
when CRJI became an accredited institution by CJINI. An analysis of a
professionalized organization of this nature illuminates issues such as expectations of
both formal and informal justice schemes and what happens when a party cannot meet
certain expectations. From this information it becomes possible to break down how
authority is claimed and distributed between formal justice organizations such as the
criminal justice system and restorative justice organizations.
Chapter Two

Contextualizing Informal Justice

This project brings together three bodies of literature that are rarely placed in conversation with one another: transitional justice; legal pluralism; and the anthropological study of crime management projects. Anthropologists, sociologists and legal scholars have all contributed to the development and growth of these conceptual studies. The literature on transitional justice analyzes the processes adopted in post-conflict societies as they work to build a lasting peace through legal, social, cultural, and political institutions at local, national, and international levels. Research on legal pluralism emphasizes pivotal power dynamics in transitional societies and offers insight on the significance of extra-legal initiatives in maintaining order. I will also use an in depth exploration of alternative sources of authority and contestations over jurisdiction to analyze the nature of authority in informal justice initiatives. Finally, the emerging scholarship on the anthropological study of policing exemplifies the vast contributions that ethnographic methodology and anthropological theory can contribute to issues of policing, transitional justice, and power structures. These concepts overlap in many ways, and extra-legal crime management in post-conflict communities demonstrates the points at which these theoretical lenses converge.
**Transitional Justice**

Since first coined by Ruti Teitel in the 1990s, the term “transitional justice” has come to dominate legal, sociological, and anthropological literature on post-conflict societies and nations transitioning to democratic rule (Teitel 1997). While the concept was originally used to describe societies emerging from state-led violence or authoritarian rule, it has been applied more broadly to cases of widespread violations of human rights and cases of developing social justice institutions (Hinton 2011, 2). Transitional justice mechanisms include restoration of the rule of law, judicial reform, victim compensation, reconciliation projects, memorialization, and truth recovery (Lundy and McGovern 2008, 267; Hinton 2011, 4). Goals of these projects often focus on victims, as they seek to provide restitution, compensation, rehabilitation, satisfaction, recognition, reconstruction and confidence in believing that the violence will not occur again (Hayner 2001, 171; Wagner 2001, 25). Specific projects undertaken in post-conflict communities include truth commissions, international and hybrid tribunals, narrative projects, formal inquiries, the release of documents to the public, the establishment of memorials, or reparations for victims (Hayner 2001, 8).

Transitional justice can be broken into three categories: “legal justice” deals with reestablishing the rule of law, “rectifactory justice” directly addresses past human rights abuses, and “distributive justice” confronts the structural and systemic injustices that sit at the root of the conflict (Mani 2002). Mani argues that the majority of all resources are disproportionately allocated to mechanisms seeking rectifactory justice,
and consequently legal and distributive justice initiatives are commonly undermined (2002). Rectifactory projects have been critiqued for being overly legal in nature, as scholars have claimed that these methods lack local participation and ownership (McEvoy and Mika 2002).

Historically, transitional justice studies separate legal analysis from the social or political, and treat them as autonomous entities (McEvoy 2007). Recently, these focuses have increasingly overlapped; however, the implementation of transitional justice models is still often tied to state actors or international lawyers’ opinions and backing (McEvoy 2007, 19). While it is recognized that legal institutions such as policing and criminal justice systems in transitional justice models are critical concerns, such a legalistic approach undermines the significance of non-sanctioned approaches to justice. In nations emerging from internal conflict or authoritarian rule, it is not uncommon for public opinions of law and criminal justice to be polarized. These divisions cause ongoing strife over legal, cultural, and political authority, which can challenge the perceived transcendent nature of law. In response to this legalistic approach, cases of locally-led justice initiatives and participatory approaches to transitional justice have become the focus of much scholarship.

As anthropologist Alexander Hinton points out, “The local has always lurked in the background of transitional justice studies, as some scholars and practitioners have argued that each situation is different and demands a locally attuned response” (2011, 5). This locally-oriented lens looks at “from-below” or participatory projects as models emphasizing the need for locally-led justice initiatives in post-conflict
societies (McEvoy and McGregor 2008, 3). From-below models highlight the role of
the community and civil society organizations as “engines of change” (McEvoy and
McGregor 2008, 3). The concept can be traced back to development projects between
the 1960s and 1980s, at which time concepts such as empowerment, participation, and
community-based processes transformed the field of international development.

In regards to transitional justice, scholars have led recent discussions
surrounding “grassroots” approaches or “bottom-up” models (Lundy and McGovern
2008, 99). This lens challenges the notion of a one-size-fits-all model of transitional
justice and emphasizes the ability for local people to “define local obstacles or
problems, conceptualize, initiate, design and implement programmes to address these
problems” (Lundy and McGovern 2008, 109). Participatory approaches that
incorporate local leadership in response to a shared problem address issues of control
and ownership over justice initiatives and entail a transfer of power (Shaw and
Waldorf 2010). This level of justice reflects the notion of “popular justice,” which is
characterized by local control, informality, and non-professional methods (Merry and
Milner 1993, 3). Customary law and other locally implemented justice initiatives have
since been emphasized as mechanisms that can complement more legalistic
mechanisms such as truth commissions and tribunals (Shaw and Waldorf 2010).

In some cases, projects classified as local justice have been expanded or have
acted in a transitional capacity as well.³ Examples of this shift of focus in transitional
studies include studies on the Ardoyne Commemoration Project in Northern Ireland

³ For studies on these types of mechanisms see Burnet 2001; Bickford 2007; Shaw, Waldorf and Hazan 2010
(Lundy and McGovern 2008). While political and legal scholars have dominated the field of transitional justice, it has increasingly become a focus of anthropological studies. Many anthropologists have conducted ethnographic studies of peace processes in post-conflict societies or societies that have implemented transitional justice mechanisms such as South Africa (Comaroff and Comaroff 2004; Wilson 2001), Argentina (Arditti 1999), Sierra Leone (Kelsall 2009), Bosnia-Herzegovina (Nettelfield and Wagner 2014), Mexico (Parnell 1978), and Canada (Niezen 2013). Studies of participatory and locally-led transitional justice mechanisms, as well as the use of ethnography in analyzing the nature of post-conflict transformation, is crucial to understanding the emergence of informal justice initiatives in Belfast.

**Legal Pluralism**

Legal pluralism has been defined as the presence of two or more legal systems in a society at any time (Merry 1988, 870). Literature and research on legal pluralism emerged throughout the decolonization era. Early twentieth-century studies analyzed the relationship between colonial law and indigenous systems of maintaining order (Merry 1988). In these cases, legal pluralism is rooted in systems of unequal power relations. In colonial settings, the imposition of new legal systems allocated power to the colonists, who sought to dismantle traditional ordering systems (Comaroff and Comaroff 2006). As time progressed, the study of legal systems and the power structures upholding them has expanded from formal, state-led court systems to non-
sanctioned systems of social norms and the manner in which expectations of justice are met (Merry 1988, 870). Since the 1970s scholars have analyzed legal pluralism in industrialized societies, a shift into what Merry calls the “new legal pluralism” (1988, 872).

It has become common for social scientists to view legal pluralism as an inevitable characteristic of societies with formal law, as various perceptions of law and legal ordering shape and are shaped by complex networks of legal institutions (Abel 1995, 3; Ewick and Silbey 1998; Merry 1988, 871). This approach considers how extra-legal forces shape law and emphasizes the ambiguity of legal systems. Framing law within the context of legal pluralism allows for the historical, ideological, and cultural contexts of law to be analyzed as well as the nature of law enforcement and resistance to law. Often studies of this nature examine “the ways social groups conceive of ordering, of social relationships, and of ways of determining truth and justice” (Merry 1988, 889). Sally Falk Moore outlined this widening of the study of legally pluralistic societies in stating,

‘The law’ is a short term for a very complex aggregation of principles, norms, ideas, rules, practices, and the agencies of legislation, administration, adjudication and enforcement backed by the political power and legitimacy… The approach proposed here is that the small field observable to an anthropologist be chosen and studied in terms of its semi-autonomy – the fact that it can generate rules and customs and symbols internally, but that it is also vulnerable to the rules and decisions and other forces emanating from the larger world by which it is surrounded (1978, 54-55).

Despite a contextual shift in the study of legal pluralism, the underlying structures of power remain a crucial issue when questioning why such pluralistic
systems have developed and been maintained. Extra-legal bodies now serve as a unique new context in which the concepts of legal pluralism can be applied and interpreted to understand power relations in societies, and in particular can provide insight into methods used in dispute settlement (Nader and Todd Jr. 1978).

**Alternative Authority**

The scope of legal pluralism has grown as scholars have analyzed how global legal norms are reshaping legal landscapes across the world and have consequently opened the doors to new, widely-accepted uses of informal justice as a means of maintaining peace and security on a national and international scale (Abrahamsen and Williams 2007; Benda-Beckmann, Benda-Beckmann and Eckert 2009; Berman 2012, 191; Sassen 2008). This framework of legal pluralism can be used to analyze sub-national communities as they build and maintain informal justice mechanisms on a local level that can both challenge or coexist with national legal institutions. Some scholars have compiled case-studies on such mechanisms, but many lack the broader concepts present in the discussion of new legal pluralism (Wolff 2015). It is important to understand the conceptual work addressing authority, power, and community norms as they translate to jurisdictional claims made by informal actors in local communities.

Anthropological studies have contributed by applying ethnographic methods and anthropological theory to the study of authority, conflict, and disputing. These studies have examined state-led law enforcement bodies, informal ordering systems,
and cases of vigilantism as examples of crime management. Examples of these studies have included the study of customary crime management practices in South Africa (Comaroff and Comaroff 2004); resistance towards and disempowerment of state-led policing through cultural-political institutions in India (Jauregui 2013); systems of unsanctioned “community policing” in inner city areas of Ethiopia (Di Nunzio 2014); police violence and punitive systems in Brazil (Caldeira 2002); and police and community relations in France (Fassin 2013). These studies have analyzed processes of legitimation, power structures, civil society engagement, and roles of resistance in relation to mechanisms of law enforcement. Most of these studies grapple with the question of who wields the authority to enforce law and impose certain norms upon a population. The concept of legal pluralism is incorporated through examinations of “extra-legal enforcement” using terms such as “vigilantism” or “cultural policing” (Di Nunzio 2014; Jauregui 2013). Jauregui summarizes the use of such a lens in stating there is a “multiplicity of power in the form of simultaneous and competing claims to different types of authority, and the ways that these claims interact in specific contexts to produce subjects with more or less legitimate authority over time” (2013, 648).

There is much debate over how to properly define authority when analyzing informal justice initiatives. Claims to authority and the distribution of power in a society fall under the study of legal pluralism. These dynamics require an in-depth analysis of the social and political dynamics of a society, and of the different sub-communities and levels of actors within that society. Some scholars have argued that authority is the ability for an individual or group to persuade and be followed by the
majority of a group’s members (Popisil 1978). It is often tied to safety, protection, and enforcement, as authority can be expressed in many forms and is not restricted to the codified legal code of a society or nation. In their study of private security companies, Abrahamsen and Williams argue that authority is an effect rather than an entity; it is a social construct built upon coercion and persuasion (2007, 240). In this context, the expression of authority is a manifestation of the norms and values of a particular community. The process of building authority and legitimacy in a particular community impacts the distribution of justice in that community. To distribute justice is ultimately to express some form of legitimate power that is achieved through claims to authority that are aligned with a specific community’s norms, values, and expectations. This process is solidified in societies with complex formal legal systems, and it is prominent when understanding jurisdictional authority as it shapes formal and informal justice mechanisms.

Legal scholar Paul Schiff Berman outlines authoritative claims by pinpointing three areas of concern: jurisdiction, choice of law, and judgment recognition (Berman 2007, 1228). He states that jurisdiction is “the decision of a community to assert legal dominion over an act or actor” (Berman 2012), and he analyzes how jurisdiction reflects or constructs social conceptions of space, how it establishes authority over a transgressor, how it symbolically extends community membership, and how assertion of jurisdiction articulates norms that challenge sovereign power (Berman 2002, 430). Jurisdiction is often thought of as a purely territorial and spatial construction that allows for the rule of law to be enforced on local and regional levels, but this
understanding of space is not the same as social space (Berman 2012, 197). Ideas of law and spatial boundaries are always changing, and many non-state actors may seize upon social constructions of law and jurisdiction to advance their claims over disputes and conflicts in a community.

However, informal justice schemes apply the same process to extra-legal mechanisms that result in multiple understandings of justice, power, and authority. A pluralist approach to legal studies accounts for the manner in which both state and non-state actors can make authoritative claims when addressing legal matters in a community (Berman 2007, 1155). As Berman argues,

A truly pluralist conception of jurisdiction recognizes that law does not reside solely in the coercive commands of a sovereign power. Rather, law is constantly constructed through the contest of various norm-generating communities… Indeed once we recognize that the state does not hold a monopoly on the articulation and exercise of legal norms, then we can see law as a terrain of engagement, where various communities debate different visions of alternative futures. And the idea of jurisdiction necessarily becomes a locus of this debate because it is in the assertion of jurisdiction itself that these norm-generating communities seize the language of the law and articulate visions of future worlds. If jurisdiction is, literally, the ability to speak as a community, then we can begin to develop a ‘natural law of jurisdiction,’ where communities claim the authority to use language of the law based on a right or entitlement that precedes the particular sovereignties of the present moment (Berman 2002, 492-493).

Normative communities lack the formality of state authority as a coercive tool (see Cover 1983). A model of informal jurisdiction and any mechanism attempting to shape and enforce it rely on the individuals within that community’s willingness to abide by those decisions and lend informal mechanisms the legitimacy they need to survive (Berman 2002, 502). When a community’s needs and expectations fail to be
met by a formal state entity, alternative groups often take on these goals as a means of serving a certain population. Williams argues that situations in which this occurs are rooted in “guiding orientations” held by communities that then shape the way members perceive and interact with both state and non-state agencies that aim to solve disputes and enforce justice (1995, 411).

When different communities claim to have authority over a certain conflict or dispute, their claims may contradict or challenge formal state authority or other established power structures. Such claims can take many different forms ranging from direct and immediate intervention to prolonged involvement in the dispute as a pathway to resolution. Scholars such as Berman have argued that “such mechanisms, institutions, and practices can help mediate conflicts by recognizing that multiple communities may legitimately wish to assert their norms over a given act or actor, by seeking ways of reconciling competing norms, and by deferring to other approaches when possible” (Berman 2007, 1156). Extra-legal institutions can use two major tactics when confronting transgressors: the community can banish the transgressor, or the community can embrace him or her as a member and assert jurisdiction over the matter (Berman 2002, 432). In this way, assertion of unsanctioned jurisdiction acts as a unifying force that determines the membership status of individuals within that community (Berman 2002, 437). When there are external threats to the community, these informal justice initiatives must decide how to confront the impact, and these forces often alter the landscape of authority (Berman 2002, 434). These considerations
shape the methods and extent of involvement non-state actors will have in any informal justice scheme.

Consequently, because different actors assert claims over jurisdictional authority in local communities, members of those communities often feel tied to multiple sources of authority that may challenge the formal territorial authority of the state (Berman 2007, 1161). Embracing the existence of multiple normative communities and the overlapping jurisdictional claims does not answer the fundamental question of which claim trumps the other and who possesses ultimate authority over a given conflict (Berman 2007, 1165). In these situations, it is not simply a matter of who has the authority to articulate norms and who has the power to enforce them; rather, the issue is “which statements of authority tend to be treated as binding in actual practice and by whom” (Berman 2007, 1178). This often brings these sources of authority into conflict, giving rise to systems of cooperation or coexistence that attempt to balance these jurisdictional claims in a manner accepted by all parties.

Communities asserting informal authority within themselves often have ways of maintaining their authority such as isolating themselves from outside influence, building literal or regulatory “walls” to protect themselves, or enforcing territorial jurisdiction or choice-of-law rules (Berman 2007, 1163). However, other models seek to embrace the hybrid landscape of jurisdiction. As Berman states, “processes for managing hybridity seek to preserve the spaces of opportunity for contestation and local variation that legal pluralists have long documented, and therefore a focus on
hybridity may at times be… more practical precisely because agreement on substantive norms is so difficult” (Berman 2007, 1165).

In Belfast, these contestations over authority and jurisdiction characterize the development and growth of informal justice mechanisms. The manner in which informal justice initiatives in Belfast claim authority and foster legitimacy illustrates these concepts as they operate in a post-conflict setting in which the history, practices, and intentions of state institutions are commonly distrusted.

When combined, these fields of scholarship – the study of restorative and participatory methods in post-conflict societies, the proliferation of alternative justice models that parallel state initiatives, and the manner in which communities claim and challenge traditional notions of power and authority – can significantly enrich research in transitional justice, law and society, and legal anthropology. Each of these three bodies of literature references the significance of civil society actors as well as alternative approaches to maintaining order. The use of ethnography and of anthropological thought in exploring contested understandings of law and justice is extremely valuable in this context, as there is a need to analyze extra-legal justice projects as they occupy the spaces at which these three bodies of literature overlap.
Chapter Three

Background: Fifty Years of Disputing in Northern Ireland

The history of conflict and the peace process in Northern Ireland have greatly shaped the landscape of modern politics and culture throughout the country. This background describes how conflicts and disputes were confronted throughout the past fifty years, and outlines the violent political conflict, the negotiations that established peace, and the problems of local crime and conflict since the end of the Troubles. Now that the North is 18 years removed from the formal peace agreement, many peacebuilding initiatives have been completed and reforms to political and legal institutions have been solidified. And while there were many individuals who assured me that the conflict was in the past and the country was slowly approaching political equilibrium, the legacy of such a deeply rooted conflict still runs through the veins of local communities, particularly in working class areas.

This chapter briefly outlines some of the most relevant historical and political aspects of the conflict and peace process. It begins with a background of the establishment of Northern Ireland and continues through the major causes and events of the Troubles. The next section includes a more in-depth analysis of policing both during the conflict and since the signing of the Good Friday Agreement (GFA). Finally, the chapter discusses how the history of conflict and policing in the North have nurtured the growth of strong informal justice mechanisms over the past 50 years, ranging from paramilitary punishment to restorative justice organizations.
The Conflict in Northern Ireland

The British have had a presence in Ireland since the twelfth century, and the island remained under British control until the early 1900s. Because of the prolonged British presence in Ireland, ideological, religious, and political differences between those identifying as Irish and those who supported Britain’s rule of the island divided the population for centuries. As the possibility of Home Rule was introduced in the late 1800s, these divisions escalated and ultimately led to the partition of a Northern Irish state which separated the northern six counties from the southern twenty-six in 1920 (McKittrick and McVea 2002, 4). After a civil war in the South, the southern counties gained independence and became the Irish Free State in 1921 (McKittrick and McVea 2002, 2). The newly formed state of Northern Ireland remained divided on issues of religion, power, nationality, and territorial rivalry. At the time the future of the North was unsure, as entrenched political and ideological differences remained wedged between different factions of the population (Tonge 2002, 19).

The clearest divisions concerned the extent to which individuals perceived the newly found state to be legitimate or not (Mulcahy 2006, 4). On one side were the nationalist and republican populations, who are predominantly Catholic, and who often possessed a strong sense of Irish identity. The republican movement was the more extreme of these political identities and it advocated for a united Ireland without any presence of British rule. On the other side were the unionist and loyalist populations who were overwhelmingly Protestant in religious ideology. These
populations claimed British nationality, and supported the inclusion of Northern Ireland in the United Kingdom. Individuals on each side may feel more politically, nationally, or religiously tied to one’s identity. However, there is variation within the groups when it comes to the extremeness of political ideology and the amount of sectarian or political violence an individual condoned or participated in (McKittrick and McVea 2002, 7).

At the time of partition, Britain maintained a comfortable majority of supporters in the northern six counties, which minimized the immediate threat of social upheaval. However, the nationalist population made up about one-third of the North in the early 1920s, and consequently remained a viable threat to the security of the unionist party majority (Tonge 2002, 21). For this reason, the leaders of the country protected unionist rule by excluding and discriminating against Irish Catholics and nationalists. The policies that were adopted disadvantaged Catholic populations in areas such as voting rights, equal employment, access to housing, and representation in all branches of the government as the unionist majority consolidated much of the political power in their favor (Tonge 2002, 20-24). Despite the devolved parliament, the political and economic power remained consolidated in the hands of unionist populations (Tonge 2002, 19). Though political and ideological differences remained entrenched, the period between 1922 and the early 1960s remained fairly peaceful in the North as citizens of Northern Ireland, the Irish Free State, and Britain waited to see how the new state would develop and if it would survive (Tonge 2002, 34). Many hoped that the new state would be able to maneuver the controversial issues and find a
path to peaceful governing. As Northern Ireland slowly stabilized, nationalist populations continued harboring ill sentiments towards increasingly biased state institutions (Tonge 2002, 20; Smyth 2002, 298).

By the 1960s the population’s unionist majority was slowly shrinking and nationalist populations, under frustration with their disadvantaged positions in the new system, began challenging discriminatory policies. In the mid-1960s this dissatisfaction with the state culminated in a civil rights campaign led by Catholic nationalists. The movement grew as new methods were used, such as the organized marches led by the Northern Ireland Civil Rights Association (NICRA) (Melaugh 2015; Tonge 2002, 36). Many unionists feared that these tactics were attempts to end the Northern Irish state and believed the campaign was a cover for a republican movement such as the one that resulted in independence for the Republic of Ireland (Melaugh 2015; Mulcahy 2006, 5). This belief fueled the state and unionist groups to respond to the civil rights movement with hostility and violent control tactics.

When a march in Derry was banned and forcefully broken up by the Royal Ulster Constabulary (RUC), the active police force in Northern Ireland during the Troubles, another march was organized that attracted much larger crowds. The growth of these marches led the British government to deploy army troops to Northern Ireland in 1969 in attempts to quell all resistance against the state (Melaugh 2015). The violent methods used by soldiers and police constables ignited more extreme republican sentiments, resulting in the re-establishment of the IRA and the beginning

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4 Though the discriminatory policies most directly affected the Catholic religious groups, this does not directly tie religious beliefs to political identity. It was from this history of discrimination that many Catholics embraced a republican ideology, but it is not to say that every Catholic is a republican.
of violent confrontations between army troops, police forces, and loyalist and republican paramilitary groups (Darby 1995). The movement carried on as a civil rights campaign through 1972, but it escalated into a violent movement following the Bloody Sunday massacre, in which British troops shot and killed thirteen protestors and injured fourteen others in Derry (Melaugh 2015; Fitzduff and O’Hagan 2009). The late 1960s and early 1970s were marked by frequent protests, riots, and politically motivated violence throughout the country. This was the start of the conflict known as the Troubles (Darby 1995). Throughout the conflict over 3,500 people lost their lives and more than 30,000 were injured by the violence, and the state was directly responsible for at least ten percent of the deaths, the majority of who were nationalists (Lundy and McGovern 2001, 27).

The conflict was rooted in a complex web of numerous issues including the constitutional standing of Northern Ireland, social and economic inequalities, clashing cultural differences, security concerns, religious differences, and entrenched divisions between communities (Darby 1995). Many of the issues that constituted the civil rights campaign, including housing and voting rights, had been achieved on paper by the end of the movement, but addressing these inequalities did not solve problems associated with contested identity and political differences throughout the state (Fitzduff and O’Hagan, 2009).

As the Troubles unfolded, communities revived or established new branches of armed groups that engaged in violent campaigns as a means of resisting or defending the existing state structures (Fitzduff and O’Hagan, 2009). The IRA was the most
consolidated of these groups as it unified the republican community under similar goals ranging from a united Ireland to equal employment and representation policies (Bell 2000). The IRA had been formed during the war of independence in the South of Ireland. After revitalization, the IRA became involved in confronting the British army as troops arrived in Northern Ireland, but the group escalated its involvement through the use of bombing campaigns and other modes of politically motivated violence.

In the loyalist communities the rise of paramilitaries was less organized in nature and several paramilitaries became actively engaged in the conflict rather than a single unified group such as the IRA (Fitzduff and O’Hagan, 2009). As violence became entrenched as the dominant means of achieving political aims, the loyalist community revitalized the Ulster Volunteer Force (UVF), but the dominant group was the Ulster Defense Association/Ulster Freedom Fighters (UDA/UFF) (Fitzduff and O’Hagan, 2009). Although differing in methods and aims, each of these paramilitary groups engaged in violent conflict that claimed the lives of police officers, soldiers, other combatants, state representatives, and civilians alike as the attacks were often targeted towards a specific person or population (Fitzduff and O’Hagan, 2009). The IRA is known to be the most active of these armed factions, primarily because of its structured organization and use of bombing campaigns. For this reason it is not uncommon to hear the actions of the IRA referred to as republican terrorism. The label of the IRA’s actions as terrorism is contested, and many scholars feel that such a term does not fit with the motivations and tactics used by the IRA during the Troubles. For more on this see Campbell and Connolly 2006.
interfaces were often the most common site of inter-community violence in the North.\textsuperscript{6} In 1972 the government realized it was unable to contain the situation, and that a more punitive social control system and a reduction in political autonomy in the North was necessary to bring an end to political violence. The British parliament suspended the government in Northern Ireland and implemented direct rule from Westminster, which continued into the 1990s (Fitzduff and O’Hagan, 2009; Tonge 2002, 48). 1972 was a year of extreme violence in the North, as it stood as the deadliest year of the conflict, claiming the lives 468 people that year (Darby 1995).

The conflict shaped the culture and even the landscape of Northern Ireland as it progressed. Emergency legislation, which allowed for practices such as internment, changed the way in which people perceived state power and violence.\textsuperscript{7} However, it was not just public policy and particularly security policy that altered the fabric of Northern Irish society. Physical barriers were erected throughout the city to divide politically opposed communities, as these junctures were often the hub of major paramilitary activity. Fences and barbed wire became common demarcations of territory as well as a protection against trespassers and vandals. The most obvious and internationally known of these is the “peace wall” between one of the most devout republican areas, Falls Road, and the area most associated with loyalist activity, Shankill Road. These barriers became a physical representation of the political and

\textsuperscript{6} The interfaces refer to the points at which conflicting political or religious populations bordered one another. These interfaces were often the points of regular violence as groups would throw petrol bombs over the dividing walls and fences or would send gunmen to watch and kill individuals on the other side.

\textsuperscript{7} Internment was introduced in Northern Ireland in 1971 as a means of curbing political violence and regaining the rule of law and order over the North. Many paramilitary organizations, and the IRA in particular, responded to this policy with increased violence and even greater levels of centralization within the organization.
ideological differences that divided communities in the North. Not only is space claimed and divided by concrete barriers, people also claim space and territory through the parades and bonfires that have become annual public demonstrations of local politics and identity. Additionally, public art, commonly in the form of murals, became another method in which local political actors in the Troubles claimed space and depicted the shared identity of communities in and around cities such as Belfast and Derry. While these policy changes and physical manifestations of identity and politics were adopted during the conflict, these practices remained in use following the cessation of armed conflict.

The period from 1973 to 1994 was characterized by many attempts to resolve these disputes, but the momentum of the violent campaign was too strong to be broken by government negotiations alone (Darby 1995). In 1985 the Anglo-Irish Agreement gave the Republic of Ireland an active role in Northern Ireland through the ability to negotiate with nationalist populations and the British state to promote a peaceful solution to the conflict (Darby 2003). However it was another nine years before the first attempt at peace through multi-party negotiations came about. In 1994 the armed combatant groups came to an agreement on the need to end violence in order to open the door to diplomatic and political resolutions to the problems facing the population, and they declared formal ceasefires (Darby 2003; Tonge 2002, 141). The British and Irish governments both participated in guiding Northern Ireland as political

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8 For more on parades and marching season see Brown 2009; Jarman 1997.
9 For more on art and identity shaping in the context of conflict in Northern Ireland see Bell 2011. For more on murals and identity formation see Rolston 2012. For more on how public visual representation beyond just political murals are being used in Belfast see Noonan 2016.
negotiations unfolded, and the political wings of the conflicting factions of the population took center stage acting as the political voices of nationalists and unionists alike (Darby 2003). Although the IRA broke the 1994 ceasefire, the possibility of more negotiations paved the way for the signing of the Good Friday Agreement (GFA) in 1998 (Tonge 2002, 182; Darby 2003). The GFA outlined the necessary institutional reforms that had to be made in order to bring about peace. These included constitutional amendments, the incorporation of human rights standards, and the specific reforms needed in organizations such as the police. Along with the agreement, many other mechanisms for healing and reconciliation were adopted ranging from formal state-led public inquiries addressing state violence to locally-led truth telling and memory projects. Although the agreement was a crucial step on the path to peace, many issues still remained unaddressed and these topics were hotly debated in the years following the GFA (Darby 2003).

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10 These political parties shared the ideologies of many of unionist and nationalist communities but embraced new possibilities of peaceful and diplomatic negotiations as a means of ending violence in the country. On the nationalist side, Sinn Fein represented the far left populations with the Social Democratic and Labour Party (SDLP) being more moderate. On the unionist side, the Democratic Unionist Party (DUP) represented the far right groups while the Ulster Unionist Party (UUP) represented the more moderate populations in the negotiations.

11 For more on the use of public inquiries in addressing state violence throughout the conflict in Northern Ireland see Hegarty 2002; Rolston and Scraton 2005. For more on memory and truth telling initiatives see Hackett and Rolston 2009. For a broader overview on the state of truth seeking in N.I. see Rolston 2013; Brown and Ni Aolain 2014.

12 For more on the Troubles see Arthur and Jeffery 1988; McKittrick and McVea 2002; Coogan 1995; and Bell 1993.
Policing and the Community

Throughout the Troubles attitudes towards law enforcement bodies and their methods were divided along political and sectarian lines. The existing police force, the RUC, acted as a branch of the state, and was known for its biased and targeted actions throughout the conflict. The relationships between the police force and the community were a driving factor in establishing social cohesion and shared identities amongst those in opposition to the state and state actors (Mulcahy 1999; Smyth 2002). For example, Smyth writes that, “The police are often the crucial interface between state and citizen in enforcing a particular political and cultural agenda” (2002, 300). In the case of Northern Ireland this meant that the police force wielded the power to adopt specific political agendas and was the largest institution defining the state of the relationships between opposing political groups and state entities. This power was commonly called into question as it was shown to support and align with loyalist politics and paramilitary activity. During the conflict the RUC operated under emergency legislation as it adopted militarized tactics and amplified its role through increased recruitment levels, elaborate surveillance projects, and new counterinsurgency tactics to combat the increasingly violent social upheaval (Boyle, Hadden, and Hillyard 1975). Meanwhile, nationalist communities harbored distrust and even aggression towards the police as these communities were commonly targeted by the RUC’s intensification projects (Smyth 2002). These complaints included extrajudicial killings, police brutality, corrupt and discriminatory processes, and the militarization of police forces (Stalker 1988). As Mulcahy states, “Policing in
Northern Ireland bore all the hallmarks of the violent conflict there; normal policing, in the sense of everyday routine, was a paramilitarised form of policing” (Mulcahy 2000, 281). Scandals throughout the conflict revealed the extent of collusion between the RUC and loyalist paramilitaries, and allegations were made that the RUC joined up with loyalist paramilitary organizations to conspire a “shoot to kill” policy targeting active republicans and other political opponents (Mulcahy 2000, 79; Stalker 1988).

The symbols of the RUC became associated with the loyalist agenda, as the force was dominated by unionist members and targeted opposing parties (Smyth 2002, 304). Consequently, as peace talks began taking place, the police force was arguably the most controversial of the institutions undergoing reform and debate (Gordon 2008; Smyth 2002, 301; Hays 2012, 562). The GFA claimed to bring peace to the nation and ushered in attempts to reform state institutions; however, it left the issue of policing to be debated and discussed in a later commission (Smyth 2002, 302). In 1999, a high-profile commission headed by conservative politician Chris Patten was established to compile a report addressing the current state of policing in Northern Ireland and to make recommendations regarding the changes necessary for the police force to be accepted by the community at large (Mulcahy 2006). Many of the 175 recommendations presented in the Patten Report of 1999 were formally adopted through the Police [Northern Ireland] Act of 2000 (Gordon 2008; Independent Commission on Policing in Northern Ireland 1999). These reforms ranged from symbolic changes such as renaming the RUC to the Police Service of Northern Ireland

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13 For more on RUC collusion see Cadwallader 2013
(PSNI) and changing the uniforms, to more procedural reforms including mandated human rights training for all constables and an updated Code of Ethics, to institutional and organizational reforms such as introducing an Oversight Commissioner and establishing a Policing Board (Northern Ireland Office 2001). In an interview I conducted, a community worker described these reforms as attempts to “recalibrate community relations with the state.”

Although this effort was supported and applauded by many international political and human rights actors, in a divided society such as Northern Ireland, effectively installing law enforcement institutions that are perceived as legitimate by all parties within the country is an ongoing challenge (Ellison 2000; Gordon 2008). The Patten Report defended the need for symbolic recommendations by stating:

The problem is that the name of the RUC, and to some extent the badge and uniform too, have become politicized – one community effectively claiming ownership over “our” police force, and the other community taking the position that the name is symbolic of a relationship between the police and unionism and the British state (1999).

Throughout the reform process some members of the nationalist communities continued to distrust the police, and some members of the loyalist communities felt undermined by the changes (Wilson and Stapleton 2007; Mulcahy 2006; Ellison and Smyth 2000).

The most celebrated of the reforms emphasized new community policing initiatives as a means of bridging the rocky relationships between local communities and statutory law enforcement agencies (Ellison, Shirlow, and Mulcahy 2012). The reforms established projects such as Policing and Community Safety Partnerships
(PCSP), and District Policing Partnerships (DPP) (Ellison, Shirlow, and Mulcahy 2012). The PCSPs focus on grassroots engagement with community safety concerns and were therefore not limited to the role of the police in a certain area. These partnerships are sometimes seen as more legitimate than the PSNI as a whole because they involve local actors addressing community problems in conjunction with the PSNI (Hays 2012, 577). PCSPs were established as local governing bodies under the authority of the Department of Justice (DoJ) and the Northern Ireland Policing Board (NIPB) as a means of establishing local policing initiatives and providing a stream of communication between elected local officials and statutory actors (Criminal Justice Inspection of NI 2014). The DPPs were responsible for overseeing the relationships between local communities and police forces in each of the 26 districts that make up local governance areas in Northern Ireland (Hays 2012, 573). Though there are many critiques of the true impact of these projects, the methods and intent behind them have arguably boosted the inclusivity and perceived legitimacy of the PSNI (Hays 2012; Ellison, Pino and Shirlo 2012; Topping 2008).

Nevertheless, alternative mechanisms of locally-led law enforcement outside of these state-led initiatives also flourished. Many communities had adopted extra-legal policing initiatives as a means of enforcing social and legal norms. Extra-legal policing initiatives refer to locally-led projects often executed by civil society organizations such as community centers or neighborhood councils. In the past they have also encompassed paramilitary organizations. These are not the same as the community policing initiatives implemented by the state, though they overlap in
various ways. The prolonged presence of informal justice and policing methods within local communities since the cessation of armed conflict raises questions concerning the role they play in achieving the different ways community actors imagine justice (Ellison, Pino, and Shirlow 2013).  

The Role of Informal Justice

According to Conley and O’Barr, “The term ‘informal justice’ refers to a wide range of judicial and quasi-judicial procedures whose common purpose is to achieve the simple and economical resolution of disputes” (1990). While this definition is fluid, there are some parameters,

These are institutions of justice in the sense that they define, modify, and apply the norms in the course of controlling conduct or handling conflict. Their informalism is less a set of positive ideals than a set of loosely associated aversions to characteristics attributed to formal justice. Thus informal justice is said to be unofficial (disassociated from state power), non-coercive (dependent on rhetoric rather than force), non-bureaucratic, decentralized, relatively undifferentiated, and nonprofessional; its substantive and procedural rules are imprecise, unwritten, democratic, ad hoc, and pluralistic (Abel 1982, 2).

The adoption of informal justice initiatives in Northern Ireland, as with many other transitional or even post-colonial societies, must be contextualized within the social and political landscape of the country. Within Northern Ireland these informal justice initiatives have taken many different forms.

14 For more studies on policing and police reform in Northern Ireland see Brunger 2011; Shearing 2001; Tomlinson 2002; Weitzer 1985
In order to understand informal justice in Northern Ireland, it is important to consider the history and significance of various unsanctioned methods of crime reduction such as paramilitary punishment, vigilantism, community based programs, and early restorative justice initiatives as they have been used throughout both Irish and Northern Irish history. Many informal justice schemes emerged because of the negative relationships between state entities and local communities discussed above. The underlying distrust of state institutions gave rise to many of the informal ordering systems that were implemented both during and after the conflict. However, informal justice schemes in Ireland and Northern Ireland emerged as early as the seventeenth century with the implementation of the Brehon laws or the customary laws of Ireland (Monaghan 2002). Later, the Anglo-Saxon law surpassed the customary legal practice as the law of the land (Eriksson 2009, 35). During the eighteenth and nineteenth centuries, the customary legal tradition persisted through secret societies as a means of resolving local disputes without British involvement (Eriksson 2009, 36).

This tradition of unsanctioned means of maintaining order became instilled in Irish ideology and reappeared as the Troubles unfolded and communities’ distrust in statutory bodies grew. Local communities then adopted new systems of local ordering as a means of bypassing state involvement. These methods included the use of paramilitary punishment tactics during the height of the Troubles (Eriksson 2009, 37; McEvoy and Mika 2002, 360). “Punishment violence” encompassed tactics used by both republican and loyalist paramilitary organizations in their own communities in response to increasing crime and antisocial behavior, perceived failure on the part of
the criminal justice system, and the shortcomings of the police force in effectively combatting lower level crime (Eriksson 2009, 37).

The methods of paramilitary punishment most commonly included shootings (often of limbs) or beatings with various objects. However, paramilitaries also enforced curfews, warnings, social exclusion, fines or demanded compensation, assaults, property damage, and public humiliation (Feenan 2002; Eriksson 2009, 37; McEvoy and Mika 2001). A common tactic, known as “kneecapping,” was when paramilitaries shot transgressors in the knee (Munck 1984). Though differing between communities, it is important to note the impact of paramilitary punishment.

It developed characteristic features of rudimentary justice systems, including: organised structure and personnel; clearly delineated ‘crimes’; crime prevention; procedures, including investigation, adjudication of guilt or innocence, sentence and punishment; tariffs; and mitigating circumstances. As with the formal system, the systems have produced mistakes and abuses and were subject to broader political pressures (Feenan 2002).

The reliance upon this form of retributive justice resulted in a large gap in crime control when the paramilitaries were formally dissolved (McEvoy and Mika 2001; Topping and Byrne 2012). This lack of an effective and accepted method of crime control has often been referred to as a “policing gap.” Bridging this gap, and finding alternative methods of crime management, became an integral phase in the peace process.

As the ceasefires were put into place and as the peace agreement was being negotiated, major state and community actors agreed on the need for alternative forms of handling legal and social misconduct in communities. Restorative justice
organizations developed to bridge this gap, and were the most prominent of these emerging projects. As a result of the tradition of informal justice in Northern Ireland and the turbulent relationships between law enforcement bodies and local communities, informal crime control mechanisms flourished as an alternative to violent paramilitary punishment.\textsuperscript{15}

**Community Restorative Justice in Northern Ireland**

The restorative justice movement in Northern Ireland is unique in many facets.\textsuperscript{16} The restorative justice organizations that have been built in nationalist and unionist communities grew out of pre-existing values and notions, rather than by following the template of the international rhetoric and procedures surrounding restorative practices. It has been noted that,

The serendipity of this choice [to use restorative justice], made independently in each community, suggests it was more of a conceptual contrivance early on (a 'flavor' of the month) than a strategic decision. In the ensuing years, however, basic tenets and values of restorative justice would not only guide the implementation and performance of the projects, but these initiatives would in turn come to define and refine core ideas about restorative justice practice and possibilities in transitional settings (Mika 2008).

Restorative justice organizations, such as Northern Ireland Alternatives in the unionist community and Community Restorative Justice Ireland (CRJI) in the nationalist community...
community, evolved out of a strong self-help ethos that had been nurtured through informal paramilitary punishment and extra-legal crime management methods. These values, coupled with the distrust of state law enforcement, led the discussions of how to establish alternative, non-violent informal justice projects.

In the early stages of the peace process, leaders in nationalist communities gathered to discuss how to move forward with locally-led restorative justice organizations, and the discussion resulted in the production of the Blue Book, the guiding document for the CRJ movement in nationalist communities and the

![PROCESS Diagram](https://example.com/process.png)

*Figure 2: The guiding structure laid out for CRJI in the "Blue Book" (taken from Auld et al. 1997, 31)*

foundation upon which CRJI was built. While the document placed the movement within a broader global movement, it also established the local needs and functions of
restorative justice. It developed the guiding characteristics as well as the underlying structure of restorative justice organizations such as CRJI and that structure is outlined in *figure 1* (Auld et al. 1997). This structure relies on community workers and volunteers to take part in mediation sessions with victims and offenders of transgressions. The process begins with a referral from an individual, statutory body, volunteer, or community organization. It is then investigated, or followed-up on, by restorative justice practitioners. At this point the practitioners, along with the participants, would decide what route would be most effective: a simple warning, indirect mediation, direct mediation, or a hearing before a panel. Each results in either an agreed outcome, or a determined outcome which is when a case is considered closed. While this structure was modified as CRJ organizations developed, it provides an outline of the initial intentions and expectations of restorative justice in Belfast.

CRJI continued to grow, as it underwent professionalization projects such as formal training for all paid employees and volunteers, and the establishment of multiple offices across the country. In 2007, they signed on to the Community Based Restorative Justice Schemes Protocol laid out by the Northern Ireland Office (NIO). This protocol mandated that the organization be accredited and undergo intermittent reviews by the Criminal Justice Inspection of Northern Ireland (CJINI). As of 2015 the organization had seven locations that carried out mediation work as well as other community safety projects around the country (CRJI “Annual Report” 2015). Since their inception, CRJI has been source of alternative dispute resolution, but it has also taken on several other significant roles such as sitting on local PCSPs and Community

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17 See appendix A for a breakdown of all the cases CRJI worked on in 2015 by type of case
Safety Forums (CSF), planning and hosting events concerning community safety, and playing a crucial role in the facilitation of state and community relationships.

The history of conflict and the path that the peace process took in Northern Ireland has shaped the trajectory and structure of informal justice projects in the country. The political divisions in the community; the hostile and violent relationships between local communities and law enforcement; the prevalence of paramilitary punishment throughout the Troubles; and the evolution of community-led restorative justice initiatives in Northern Ireland have dramatically altered the landscape of justice and authority in the country. The next chapter explores the different types and levels of authority wielded by informal justice actors as they confront crime, conflict, and crisis in local communities.
Chapter Four

Authority in Situations of Crime, Conflict, and Crisis

On a sunny day in West Belfast a local resident decided to take her dog for a walk in the community park. Maybe she found herself playing fetch with his furry friend or relaxing on a bench watching the people stroll by. But this serene picture was interrupted when an untethered dog ran up to her pet and began roughhousing with it. Alone, she could not keep the larger and more aggressive dog away, and the owner appeared to be in no hurry to come lend a hand. It was just such a conflict that a Belfast City Counselor (BCC) found himself being presented with as he stated,

I remember one time, I run a clinic a few times a week in the community, and I remember one girl coming in one time and telling me “my dog is getting bullied” and I was like “what do you mean,” and she said, “other dogs are bullying my dog in the neighborhood” and I asked, “what do you want me to do,” and she said, “can you go to one of the owners of the other dogs and maybe hit one of the other dogs,” and I’m like what are you talking about, you’re coming to me because your dog is getting harassed in the street by other dogs. Do you want me to go and like “hey” and she was deadly serious she wanted me to go and speak to the other dog’s owner about her dog getting bullied in the street.

He told me this story and many others as we chatted in the City Hall building in central Belfast. Though not formally a part of his job description, the counselor found himself dealing with complaints and concerns similar in nature to this on a daily basis. His stories raised many questions concerning crime, conflict, and authority in post-conflict Belfast as communities have confronted new and unfamiliar dynamics. Why would individuals turn to him to address petty conflict? How has he come to play this
role in the community? What community dynamics and power dynamics are at play, and what expectations do community members have of those with powerful or authoritative positions?

In this chapter I use three levels of analysis to distinguish between different types of informal justice initiatives and actors that are seeking to address crime and conflict in local communities (see Figure 1). The first is “assumed authority.” This group focuses on individuals who take it upon themselves to confront issues facing their communities. These individuals may be actively engaged in other formal institutions and positions, but they also act on their own volition as they seek to better their communities in innovative and creative ways. The second category I have termed “claimed authority.” This can be thought of as a band of individual actors united under a common goal that use informal methods to actively tackle conflicts or problems in the community. These bodies are often smaller; they may or may not have a physical space allocated for their use; and their tactics often lack the formal procedures of more structured institutions. The final category, called “proscribed authority,” encompasses those organizations that have undergone professionalization measures as they seek to more formally address crime and conflict in local communities. These organizations often have solidified processes and protocols, increased access to funding, and more solid relationships within the criminal justice network. In the sections that follow I will outline each of these levels of actors and institutions and provide examples of each in the greater Belfast area.
Assumed Authority

As demonstrated in the anecdote above, assumed authority is the power and ability for single actors to mediate conflicts and diffuse crisis at a moment’s notice.

This level of authority is commonly attributed to individual actors who take on tasks or are informally appointed tasks in the community based on personal reputations, relationships, and roles in the community. Though the individual may, and often does, have ties to a larger formal or informal body, these instances of conflict resolution and community complaints are often not directly tied to his or her positions. When analyzing these relationships, one must account for the different factors influencing the dynamics of trust, power, and authority between a community member and the individual that he or she seeks guidance from. The actors engaging on this level of authority may include locally elected officials, leaders of various community...
organizations, elder members of society, or those seen as having an influential role in the community. However, not anyone with a formal position of power and authority engages with conflict in the manner of concern here. The individual actors I am referring to are those who take on additional responsibilities outside the parameters of their formal positions and either leverage their authority or possess authority that community members rely on to intervene in situations of conflict, crime, or crisis. In this way power springs from the assumptions community members make regarding an individual’s ability to resolve the problem.

The form of their involvement may vary and could be as simple as a phone call or text advising the party at hand of how to address a situation or it could be as complex as an ongoing mentoring relationship with an at-risk population or individual. Because they are not in any formal conflict resolution position, there are fewer restrictions and regulations concerning the methods individuals with assumed authority employ. The ability for an individual to intervene in a case of conflict is tied to his or her reputation and trusting relationship with the community. Additionally, actors who are assumed to have authority can act as a bridge between the more powerful formal institutions and the communities within the reach of that power. Whether this means fostering relationships between the community and controversial bodies such as the police or attempting to better represent his or her constituency, this bridging role is crucial when an individual becomes a source of authority over conflict. Rather than sticking to the formal powers given to the individual through various positions, he or she relies on an underlying source of authority to deal with the
more symptomatic problems that reflect more widespread systemic issues characteristic of a community transitioning out of conflict.

This model of relationship between an individual and the larger community is exemplified by the city councilor who took the time to sit down and discuss his work with me. He described his feelings regarding the manner in which community members come to him requesting intervention in cases of crime, conflict, and crisis in stating, “I can go out every day and deal with a dog getting bullied but until we go and get dog licensure and safety legislation I will always be firefighting.” He referred to his work as “firefighting” more than once, as this analogy encapsulated the manner in which he addressed the symptoms that accompany the legacy of a punitive punishment system and the time spent on these cases detracted from attempts to confront the systemic problems driving these punitive expectations.

He took pride in the fact that he was born and raised in the area in which he works, and that he shared the political ideology of much of that community. Though he identified as an Irish republican, this political identity seemed to have only a contextual impact on his work in that it played a crucial role in building trust and feelings of solidarity with his constituency. He voiced that he had been involved with community politics and activities since he was in grammar school, and this had always been a passion of his.

The way he described his work as a politician linked him to a broad network of community actors while also demonstrating what differentiated him from these groups. Though he belonged to a bigger formal body, the Belfast City Council (BCC),
he was elected as an individual and was a representative of one specific area in West Belfast. He had both collective and individual goals and motivations for his position in City Hall. He emphasized that his work as a representative was not limited to policy and statutory responsibilities. He highlighted the work he did with his constituency on a daily basis as an indicator of his unique role as a community representative. Community safety had always been an area of concern to him, and he explained the different roles he played in this particular area of community work over the years while emphasizing the complex nature of community work as it raises issues in many areas.

In the community sector I see it in the fact that we started out being kinda, not really, a mini-police force, but trying to do a policing job, to realizing it’s about hotspots in which drug dealing can take place. It’s about badly lit streets. It’s about abandoned streets. It’s about lack of play facilities for kids. It’s about poor schools. It’s about bad education. It’s about drug and alcohol abuse. It’s about drug and alcohol awareness. It’s about teenage pregnancy. It’s about health inequalities. It’s about educational inequalities, and where I am sitting now, my workload would be, if there was a page for everyone that had issues there would be a thousand pages in this thing.

Here he expressed how many issues he faced within his community on a daily basis and how his job was to present these issues to a body with the formal power and the funding to address them. However, as mentioned earlier, he felt a need to fight the symptoms, or the ‘fires,’ caused by these underlying issues. This is what he referred to through the metaphor of “firefighting,” a term that I encountered quite frequently in my conversation with the broader network of community actors. Individual actors extend their formal authority into these arenas and take on the conflicts and concerns
of the community as they are often expected to do so under the communities’ assumptions.

To confront the overwhelming number of community concerns, he was constantly answering phone calls, text messages, doorstep visits, and even Facebook messages from individuals in his constituency who were facing problems they felt unequipped to handle alone or with the help of the police or other organization. He explained why people reached out to him rather than counseling or police services,

The areas with the highest rates of self-harm and suicide rates, according to surveys, 96 percent of them didn’t know there were counseling services in the area available to them. But when it came down to it, if asked, “do you know who your elected councilor is” 98 percent said they knew who I was and how to contact me and 94 percent said they knew the resident’s association and how to contact them.

So instead he said members of the community would personally consult him on these matters. People had reached out to him with cases of abuse, assault, suicidal thoughts, vandalism, and drug dealing. Though sometimes he tried to get the individual to file a police report, this was not always an easy task.

See this fellow here, he was badly assaulted. He was beat up by some political offenders, got his jaw cracked and all this kind of thing, and I am coaxing him to go to the police with this, and I am trying to work with him to get him a new place to live. So he is at risk of drinks and drug overdose and on the path to self-harm.

He selected this case to use as an example by randomly selecting a Facebook message on his phone. It became clear that his duties as a city councilor brought with it a unique position of trust and authority that resonated with the community as he accepted the responsibility of individually responding to crime and crisis. His
reputation for addressing community concerns spread, and as it did he explained how the types of issues brought to him diversified, ranging from the small and petty to the large and dangerous. For example he described one incident stating,

Somebody actually came to me about two weeks ago, there’s a new Subway open at the top of this street, and this man says “my son got a Subway [sandwich] and he had twenty pounds and then they gave him change out of a tenner, can you go in and,” [interrupted by the councilor] “you want me to go in and chastise someone for shortchanging you?” So that crutch is still there, people still come to us for actually everything, everything. And my phone’s been popping, I can feel it it’s vibrating here, and we get contacted all hours of the day, there’s this, there’s that, there’s whatever.

On the more serious end of the spectrum he described how he had at times been confronted with situations such as knife fights, with people calling him to report the situation, and while in the past he may have helped resolve the situation with other community members, he said he had begun getting the police involved. In cases such as these he helped direct the community to be more accepting of the police, and encouraged them to use the police as a tool to maintain safety and order. Combined, his formal and informal power and authority helped to bridge the gap between community and state.

The manner in which he dealt with each situation varied. In instances of threats of violence against self or others, he often found it necessary to involve the police, as in the case of the knife fight. However, in situations of youth drug abuse, perhaps a case brought to him by the parent of that child, he said he might have taken a different approach, such as referring them to different resources or talking to the parent about options for the child. In certain cases, such as a case in which a mother was
threatening suicide, he acted as a liaison between the individual and other organizations such as child protective services. He often elected to advocate for the individual in a community safety meeting or other similar platforms. The way he managed each case was flexible because of the informality of his involvement and the diversity in the types of issues brought before him.

If these firefighting duties were not part of his formal duties as a city councilor, why did he find it necessary to stay awake responding to e-mails until three in the morning? Why did he tolerate people knocking on his door at all hours of the night? He gave many reasons for taking on this additional workload. One reason driving his passion to aid in the resolution of situations such as these was his desire to assist in the overwhelming quantity of community sector work in Belfast. He said funding needs and priorities often left organizations at a disadvantage and can drain them of their time and energy to confront all the needs of the community. Another reason following similar logic was that the community members seemed to have had a much greater awareness of his position as a resource to them, far more than their awareness of other services such as counseling or mediating services within the community. This may have been because community members felt a greater personal connection to the individual representing them than they would to an organization they knew little about. As he scrolled through his text messages he described the situation of a young woman who was threatening suicide and whose children were at risk of being taken by social services and one text read,

Just to be honest with you councilor I’m gonna be on the streets, I think social services is working to take my kids off me, I swear to you I’m
frightened… I just want to go to sleep and never wake up. I’m just fighting losing battles and I need to stop torturing myself.

This text showed the personal relationships built through this level of conflict resolution and crisis management that other resources such as counseling may not have been able to offer in the immediate and personalized manner that he was.

However, the methods he used are not without fault and critique. Towards the beginning of our conversation he mentioned a fellow councilor who once commented on his community involvement saying, “See that’s what you don’t understand you don’t get that you’re politicians not community activists,” to which he said he replied stating, “Well, I don’t agree with that. I think we should be rolling up our sleeves and getting dirty.” There was also discrepancy over the level of involvement an elected official should have with members of the community, and at what point this involvement may have been crossing lines. When an individual who is assumed to have authority over a problem is working to alleviate the tension in a situation, there is less oversight and regulation over the matter. This can create problems,

Around the issues of protocol, personally I don’t really have a protocol. I don’t have time for protocol. See here, that’s all the calls I’ve missed just now… There are literally hundreds [of cases]. I can’t have a protocol with all of these and these are all people who don’t have faith in the police or whatever other resources they could be using… but that’s why we need to work on the community sector and why I buy so much into this community plan.

In this way, the city councilor, who serves as a good example of assumed authority, balanced the risks and benefits of his involvement by highlighting the immediate need for his services and the inability of other resources to fill the gap in the community at this point in time. This role is not one taken on by all or even the majority of actors in
formal positions of power and authority, as demonstrated by the councilor who challenged him. Additionally, members of restorative justice organizations or community help groups have similarly been presented with these sorts of cases at all hours of the day and night. However, rather than attempting to address them these actors working with larger justice organizations may turn them away as in the case described by restorative justice practitioner who sent someone away saying, “The organization will be open tomorrow feel free to come by then.” In many ways the councilor’s unique role in the community can be summed up in his statement that,

It’s very hard to focus on one particular element of it. So I just find myself, not [always] firefighting, but literally on an everyday basis you are trying to deal with all that constituency stuff because it keeps you very grounded in your area, but sometimes it hampers you from being a bit more strategic. Like I can go out every day and deal with a dog getting bullied but until we go and get dog licensure and safety legislation I will always be firefighting. So that’s where I am now politically and in the community.

The desire and ability for individual actors to take on the responsibilities of managing cases of conflict, tension, and crisis demonstrate the ongoing need for extra-legal approaches to crime in Belfast. The fact that these cases are voluntarily being brought before city councilors rather than police or even mediators and restorative justice organizations demonstrates the complexity of the social and political landscape of West Belfast communities as they attempt to fill the gaps left in the absence of strong and centralized paramilitary activity and the distrust of formal policing institutions over time.
Claimed Authority

The term “claimed authority” can be associated with groups engaging in collective action, which has often been used to refer to many different issues ranging from group legal complaints in the United States to social movement formation across the globe. The classification of claimed authority indicates the presence of loosely organized groups of actors that actively engage with communities to confront problems or conflicts within them. Some of these groups have been more formal, with names and offices, while others have remained ad hoc groups of people with similar ideals and interests coming together in a moment of need. Often these groups bring together portions of the population who garner respect from community members as they source their authority from their social status and positions in the community.

The communal nature of the conflict resolution projects at this level means that the actors involved are constantly claiming ownership over certain conflicts as they carve out their space in the justice arena. The number of actors engaged in any one conflict could vary, and it could range from three to thirty depending on the case. The methods they have used to confront conflict are also diverse because of the informality of their involvement. Often these groups will take on more risky cases such as public confrontations or threats of violence. However, that is not to say that all cases of this nature will be addressed through informal groups claiming authority over the matter rather than being addressed through other avenues of resolution or recourse.
The specific examples discussed here vary in degree of formality and size and include cases from local residents associations and community councils to neighborhood watch groups and impromptu group assemblies. Some of these groups could fall under the category of vigilantism, such as cases in which thirty or more unaffiliated people come out to confront situations ranging from dangerous offenders on the streets to drunken youths in parks. One community member described his involvement in stating,

I was the leader of the Safer Neighborhoods Project, which was basically, if you look at it from outside it was a form of vigilantism, if you look at it from our side it was just local people trying to keep our streets safe and that’s the interpretation of what we were.

This description, given by an unpaid community worker, contrasts the claims to authority made by actors engaging in this level of informal justice with the possible perceptions and judgments of those outside the community. It was not uncommon for community workers who were associated with residents associations or community centers to say that neighborhood safety groups such as the one described above were a key point of entry for them into community work. The same community member stated,

Residents were up in arms and they wanted to make some sort of change, and with the help of elected reps they started to get a public meeting together, and they held it in the school or street. And, then, they all [started] discussing joyriding and this that and the other. So they started a neighborhood watch, and it was one of the first neighborhood watches in all of the North. So it was started here… and then what you had stemmed from that, you had the need for other facilities. When you started delving into deviant behavior, there’s nothing for the kids to do, there’s nothing here.
These community workers often began their work by participating in collective action groups that actively sought out and asserted their authority over conflicts. Despite their informality, groups of individuals got together to address and confront the needs and the problems facing the communities.

One of the key areas of concern was crime and antisocial behavior. Community members used the term “antisocial behavior” to discuss crimes and transgressions that damaged the fabric of the community. These cases can include vandalism, public intoxication, loitering, and other similar cases that impact the community as a whole. Though community watch groups often evolved into different organizations that focused on specific issues, at the heart of these organizations resided a common concern for community safety and improvement. These groups most commonly used informal mediation and community meetings as the staple conflict resolution method, but they also sought to address other underlying problems such as poor housing standards or drug related issues rather than purely situations of dispute. They often lacked the promotional skills of more far-reaching organizations and rather relied on word of mouth and community engagement to gain trust and recognition with community members. Overall these informal justice organizations often took the shape of other community groups. However, as one community worker explained to me, it is just as likely for a community volunteer to be approached as he or she enjoys a pint of beer at the local pub to discuss an ongoing dispute between a resident and landlord. In this way, these small-scale community groups acted as
informal justice organizations as they possessed the rapport and reputation to deal with low-level crime and conflict as they declared their authority over the matters at hand.

This level of authority can take many forms, though. Other examples included the actions taken by more dissident republican groups as they refused to approach any group associated with, or that collaborated with, the PSNI.\(^18\) Though working with the PSNI was becoming more accepted throughout nationalist communities in West Belfast, there were still those who refused to participate or lend any legitimacy to the PSNI and anyone who collaborated with them. Though no self-identifying dissident republicans took part in this study, they were commonly referenced by all levels of community workers, which provided me with a deeper understanding of their operations and goals. Dissident groups used alternative forms of conflict resolution and crime control commonly associated with vigilantism to confront issues in the community with no engagement from statutory organizations.\(^19\) These more radical groups fostered legitimacy through their deep-seated roots in the community and the strong political ideology that united them with branches of the population. Those who agree with these groups lend them authority and thereby accepted their informal justice mechanisms.

These methods ranged from continued, though reduced, use of punishment shootings, beatings, and threats against transgressors to less violent tactics to shame

\(^{18}\) Groups labeled “dissident republicans” refer to the more extreme political factions of nationalist communities. These groups are commonly associated with paramilitary activity, punishment violence, and an unwillingness to participate in any project involving state actors.

\(^{19}\) Such as the statutory organizations mentioned earlier in this paper and including the Public Prosecuting Service, (PPS) the police force, the District Policing Partnerships (DPP), or any other branch of the criminal justice system in particular
violators. One example of a shaming technique used by dissident republicans and referenced by several community workers was the public dissemination of the names and information of known drug dealers in the community. Such a method relied on the public humiliation of these individuals with the goal that such public attention would end criminal behavior and deter similar actions in the future. Many community workers engaged in less radical informal justice mechanisms denounced these methods, claiming they were overly punitive and ultimately harmful to the community. However, these techniques are an example of how claimed authority can leverage different sources of legitimacy to combat crime and conflict. Many examples of claimed authority take on a less controversial and political role.

A community worker described another example of the more engrained projects at the level of claimed authority as he discussed a community development program that was combatting drug abuse in the local population. In a discussion with one of the project’s leaders, I was able to hear more about the daily procedures of the organization as well as the underlying goals and motives. The drug prevention project existed under the umbrella of a larger and highly respected community organization serving the nationalist West Belfast population. This project itself received funding from the state, operated out of an office building in the community, and had a very small number of paid employees who ran the operations. In this way it could be differentiated from lesser-organized groups. However, the program also recruited numerous volunteers, and though the leader of the program was certified in restorative justice practices none of the staff members or volunteers were licensed counselors.
Some of them felt passionate about the project because of their personal experiences with addiction and drug abuse in the past. Much like the city councilor, it was clear that political identities played a critical role in the personal experiences of the staff, but that they narrowed in on their jobs and the problems at hand as well as the root issues facing the communities both in relation to, but also beyond the politics that were so integral to community formation in West Belfast. The mounting concern of drug use and distribution in Belfast communities make the authority claimed by this organization particularly significant as an informal justice initiative. Until the end of the conflict, it was often the IRA that handled cases of drug related crime (Feenan 2002).

The landscape of the sale and use of illicit substances in Belfast has shifted dramatically since the cessation of the conflict as new substances had become widely available and the former enforcement bodies, the paramilitary organizations, were no longer regulating and enforcing community standards regarding drug use. The leader of the drug program emphasized the legacy of punitive practices used to curb drug related crimes, and the role of paramilitary punishment in the past. Attempts to eliminate illicit drugs from the community became difficult tasks, as long-time community members were accustomed to retributive justice while younger populations were distancing themselves from these historical social norms. Increased access to illegal substances, the introduction of previously lesser-known and used drugs, and the steady increase in youth drug abuse has resulted in a new drug culture with few modes of preventing it. The goal of the community drug program in
particular was to engage in rehabilitative and preventative work with drug users, youth populations, and those affected by addiction.

The project used different methods to tackle the drug culture in West Belfast. They employed everything from flyer campaigns to school visits as a means of spreading awareness regarding the dangers of drug use especially to at-risk youth populations. The project leader described a case in which a child brought illicit drugs to school thinking it was candy. At this point the program intervened and partnered with larger and more formal organizations to resolve the problem and address the parties involved including school’s faculty and the child’s parents. In addition to these preventative measures, the organization also provided step-by-step programs to aid drug users in their road to recovery. These projects were all volunteer based and could be tailored to the individual needs of the participants. The recovery program involved regular one-on-one meetings with the addict or user as well as acupuncture therapy. The group also provided intervention work for individuals of all ages and backgrounds.

Cases were usually brought to them by request of the client themselves or a family member. Often times, youth cases would be referred to the organization by a parent. As a voluntary program there was no repercussion for not participating, and if an addict was unwilling to participate the project staff would do what they could to support the family, but they were unable to do much more. Beyond direct enrollment, the program could receive referrals from schools and local organizations, and commonly dealt with individuals engaged with either of the two local suicide help
groups. The leader of the program admitted raising awareness about their services could be difficult, as they got the word out by distributing leaflets, participating in live media coverage, and going door-to-door to inform the community of their services.

One particular project described by the drug program worker involved the installment of a drug “drop box” located in the same building as their offices in which members of the community could anonymously, and without fear of criminal charges, dispose of illicit substances. This project was particularly controversial as it was being implemented. Many local actors were concerned about the security of the drop box including its location and the popular substances that would be likely to be left in such a box. Despite these concerns, the drop box was installed and can be utilized by community members.

When asked about the criminal nature of the cases they get the drug program worker said, “Certain behaviors shouldn’t go to the police… kids who are sixteen, seventeen, eighteen who have a criminal record are then kept out of jobs.” There is a relationship between the organization and branches of the criminal justice system, and particularly the PSNI. There are certain sets of protocols that mandate when a case needs to be referred to the police. He mentioned a strong working relationship with the local drug inspector who supported alternative solutions to arresting and charging drug offenders. The state of the relationship between the PSNI and the community dramatically impacted the work that the program did because in the past drug offenses have been kept within the community rather than engaging with the police. When given the names of drug dealers in the community, there are alternative modes of
dealing with this information rather than directly submitting that information to the PSNI. These are often the avenues employed by smaller projects such as the drug program. The names of offenders could be referred to groups such as CRJI or the BCC, organizations that have stronger working relationships with statutory organizations and the capacity to handle larger criminal offenses. This project could be classified as claimed authority, rather than a more formal level of authority, precisely because it was situated below this threshold of professional capacity. The project leader claimed to focus on the health and safety of the clients rather than treating their cases as criminal offenses, and the criminality of a case was handled only if greater problems and offenses arose.

Like other forms of informal justice initiatives, there remained concerns over the methods used by this project. As the BCC representative mentioned, these sorts of projects regularly face funding challenges, which can cause staff changes and program cuts when funding is hard to find. These procedural challenges could add certain restraints or additional duties to those workers that an elected official may not have faced. Additionally, despite the local nature of the project, it did not garner full community engagement, as there were those who were unaware of the project and therefore distanced from the services available through it. A lack of visibility in the community could be seen as a disadvantage or even a challenge to the project’s legitimacy. It could also be both a benefit and a potential harm that the program workers themselves may have been familiar with the clients, the drug dealers, and their families. Overall, this was one of many alternative methods used to confront drug
offenses in the community, and it functioned as a way of claiming authority over this particular set of crimes that individuals agreed would not be best addressed by formal criminal proceedings. The organization bolstered its support and legitimacy by operating on a local and voluntary basis and at times by distancing itself from formal ties to any statutory organization.

The level of flexibility within the program indicates that overall it is a loosely structured program and that it asserts its authority informally. Additionally, the unofficial relationships between the program and statutory organizations exhibit a lower level of professionalization than some of the more established restorative justice organizations. As demonstrated by the residents associations, dissident groups, and neighborhood watch groups, not all collective action groups operate on such a routine basis. Often these actions are “needs-centric,” meaning they address issues as they are presented to them whether that be once a week or once a month. The methods often vary depending on the situation, and the number of community members engaged in the action depends on the organization or nature of the group. These informal justice organizations carve out a role in the community based upon a deep understanding of the needs and problems within the area.

**Proscribed Authority**

An organization operating under “proscribed authority” means that there are official bonds between the informal initiative and the statutory organizations. These
organizations often foster closer relationships with the state because, without them, they can be seen as threatening state power as they often perform overlapping duties. When an organization encroaches on state jurisdiction in this manner, a certain level of authority must be negotiated to achieve the goals laid out by extra-legal justice projects, such as restorative justice organizations, and by the state. This type of authority is earned and claimed by more organized informal justice projects, or professionalized organizations, that have created set methods and have developed strong networks with other local and statutory organizations to solidify their institutional position in a particular community. These groups may or may not have developed out of less professionalized groups that would fall under the claimed authority level. These groups commonly possessed training requirements, full and part-time paid employees, documented case records, and standardized protocols. This section focuses on one restorative justice organization, Community Restorative Justice Ireland (CRJI), which operates in the nationalist populations in Northern Ireland.

As members of the local community, many CRJI staff members saw it as an important part of their work to be able to say they go home to the same neighborhoods, have kids in the same schools, and grew up in the same context as those they help. It is also important to note that many of the founders of CRJI and those that pushed for a restorative approach to crime were active members of paramilitary groups or of the broader republican movement prior to the ceasefires and peace agreement (Eriksson 2009, 68). Since the start of CRJI almost two decades ago, steps have been taken to professionalize the organization. Staff members go through
training programs at local universities, which is a standardized process between the various branches of CRJI located in parts of Belfast, Newry, and Derry. In 2014, 434 people went through the different restorative practices training programs offered through CRJI including practitioners, volunteers, interns, PSNI officers, community members, teachers, and other groups of individuals (CRJI “Annual Report” 2014). Different positions within the organization included administrators, directors who coordinated the broader workings of the organization, case workers who dealt with clients on a day-to-day basis, and staff leaders for special projects such as the Wrap Around Youth Support (WAYS) project which provided mentoring opportunities to local youth populations.

The organization emerged out of a social movement that demanded non-violent alternatives to punishment violence without fully relinquishing local crime and conflict control mechanisms to state entities. One worker stated that it “speaks to people’s deeper sense of justice… [and it gives the community] some stake in justice they wouldn’t otherwise have.” One CRJI staff member described the need for community based restorative justice in stating,

How many people do you know that have taken their son or daughter down to the police station and reported them for marijuana use, or for drunk driving, or for theft, or for all these crimes? They want everybody else taken down to the police station and therein lays a big dilemma. And what we are saying is look, if you look at the neighborhood issues that are happening, is the criminal justice agency the best place to put it? Are the criminal justice agencies equipped to deal with the causes of crime, the context of that neighborhood? If a young person is involved in activity which is criminal and [maybe] both the causes and the penalties of that behavior are happening at home, [but maybe] it is being induced by drugs or alcohol, or mental health issues, or historical abuse, or alienation from wider society due
to all those issues, or educational underachievement, [or he/she] can’t get into the job market, [or is] economically insolvent, [then] jail’s not going to sort that out. Policing people is not going to sort that out. We’re saying there are better ways of dealing with it.

As a result, CRJI has developed a set of standardized methods to address those needs that were being undermined in more formal arenas such as the criminal justice system. The goal, as put by practitioners, was to develop responsive and tolerant communities and eventually to develop restorative communities rather than strictly restorative projects. CRJI did this by actively involving those parties that are engaging with disputes and by addressing all levels of crime and conflict in the community.

The organization dealt with crimes and conflicts ranging from minor disputes between neighbors to violent crimes. Common cases included drug and alcohol abuse, antisocial behavior, theft, and disputes between friends and families. CRJI practiced victim-offender mediation, in which both parties in a conflict are asked to come together to discuss the problem and come to an agreeable solution. This conference style process would be completed in the presence of, and with support from, trained CRJI staff members and at times others that may be able to support or that may be affected by the situation including social workers or family members. This process is seen as the cornerstone of restorative justice (Eriksson 2009, 85). The approach is needs-based and allows for all parties involved to voice their desired outcomes.

The process would begin with a referral, which could come from neighbors, family members, victims, other organizations, or people who have observed or are impacted by the situation. Based on this referral, the case would be reviewed by two CRJI staff members who would contact the involved parties to set up mediation
sessions, or refer it to an organization more suited to deal with the specific case, such as a suicide prevention group. Because CRJI is a voluntary service, if the involved parties refuse to participate the process may end at this point. If the parties agreed to participate then the process would be explained to them and their options as to how to proceed would be laid out. Following this stage, the case workers would analyze the situation and elect whether to proceed with direct or indirect mediation. According to one of the promotional bulletins, direct mediation is preferred, as it allows for human contact between the disputing parties and a stronger likelihood of reaching a resolution and long-term commitments to following any agreement made. The goal of mediation is to produce an agreement between the involved parties. This agreement is kept private even to state actors who may have originally referred the case to CRJI. If the agreement is not followed, either involved party may ask for a follow-up mediation session to air grievances or establish an alternative plan that may bring about more successful outcomes.

CRJI keeps written records of all the cases they handle that outline the number of staff members who worked on a case, who it was referred by, when the case opened, how many meetings took place, how many actors were involved in the case, how many hours were spent on the case, and when it was closed. As of July 2015 one CRJI office had handled 98 cases, which put them on track to meet their average of between 210 and 230 cases each year. In their 2014 annual report, CRJI stated that,

The statistics for this year show that this office has helped over 2,300 people with issues such as anti-community behavior, drug & alcohol

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20 CRJI currently has six offices located across the country, four of which are located in different parts of Belfast and the other two are in the Newry and Derry regions.
abuse, assault, hate crime, neighbor disputes, domestic violence, sexual violence, mental health, car crime, family disputes, threats and abuse, threats to kill, theft and crimes against our senior community.

CRJI maintained an open door policy, meaning that they attempted to work with all cases brought before them. Because of its position in the community and the abundance and diversity of cases brought through its doors, CRJI had actively worked to build a strong network connecting them with local organizations as well as statutory bodies that could serve as tools or that may already be involved in certain cases. The recognition of CRJI by these formal entities is one avenue in which the organization has gained authority and legitimacy in the eyes of outside actors.

However, certain cases may still fall outside of the realm of situations that CRJI has the capacity to assist. According to a CRJI leader, there are certain crimes, such as domestic violence and sexual assault, that CRJI is unequipped to confront using the methods of restorative conferencing and mediation. In these types of cases, it would often be more detrimental for the victim to participate in mediation than it would be a healing experience. In these situations, CRJI would refer the case and the victim to other resources within or outside of the criminal justice system to guide and assist them through the legal terrain as well as the emotional recovery period. Outside of these instances, the organization would seek to assist and be involved in most other levels of crime and conflict. One caseworker outlined this dynamic,

See if some person comes in and says I’ve been raped, how do you deal with it? The community can’t deal with it. What we can do is we can support... we can refer, we can continue to support after the event, [but] we can’t deal with it. And there’s an understanding that there is many things we can deal with in the community, and that’s from the smallest little level right through to the big picture stuff. If there’s a
murder that takes place in the community, people in the community will know the victim’s family, people in the community will very often know the perpetrator’s family. There’s the potential for two sets of people to develop hostile relationships. We can help them fix that. We can help restore the balance to how it was, while the criminal justice system does what the criminal justice system needs to do.

In addition to the caseload, standardized training requirements, paid employees, and set methods, CRJI also operated around formally written, and publicly accessible, goals and values. An outline of the standards of community practice included, but was not limited, to standards regarding the quality, impartiality, confidentiality, monitoring, and accommodation of their practices (CRJI “Standards and Values…”). Here the organization defines the concepts of crime and antisocial behavior while outlining its obligations and liabilities concerning these issues. The goals of their work included the safety of victims, operations that promote recovery and healing, mutually agreed upon outcomes, and opportunities for remorse, reconciliation, and forgiveness.

The formal accreditation process that several CRJI offices went through solidified its standing as a source of proscribed authority. While the organization has built trust and rapport with local populations, and thereby fostered perceptions of their authority and legitimacy, they have also been approved by the state. The Criminal Justice Inspection of Northern Ireland (CJINI) became responsible for periodic reviews of CRJI when the protocol was signed in 2008. The combination of locally sourced authority and the acceptance of CRJI’s operations by the state put the organization and others similar to it in the unique position of sourcing authority
formally and informally, while maintaining its role as an informal justice mechanism in local communities.

**Conclusion**

In a post-conflict society such as Northern Ireland, claims to authority and legitimacy are often contested among various actors who may or may not be associated with broader organizations. These contestations are commonly played out over crime, conflict, and crisis, and they can challenge traditional understandings of power and jurisdiction that place the authority to resolve disputes squarely in the hands of state actors. However, it is clear that authority is not only claimed, it is also allocated by those who express power through participation and discretion when seeking out third party involvement in disputes.

This chapter has outlined three different levels at which actors assert authority: assumed, claimed, and proscribed. Through examples such as the city councilor, the leader of the local drug program, and restorative justice practitioners at CRJI, it becomes clear that authority over crime and conflict in local communities is dispersed between different actors with ties to the community. Actors involved in these informal justice schemes may or may not directly associate themselves with such authority, as it may be an informal responsibility placed upon them by community members or constituents, yet it is one they find sometimes themselves accepting. By engaging with
crime and conflict in the community these actors partake in a justice network that operates outside of state defined territorial jurisdiction.

As a result of their positions, these actors find themselves in constant contact with statutory organizations and often lead the community in fostering relationships with organizations that have historically had minimal or even hostile interactions with the community over crime, conflict, crisis, and the expression of authority. As Chapter Five shows, the role of these informal justice actors as the trailblazers of state-community relations can lead to innovative and complex working relationships between actors who find authority in different sources.
Chapter Five

The Law and the Local: Settling Claims over Authority

On a blustery Belfast day in late June of 2015 I found myself sitting at a large conference table with several large binders stuffed with case files and a thin ledger tracking every case that one branch of CRJI had handled over the years. The offices were decently sized, with a medium size conference room, several smaller offices, and a room filled with comfortable armchairs and couches where mediation sessions were held. After attending meetings earlier that morning, I dove into the case files. The office buzzed with activity as a few community members came and went, youth project leaders worked and laughed in the offices adjacent to me, and staff members bantered with one another or consulted each other on case matters.

The case files themselves were organized in clear sleeves, and the thickness of the sleeve depended on the length and complexity of the case. The ledger neatly charted the parties involved in each case, the dates it took place, the number of hours spent working on it, the other organizations involved, and whether the case had been closed or not. As an intern with the organization I had access to all of these files, and as I poured over them any questions I had were kindly answered by the practitioners. Of the recent cases I looked at, very few had been referred to the organization by the PSNI. The low referral rates on behalf of the local law enforcement officers raised questions about what the relationship between the two institutions looked like, and how restorative justice practitioners perceived these dynamics. The answers to these
questions revealed the complexity of state and local justice initiatives, and how institutional actors were engaging in debates over authority and crime in local communities.

Where State and Community Meet

In many societies around the world, the distribution of justice rests in the hands of state institutions and actors. However, the proliferation of informal justice initiatives often leads to contestations over the boundaries of authority, the nature of crime and jurisdiction, and the right of certain actors to claim authority and legitimacy over specific problems. This is especially true in divided societies and post-conflict settings such as Northern Ireland. As Chapter Four illustrated, the actors engaging in informal or “bottom-up” justice work on a several levels with various amounts of organization and standard practices. This chapter narrows in on professionalized organizations with proscribed authority. CRJI is used as an example as I analyze how these projects engage with state entities and participate in the renegotiation of traditional legal authority in the context of a complex peace process in Northern Ireland.

The phrase “the law and the local” refers to the manner in which local customs, values, and practices interact with, understand, and are shaped by legal discourse and systems while simultaneously helping to reshape the legal landscape. As mentioned in Chapter Two, the relationship between the state and local communities in Northern
Ireland has often been strained, particularly in working class areas in which the majority of the Troubles took place. This situation, which one interview subject described as the “political hangover” of the North, is an ongoing process, and one that is of great significance to the work of CRJI and other informal justice schemes as they charter new relationships with state organizations.

In addition to the challenges surrounding peacebuilding and political reform, these communities lacked the presence of a structured paramilitary organization that in the past had actively engaged in crime prevention and punishment for three decades. However, despite this gap in order maintenance, many communities had not fully accepted the authority and legitimacy of the PSNI. An active member of the nationalist community claimed their distrust was rooted in the inability of the police to act, a belief that the police were using citizens solely to access informants, and the communally held ideological differences with the police force in the past. This context created a strong need for innovative and alternative sources of justice as communities grappled with both familiar and unexpected problems. In this way the demand for justice provides a platform upon which contestations over authority and ownership of community problems takes place between state and local actors. Examples of the variety of justice sources are outlined in the previous chapter. It is important to remember that these models of justice are seen as separate entities from law and order, which are tied to state involvement.

In Northern Ireland, new concerns related to crime and order have been raised since the end of the armed conflict including increased rates of drug use and alcohol
abuse particularly in youth, the distribution of previously lesser used drugs, and other forms of deviant behavior that were formerly dealt with through paramilitary punishment. In a community that had tense and even hostile relationships with the police, the need for a bridge between state-led and locally initiated justice was necessary. Restorative justice schemes often took up this role given the more professionalized and formal nature of the work they did and the fact that the conflicts they handled might have frequently required police involvement. CRJI led the way in building these controversial relationships, even as politicians and other local leadership groups were hesitant to do the same. As the city councilor stated,

It was a vacuum that created a lot of this, and when the IRA left the scene, there was no handbook on this – how the community should engage with the police or the criminal justice system – there was nothing there so you had to pick it up as you go along.

He went on to describe one situation concerning a meeting at the police headquarters between local representatives and police leadership. At this point there was still a great deal of uncertainty regarding how to go about building relationships between the community and the police again, and each party had different understandings of what the problem was – whether that be that citizens are not calling the police or that the police are not responding in a manner that builds trust. He recollected that,

It was the first time the chief executives and the chief constable looked at me and said, “well what do you want me to do, what do you want me to do,” and I realized and began to get the sense that while we didn’t know how to engage with the police, they certainly didn’t know how to engage with us either. And this is the Chief Constable of one of the most infamous police forces in the world asking me what to do, and I just explained that I don’t know but we’ll have to work together to police with our community, work with the community.
It is within this context that the restorative justice movement was established in Northern Ireland. These organizations quickly realized as they formalized their practices that they were likely the group best suited to assist the community as they attempted to establish working relationships with criminal justice agencies. One inspector working for CJINI even claimed that, “the relationship of the police has been the most critical of all.” However, these relationships had to be able to bridge the spectrum of expectations that community members and state actors had regarding the distribution of justice.

**Expectations of Justice**

As mentioned above, different groups of actors regularly make claims over justice and the distribution of authority over crime. This access to justice and the ability to provide it raises questions regarding authority and power in a society. In a politically divided society such as Northern Ireland, different communities and individuals have vastly different demands and expectations regarding the nature of justice and the manner in which it should be carried out. In these situations, the politics of law and order can greatly impact perceptions of crime and authority.

When a society has been plagued by conflict and violence, it is not uncommon for groups with shared identities and values to have continued to possess a strong self-help ethos even after the conflict had formally ended (Minow 1998). In Northern Ireland, this mentality led to a shared understanding of what issues belonged to and
could be handled by the community, including crime and conflict. The leader of the community drug program expressed his belief that certain crimes should stay out of the criminal justice system, and many community members expressed similar opinions claiming that certain deviant behaviors, whether classified as criminal or not, should be handled without any involvement of criminal justice institutions including the police. The extent to which this expectation is demanded of all justice organizations depends on the party involved. Some community members may have felt that justice can only be achieved if some level of paramilitary threat or violence has been enacted towards an offender. Others, however, may have been under the belief that individual actors or collective action groups as described in Chapter Four were the most suitable route to justice. Still others found themselves aligning with more formal organizations such as CRJI who actively engaged with the police when necessary. One CRJI worker described this spectrum, claiming,

"There have been people that are [uncomfortable], and there would be community organizations who don’t engage with the police, but who understand the importance of the work or the need for the work. They’re not openly out against you. They won’t participate or they stand back completely from the process which is okay because people need to make their own judgments and that stuff. What I have said to people because, you know I come from this community, and part of the whole legacy of conflict, so I understand it I am very close to it and… I also understand that within a conflict there’s… more than one constituency who’s lost people. And that if we are to repair that is really about starting to work together… So yes there’s problematic relationships, yes within the community there are people who are not happy with that, who don’t engage around it, who would be opposed to it because of the political, historical, and very practical issues of legacy."

This restorative justice worker was describing the expectations held by different portions of the community, and the inability for one single justice organization to
fulfill the desires of the entire community. He was arguing that losing some support is
to be expected when confronting controversial issues, and that CRJI had accepted this
as a reality of the work that they were doing. Similarly, the city councilor recognized
that “some people are still very cautious and that’s understandable. Some people still
have no faith in them [the police]. That’s not political, that’s just knowing that
sometimes they are crap at their job. Some of them are good and some of them aren’t.
It’s just like any organization.”

However, some conflicting opinions over justice distribution result in more
confrontational problems. Differing expectations of justice posed many challenges for
the restorative justice organizations as they were in their early stages. The schemes
found themselves facing opposition from parties both within and outside their
communities as they established goals and values that could not satisfy all demands. A
former restorative justice practitioner in Belfast acknowledged that statutory bodies
such as the NIO opposed the community restorative justice movement claiming that it
was a form of “legitimized vigilantism” rooted in the historical practice of
paramilitary punishment. Other institutions, including branches of the criminal justice
system, also initially condemned the establishment of community-based restorative
justice projects. This resistance was rooted in the belief that informal justice projects
were a predominantly republican innovation that would threaten the authority of the
state and undermine the legal system. Within the community, dissident republican
factions were still opposed to programs such as CRJI even eighteen years after the
start of the CRJ movement. Political dissidents possessed deep-seated beliefs that the police and other statutory bodies had no legitimate authority in the community, and therefore they disapproved of any engagement with these institutions.

On the other end, police were also faced with the dilemma of what expectations and demands they could or could not realistically achieve. When too much was demanded of them, or they did not possess the resources, this failure to meet expectations could become a point of tension between community members and statutory agencies. One practitioner gave the example of the transportation of wooden pallets during bonfire season. A PCSP meeting in June of 2015 brought together representatives from several local and statutory organizations including CRJI, PSNI, the Northern Ireland Housing Executive (NIHE), the Northern Ireland Fire and Rescue Service (NIFRS), the DoJ, and others to discuss these concerns. At this time, different groups and actors aired their grievances concerning the responsibilities of each organization. While some community workers expected the PSNI to intervene in any situation of pallet transportation, the PSNI placed this responsibility upon local businesses and cited a lack of resources and manpower to fulfill this expectation. This example demonstrates how boundaries between state versus community authority and responsibility raise conflicting demands.

21 As described in Chapter Four, dissident republican groups are those who opposed the Good Friday Agreement and remain loyal to the mission of a united Ireland.

22 Bonfires have long been a point of tension in Northern Ireland, as they occur on significant dates during the summer that directly correspond to the conflict and relationship of Northern Ireland to the United Kingdom. As such, these events raise a lot of community safety concerns around the time of their occurrence each year. For an overview of the history and political significance of bonfires in Northern Ireland see Jarman 1997; Santino 2001.
Despite these differences of expectations, values, and opinions, there remain common threads that tie together many justice organizations whether they belong to the criminal justice system or are extra-legal efforts. Both restorative justice practitioners and members of statutory bodies such as the PSNI have expressed common interests and goals, and many were aware that they shared these stances. While every organization is built of individuals, and the intention of each individual may not reflect that of the broader institution, several parties including city councilors, leaders in the police force, and local community workers acknowledged that the goals of community safety, social order, and peaceful reconciliation processes are at the core of justice schemes on all points of the formal-informal spectrum. Furthermore, leaders of the community-based restorative justice movement in Northern Ireland described how they had come to accept the need for state-led policing while maintaining that the peace process required statutory reform. While concerns and challenges came up, a leader in the restorative justice community stated that, “There are people in the police… [who] understand the role of what we do, the value of what we do, the absolute value of it, and the need for it, and are prepared to work for it and support it.” These common goals cause some expectations of justice to overlap and have been the foundation for building relationships between local organizations and state entities, particularly the PSNI.
Building Relationships

The document known as the Blue Book, which was the initial publication outlining the CRJ model in Northern Ireland, presents four areas of concern when determining the role of state entities in the development of restorative justice projects.

1. At a theoretical and symbolic level, the importance of the state’s monopoly of justice and punishment and the rule of law
2. Particular elements of the proposal which may be seen to subvert or undermine the role and functions of the state
3. The relationship of such a system with the Royal Ulster Constabulary – the agency charged by law with policing in Northern Ireland
4. The relationship with a range of other statutory organisations which have a role in the criminal justice system or the prevention of crime (Auld, et al. 1997, 35).

Since the inception of the CRJ model in West Belfast communities, there has been some level of shared understanding concerning the relationship of the organizations to the police. As one CRJI representative stated,

We are an organization that has led the way in and around community safety and engagement with the police. And while that is supported, that’s not fully supported. There are still a lot of issues around engaging with the police. There are a number of community views of it, that’s still a very difficult and thorny issue… If of the overall peace is to be achieved, developing into some form of a normal society is important, but that development is based on principles of respect, equality, engagement, and true and meaningful partnership. So it’s a living transformation… We always knew that at some stage it would come to that point because the relationship between community and state was

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23 Designing a System of Restorative Community Justice in Northern Ireland: a Discussion Document, more commonly known as the Blue Book, is the original report that established the need for restorative justice in nationalist communities and situated the movement in relation to human rights and transitional justice on a global scale. This discussion book was published before the enactment of the Police [Northern Ireland] Act of 2000 that renamed the police force from the RUC to the Police Service of Northern Ireland (PSNI).
always going to be too huge a step for the community to make and I would also suggest for the criminal justice system to make.

Informal justice organizations such as CRJI have fostered relationships with statutory organizations including the PSNI, the Public Prosecution Service (PPS), NIHE, the Probation Board for Northern Ireland (PBNI), the Department of Health and Social Services (DHSS), the Youth Justice Agency (YJA), the Prison Service, and the DoJ.

While partnerships and procedures may be established and formalized between different organizations, relationships are built upon personal interactions between the individuals engaged with restorative justice work. Several CRJI staff members highlighted this point, and it has been especially significant as communities have interacted with neighborhood and local police officers that were routinely working on cases in the area. While some police officers tended to be more proactive, flexible, and receiving of community programs, others may have been less receptive. Similarly, while some restorative justice practitioners were more enthusiastic about spearheading relationship building between statutory agencies and themselves, others may not have prioritized this issue as extensively. This cannot inherently be blamed upon political motivations alone. Rather each individual actor possesses experiences, opinions, and beliefs that shape the manner in which they participated in this aspect of the work. In a society recovering from past conflict, these one-on-one and daily interactions were imperative to developing trust and rapport.

There are many forms that these different relationships can take. On a communications level, the restorative justice organizations would maintain contact with the PSNI as cases of a criminal nature were brought to them. In some cases
statutory bodies, including the PSNI, may have referred cases to CRJI. In these situations e-mails and phone calls would provide the basis of communication and updates would be given to the organization responsible for the referral as the case unfolds. However, the details of the final agreement would remain confidential and the statutory bodies would simply be notified that a plan has been implemented. Confidentiality remained a crucial factor in building collaborative efforts as it could build the legitimacy of both parties without undermining the trust and respect of community members. In higher level crimes that CRJI was unauthorized to intervene in they would often still assist the PSNI as they engaged with witnesses, contacted community members, and promoted peaceful resolutions within the community. As one CRJI staff member described,

In one case we had people with the victim’s family on the day that the victim was killed. He was murdered, and we had people with the offender’s family. And at that stage it was an alleged offender and the family had concerns that one of their family [members] had been involved somehow. And then within another two days we were engaged with another person who had been arrested in the aftermath of the murder, and that an armed group had threatened to shoot. That person actually turned out to be a substantial witness in the case.

This practitioner summarized the support and assistance CRJI has provided on high-level criminal cases in stating,

We still engage in some difficult issues, very difficult issues. For instance over the past ten years we’ve been handed five profiled murders in West Belfast. We engaged in all, at some level, working with the police and/or facilitating people to meet with the police, sit with the police, make statements to the police, or provide a flow of information back and forward to ensure a successful outcome.
In these ways CRJI would use varying methods to actively engage with statutory bodies, especially the PSNI, as they encountered cases of a criminal nature.

Additionally, there are other means of building these connections that operate outside the mediation and negotiation processes that CRJI deals with on a daily basis. These relationships could also be built through professional networking and outreach between individuals at the highest levels of law enforcement. A practitioner at CRJI described the impact and significance of the Chief Constable’s outreach to the restorative justice organizations on his first day in office, and the tone this could have set for future engagement and possibilities. Many community groups and statutory organizations have come together under the umbrella of programs, such as the PCSPs and CSFs mentioned earlier, to develop creative means of building these foundations. These platforms promote more active communication between the organizations as they engage in conversations and projects that would not have been possible due to the political tensions in the nation twenty years ago.

For example, these groups collaborated to stage an “emergency service fun day.” Rather than simply consulting the police on cases brought to CRJI, the practitioners worked with other community groups and the PSNI as well as the emergency medical service and the local fire service to reach out to younger kids and encourage trust and cooperation between the community and the state safety bodies. At these events youth in West Belfast communities were able to interact with the local police officers, paramedics, and firefighters in a comfortable area such as a local park. The events provided an enjoyable and safe environment for these relationships to be
built, and often allowed parents and older community members to see the benefit in these relationships.

In another similar project, a local female police officer reached out to young girls in poverty stricken areas that were known for their political legacy of strong anti-state sentiments. The officer developed a beauty program in the City Center as a means of connecting with these at-risk girls. This project functioned as a way to “break down the uniform” of the PSNI officers and humanize all parties engaged in community work and conflict. Despite criticism many community members raised about such initiatives, many restorative justice practitioners and local community workers saw them as extremely beneficial in the relationship building process.

However, these relationships are fragile and require immense levels of dedication and nurturing on the part of community actors and state officials. The individual bonds built between PSNI officers and community members have been jeopardized as the PSNI continues to undergo reorganization, reform, and budget cuts that result in regular changes in officer postings. For instance, in the case described above, the officer that led the beauty programs was re-stationed shortly after the initiative. A CRJI worker described how the work conducted by the officer and the relationships that had developed out of it were at risk of being forgotten or even as being seen as a sign of betrayal in the eyes of the community members because the officer was no longer engaged with the local population. Outside of the presence and stability of these relationships, there remains the ongoing distrust of state entities in many West Belfast communities. Numerous pressure points between the organizations
still exist regarding the complex and contested history of the country as well as the difficult legal situation. The highly political nature of these relationships in the past has prevented other political and legal bodies in the community from engaging in collaborative work with law enforcement bodies. For instance, many local political parties initially resisted when asked to engage directly with the police or seek out police involvement in a crime. Informal justice groups have also had to come to terms with the reality that the expectations and demands of all parties cannot be met, and there will be parties that refuse to acknowledge or participate in restorative justice. A CRJI worker said she had encountered threats against the organization made by parties who believed the organization’s cooperation with the police was unacceptable. In certain cases, if the community feels the need for instant justice, this may deter them from restorative projects and steer them towards vigilante groups. As the city councilor stated,

I remember the guys looking at me, there were thirty of them, and I know we lost people that night because they said look there’s no point in this anymore. So at that point I’m saying to them that they need to know their worth because guys were walking away saying they have no role here now… and that’s part of the revolutionary politics is you gain people and you lose people.

Similarly, a restorative justice practitioner described how the organization came to the decision that building relationships with statutory agencies was ultimately the route they wanted to take, rather than a more closed-off method.

We made a decision when we first started to engage with the police. [We compared it], it was like you can’t be half pregnant. You’re either in or you’re out. And we also made the decision that we didn’t feel we were doing anything wrong, in stepping forward and engaging. So we based our engagements on restorative values and we were very upfront
about what we needed and what we expected and that remains the case today. I think that’s been very successful for us. Right across the organization. The police recognize there’s an honesty, an integrity, about what we do, and that there’s a credibility. So that in itself creates a different relationship.

Those with a great deal of experience working with both formal and informal justice bodies including law enforcement have emphasized how this process of relationship building has challenged long accepted divisions between community and state in certain communities. A representative of CJINI stated,

This was up in Derry up in the Northwest, and speaking to community police officers there they said that they wouldn’t have made the progress that they had with the communities there had it not been for CRJI in the area. This just would not have happened. They developed really strong relationships and those relationships have carried right away through to recent inspections where we’ve seen that things are working a bit better up in the northwest and that has been facilitated by this work going on, on the ground, all the time. It means that low level issues are dealt with before they come to committees… and that’s what they’re designed for.

While the relationships between informal justice organizations and statutory institutions varied in depth and methods, these relationships raise new issues in the nature of authority over crime and conflict.

**The Plural Nature of Authority**

As the foundations for collaborative and trusting relationships are being built between community members and statutory organizations, there remains the complex legal landscape that they each must maneuver as they confront issues of crime, conflict, and crisis. The existing legislation, protocols, and policy concerning crime
and deviant behavior can complicate the working relationships being built. Each justice organization, whether formal or informal, derives its legitimacy from different sources. While the PSNI and other statutory bodies can invoke the rule of law when claiming authority, informal justice groups often claim authority within their respective communities as they build trust and rapport with local populations. While there is some consensus over the boundaries delineating these claims to authority, there is also much overlap that can spark controversy between involved parties.

Relationships between local and state-led justice schemes are dependent upon the manner in which each scheme sources its authority. There were several ways in which CRJI and the larger CRJ movement garnered the support and approval of their respective communities. Restorative justice approached the need for community support by embracing methods that gave the community a sense of ownership over justice and social control mechanisms. At the very start of the projects, the leaders of the initiatives in nationalist areas consulted the community on relevant concerns and developed a voluntary and inclusive community charter that encouraged community members to actively participate in programs surrounding community safety and justice (Eriksson 2009, 64). Furthermore, the transition away from punitive punishment was eased by the robust participation of former IRA combatants as well as the broader endorsement of the republican movement as a whole with the exception of smaller dissident groups that splintered off the larger political movement (Eriksson 2009, 69). Eriksson outlines four major steps taken by CRJ initiatives that helped gain the support of the community: one-on-one meetings with individuals who engaged with
CRJI; the dissemination of information about CRJI’s work through local groups and social networks; the ability of CRJI to confront high-profile cases; and the growing network of agencies referring clients to CRJI (2009, 73). One practitioner at CRJI outlined a case in which the brother of a prominent and respected community member was murdered, but rather than seeking retributive justice through paramilitary punishment the family of the victim engaged with CRJI and the police to demonstrate the effectiveness of alternative modes of social control and justice.

On the other hand, the police and other statutory organizations have codified legal authority that grants them a level of power and discretion that is not readily available to informal justice schemes. While CRJ projects have bolstered authority and developed legitimacy in the eyes of the community, they lack any formal claims to this authority and power. This legal boundary of authority is what distinguishes local social ordering mechanisms from state-led law enforcement bodies. State authority monopolizes the legal landscape as it wields the power to demonstrate legitimate violence, the power to arrest and detain, and the power to investigate offences. Each source of authority, whether derived from the community or the state, raises concerns and complaints from the other party. While a distrust of police and state authority has characterized local political ideology in nationalist communities, a similar skepticism on the part of the state exists as these bodies witnessed their control over legitimate authority being challenged by alternative justice projects. Consequently, the exercise of authority on the part of informal and formal organizations alike has sparked debates over the boundaries of jurisdiction.
For example, it is legally mandated that cases brought to CRJI that contain a criminal element are reported to law enforcement. As one practitioner stated, “These become trickier cases because it comes to stepping on people’s toes for jurisdiction over a case which can lead to conflict.” Even though these mandates are in place, community workers have found that individuals in positions of power, such as the drug inspector for the PSNI, display greater discretion and support for alternative solutions to arrests such as the decriminalizing of certain drugs. In this way the nature of mandated reporting on the part of informal justice organizations was dependent upon the nature of the case and those wielding the legal authority to bring it to the criminal justice system.

While these contestations have the potential to spark conflict, the relationships being built between formal and informal bodies have led to compromises and negotiations regarding the boundaries of their authority rather than simply exacerbating historical tensions. CRJ organizations realized the need for statutory support at some level in order to bridge the barriers that historical conflict had established. This need was addressed in the development of the protocol outlining the legal requirements of CRJ schemes when addressing crime and conflict (Northern Ireland Office [NIO] 2007). The protocol addressed issues ranging from the compliance of CRJ schemes with international human rights legislation to the establishment of mandated inspections of all CRJ organizations by CJINI (NIO 2007). The formality of the protocol works to balance the sources of legitimacy for CRJ schemes.
Under the protocol, these organizations gained legal recognition, which fostered authority and legitimacy outside of informal community relations while allowing the criminal justice system to preserve its role in the maintenance of law and order. The introduction of the protocol states, “Community-based restorative justice schemes… can have a role to play in dealing with the types of low-level crime that most commonly concern local communities” (2007). The protocol clearly delineates the jurisdiction of the state and the boundaries of authority restricting informal justice schemes. However, various actors have acknowledged that the protocol is merely a symbolic document that opens the door to future relationships and negotiations over power and ownership of justice. Inspectors of the CRJ schemes critiqued the protocol for being unrealistic and overly restrictive. While the protocol sought to regulate the manner in which CRJ schemes dealt with victim-offender mediation, the inspectors found that much of the work being done by the organizations was solid community work that did not directly engage in mediation but rather community safety work on a broader level. Ultimately the protocol was a route to recognition on the part of informal justice schemes as they underwent formal accreditation, but in practice the protocol was not facilitative. Rather it attempted to draw jurisdictional boundaries allotting certain powers to the state over the informal schemes. However, these boundaries overlooked the underlying issues that CRJ organizations dealt with and the breadth of their engagement in the community on issues of crime and order.

As a result, the protocol has had a minimal impact on the proceedings of the CRJ projects other than to restrict their direct engagement on issues of criminal nature.
The shortcomings of this formal legislation has led community actors and state representatives alike to engage in a renegotiation process in which various sources of authority can be recognized and balanced to promote the most effective and legitimate pathways to obtaining justice and promoting safety in West Belfast communities. As one CJINI inspector stated, “The value of these groups, going forward, is that they really help in situations of public order and safety and crime prevention. This building of relationships must develop further.” This has led CRJ advocates to encourage debates and discussions regarding the future of state versus informal authority and potential avenues for strengthening collaborative partnerships without fully undermining claims to authority. A CRJI practitioner discussed the matter in his claim that, “Right up until yesterday we have been saying, look this needs to be changed. This protocol needs to be developed. We need to find something that actually works and rather than being a block on development actually becomes a facilitator, and enabler, that can move forward.”

One area in which CRJ practitioners are advocating for more practical changes in the balance of authority is police discretion. A practitioner stated,

We feel that that discretion space should start open up again. It needs to be widened, and deepened and broadened so we can have the types of conversations, on a case by case basis, if need be, to say listen that needs to come back into the community. The community is in a better position to deal with those issues. It can be any manner of small stuff. It could be the edges of larger crime. It could be whatever, but those conversations need to take place… And that’s the question for the protocol. How do we develop and move forward with the protocol? That’s where I see that now, and that debate is really starting to break out.
Despite the protocol and the formal inspections of CRJ organizations across Northern Ireland, communities and statutory agencies still lack the tools necessary to establish a smooth and accepted system of justice and crime prevention. The practitioner expressed this claiming,

We don’t have the framework for it, we don’t have the tech box. Maybe we just need to get on and do that and develop an organic way, I don’t know. And then of course the debate in around the protocol and how you open up that space. That’s a live debate now and we’ve been at the forefront trying to develop that and push for it and argue it but it’s now a live debate… There will always be hard edges. There will always be difficult conversations, but if we come at them with the perspectives I have talked about, we arrive in the same place, there’s no doubt about that.

Here he clearly expressed the need for a unified approach to power sharing and the possibility for multiple organizations and groups to claim ownership over justice and issues of community safety. Ultimately the restorative justice schemes in Northern Ireland are at the forefront of a broader demand for local ownership of justice as practitioners engage in debates regarding how to collaborate between state-led and participatory justice schemes.

**Conclusion**

The historical, social, and political context of Northern Ireland provides for a unique landscape in which different groups feel strong senses of ownership over local crime and safety problems. The deep-seated practice of informal justice in the country set the stage for community-led restorative justice organizations to take shape in the
aftermath of the armed internal conflict. In divided communities such as those found in West Belfast, different parties possess vastly different expectations concerning what shape justice should take and who should be enforcing legal and social norms. While statutory bodies such as the NIO and branches of the criminal justice system were initially skeptical of restorative justice projects, and some remain hostile towards the schemes, ultimately these projects have led the way as communities begin to bridge broken relations between community and state. Throughout this process CRJ organizations have faced a complex and often unwelcoming legal landscape in which the authority of informal justice initiatives is often undermined as formal criminal justice bodies claim jurisdiction over criminal matters. However, the organizations have managed to encourage and engage in collaborative relationships with statutory agencies in different capacities. These ties were formalized as CRJ organizations including CRJI signed on to the protocol established by the criminal justice system.

Despite the evolution of working relationships and codified procedures for the management of criminal cases, there remain areas in which formal and informal authority overlap causing clashes in jurisdictional claims. As a result, actors leading the informal justice schemes are now participating in the renegotiation of claims to authority as they seek creative ways of managing conflicting notions of justice. This has reshaped the manner in which CRJ practitioners and community workers envision the future of restorative justice in West Belfast, and the potential for innovative alternative forms of distributing justice.
Chapter Six

Conclusion

The manner in which local actors and institutions assert authority over crime, conflict, and crisis shapes the social, political, and legal landscape of society. The need for informal justice reflects an ever-growing global demand for more direct access to justice, more involvement in the distribution of justice, and more active participation in the carrying out of justice. In transitional societies the public debates surrounding reform and democratization often provide a platform for pre-existing informal justice networks and the values they promote to flourish within and alongside of new institutions. In cases of historical conflict and state violence these conversations enter an international arena in which activists, scholars, and legal practitioners from around the world engage with national and local communities to promote healing and reconciliation. Yet, despite the abundance of international attention and projects in transitional societies such as Northern Ireland, Argentina, Rwanda, and South Africa, locally-operated justice schemes are still a dominant source of authority within local communities.

Informal justice mechanisms possess fluidity in the sources and reach of their authority. Actors engaged in organizations with proscribed authority from local populations and statutory organizations may house individual community workers that are taking on the roles associated with assumed authority. These initiatives always have the possibility to grow, whether in the establishment of a loosely knitted
community safety group or through the steps taken towards formal accreditation. On the other hand, it is possible for the sources of authority fueling these projects to deteriorate. Various challenges – deteriorating relationships between communities and state entities, decreased funding and resources, or the unwillingness for actors to engage in informal justice work – can quickly result in the disintegration of the relationships that give informal justice initiatives their authority.

The cases of informal justice institutions in Northern Ireland map out a possible progression for the implementation of informal justice systems that work to bridge the distance between state and community. While the projects themselves are built on the shared values and beliefs of the specific communities they serve, they have taken on new identities as their authority has expanded and gained recognition from state institutions. The more professionalized informal justice initiatives such as CRJI have become entrenched as sources of community empowerment and pathways towards general acceptance of criminal justice systems. The resistance the projects initially faced was a manifestation of the state’s reluctance to turn over power and authority to local actors. Pressure from international bodies coupled with the state’s inability to effectively engage with certain political factions of the community-led to the acceptance of a protocol that relinquishes small amounts of state power and lends legitimacy to the informal justice institutions.

The implications of this study are applicable beyond the more concrete parameters of what constitutes a transitional society, as the concepts are relevant even in societies who are not emerging from violent civil conflict perpetuated by state
institutions. Informal justice efforts are an alternative avenue to the achievement of popular justice. Post-conflict societies serve as a catalyst for the rapid growth of informal justice given the stark spatial, political, ethnic, religious, or other differences between the feuding parties. Yet it is hard, if not impossible, to find a society that does not possess divisions within the community that give rise to contested understandings of justice, authority, and power.

The title of this project, *When Law Falls Short*, speaks to this fundamental point that the rule of law has the potential to fail in its formal duties to impartially distribute justice. Whether this shortcoming is voiced by the majority or felt by the minority, any community that feels it is being discriminated against, targeted, or unjustly treated by state institutions may resort to informal justice as a means of mending what is believed to be broken. This includes situations in which local communities find it too complicated, expensive, or time consuming to handle disputes by entering into formal legal proceedings. In these situations the rule of law is not equivalent the distribution of justice. When there is a break between these two processes, and it can be argued that they are never truly bonded, contestations over authority and the desire to seek alternative options grows.

Societies such as the United States may also be able to illustrate the potential value of community-based restorative justice models. The history of slavery, discrimination, alienation, and segregation of African American populations in the United States presents many similar issues surrounding crime, conflict, authority, trust, and legitimacy. Although the United States is not categorized as a transitional
society, the increase in awareness surrounding issues of police brutality and fatal shootings targeting African American men is an example of the stark disparity between local notions of justice and the rule of law. The ongoing investigations being conducted by the federal government may prove to be a catalyst in the same way peace talks can be in societies emerging from civil conflict. In this way the concepts being applied throughout this study could be used to analyze other cases of contested legitimacy, and the authoritative claims that often accompany distrust in law enforcement or a breakdown in the equitable procedures of state institutions.

Extra-legal crime management schemes allow for communities to feel a sense of ownership over the manner in which crime, conflict, and crisis is managed. In cases where the state institutions at hand elect to, or are forced to, confront the dissatisfaction with formal justice services, a series of compromises and negotiations are required to ensure that local communities maintain some level of control over the problems facing their community that the state has not adequately or fairly addressed in the past. It must first be accepted that the existing system is flawed in some way, or that it is not accepted as legitimate to the entirety of the population. In post-conflict societies that is often a prerequisite to peace and reconciliation. In other cases, it may be a much slower process and some may believe that reaching such a level of accountability is unattainable. However, if that process takes place, it sets the stage for community actors to participate in the renegotiation of authority as it is asserted in situations of crime and conflict. Informal justice actors in Northern Ireland have been engaging in these processes as they seek to reclaim ownership over particular crimes
or problems they feel the community is more capable of addressing. While most informal justice initiatives are ad hoc in nature, the community restorative justice movement in Northern Ireland has begun paving the way to an entrenched, permanent role for local, community-led projects to enter a more formal arena, as they compete for authority and often possess high levels of local legitimacy.
Appendix A

CRJI - Case Statistics - January 2015 to December 2015

Figure 5: Breakdown of all cases CRJI mediated or referred on from 2015. Taken from CRJI "Annual Report" 2015
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