Reflections

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Acknowledgements

Like many of the participants of this conference, the 2018 NPPSH Committee consists of members from disparate fields of study, which provided the conference with multiple perspectives. NPPSH provides early career scholars with the opportunity to share their work, while also highlighting the importance of the work being done in the Arts & Humanities. It is our sincere hope that NPPSH continues to be a voice for the Arts & Humanities, highlighting the exceptional research being undertaken therein.

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Introduction

In October 2018, Maynooth University, in conjunction with the Arts and Humanities Institute, held its third New Perspectives: Postgraduate Symposium on the Humanities (NPPSH) conference. This conference strove to highlight scholarship conducted by postgraduates in the Arts & Humanities in Ireland and Europe. The conference sought to highlight the importance of Arts & Humanities research into traditionally 'unseen' or unheard voices and perspectives. Many of the papers were collaborative efforts which reflected new and often interdisciplinary approaches to research.

2018 was a year of marked by commemorations of past achievements in equality and inclusivity and a renewed awareness of our socio-political responsibilities as Irish and international citizens. This important year marked the 20th anniversary of the Good Friday Agreement, the 100th anniversary of Armistice Day and 100 years since Countess Markievicz was elected to the Houses of Parliament and Irish women gained the right to vote. In the wake of Repeal the 8th, #IBelieveHer and #MeToo campaigns, 2018 was a watershed in terms of emerging voices. The conference 'Unseen voices: Representations, interpretations and reconstructions' hoped to foster an inquiry into the debates surrounding hidden and untold stories in various disciplines and time periods, as well as stoke investigation into our roles and responsibilities as researchers in making the invisible visible and the silenced heard.

NPPSH 2018 sought to highlight some of the important research being done on broadly 'unseen' or unheard voices comprised of over fifty speakers in twelve diverse and fascinating parallel panels over two days culminating with renowned activist (and academic) Ailbhe Smyth giving a keynote lecture at the end of the conference. From explorations of how music can be used to construct and reconstruct a sense of community, to the examination of the landscapes of the cillíní burial grounds, to contributions on Spanish history and the effect of the Spanish Civil War, to the potential behind the archiving of hacking incidents and related content, the papers in this volume showcase a breadth of scholarship and a diversity of approaches which highlights the multifaceted nature of an Arts & Humanities education. Within these pages, you will find a fascinating selection of papers, which cover a wide variety of themes.

In 'The Unacknowledged Genocide: the Guatamalan Maya's Quest for Justice', **Gerard Maguire** discusses the preservation of indigenous culture in the Americas. Exploring the contemporary decline of Guatamalan Mayan culture and lifestyle, Gerard examines the genocide suffered by the indigenous peoples during the country's lengthy civil war. Violent acts of

genocide against indigenous populations are often remembered as events of the distant past when in fact some of the most truly barbaric acts of indigenous genocides happened within the last hundred years. Although the Guatemalan civil war was a battle lasting some thirty-six years, the most violent period, and the main focus of this work, was a two-year time frame in the early 1980s. The catastrophic fate of the indigenous peoples of Guatemala during the reign of Efrain Ríos Montt has left an enormous scar on the face of the indigenous population of the country, and indeed on the face of Guatemalan civil society at large.

This paper aims to open up further discussion on the lack of justice achieved to date while offering further recommendations on what should have been handled differently, as well as including additional crimes and charges that have remained unpunished. It will also assess the true extent of damage caused to the indigenous society, how their customs and traditions were upset, disjointed and in essence, erased. Drawing on the unquestionable relationship between indigenous peoples and land, this work will offer further insight into how the military-backed scorched earth policies not only destroyed important indigenous lands, their forced removal of the indigenous population from these lands to the government-designed 'model villages' completely upset indigenous custom, tradition and lineage as well as intentionally hindering the transfer of said traditional practices and customs from one generation to the next. A further element of this research will be a discussion of the crime of cultural genocide as it applied to the events in Guatemala and the indigenous peoples of the country and, furthermore, if this crime is worthy of its own classification within the international legal framework. It has been over twenty years since the end of the civil war in Guatemala yet those responsible for some of the gravest crimes committed during the war have not been brought to justice. The crimes of Ríos Montt and his government remain unpunished and there is no closure for the indigenous peoples who were most affected by the violence of the regime. The widely documented high socio-economic disparities between the indigenous people and the general population suggest that indigenous peoples of Guatemala still face hardship and uncertainty while enduring a perpetual quest for justice and for the recognition of the atrocities.

In 'Towards a concept for archiving of hacked websites', **Michael Kurzmeier** investigates efforts and options for the archival of hacking incidents. Frequently perceived as a tool to protest injustice or to disseminate a political message, hacking and 'hacktivism' often appeal to groups at the margins of society. Providing an overview of these archival efforts in hacktivism is the purpose of Michael's paper, which first requires elucidation of the role hacking plays as a tool of communication in a digital society, as well as its potential to influence public opinion. In his paper, Michael investigates how the Usenet archive contains traces of hacking or hacker

groups and how such findings may be organised. For the contemporary user, these digital archives offer a means to experience a historical community through its reconstruction whilst simultaneously reducing the risk of its misrepresentation. However, with the growth of data output alongside the dominance of a number of social media platforms, projects that have heretofore proffered a welcome space for marginalised groups are encountering a number of challenges pertaining to current data collection. In his investigation, Michael outlines the aim of his article as one that develops a framework that allows academic usage of data on hacked websites. His paper will thereby identify existing collections, opportunities for the development of relevant data as well as at-risk data.

Julie Trobitsch examines the historical memory of the Spanish Civil War in 'Spain and the struggle to recover and understand the past: from the Spanish Civil War until today'. This article explores Spain's struggle to recover after three years of the Civil War (1936-1939) and almost forty years of dictatorship under Francisco Franco. The article examines the effect of the Ley de amnistía (amnesty law) of 1977, published in the Boletín Oficial del Estado which gave amnesty to all those who committed intentional crimes against a group of people with a different political opinion, and contends that the law did not live up to expectations as the Civil War or Francoism was not condemned as most of the population expected and only temporarily covered the wounds left by the Spanish Civil War. This piece investigates what truly happened from 1936 to 1939 while exposing how censorship has coloured Spain's history and hidden important elements of the country's past year. Though Spain is still struggling to recover its lost memory as the War and dictatorship remain taboo subjects, Julie's article reveals how Spanish culture has found new ways of looking at the war, and argues that as long as the government denies the damage caused by the Civil War and the dictatorship, both physically and mentally, it will be nearly impossible to move forward.

Chris McCann analyses Breandán Ó hEithir's use of music in constructing and reconstructing community throughout his 1978 novel Lead Us Into Temptation (first published as Lig Sinn i gCathú in 1976). It explores the role that music plays in collective memory, political affiliation and expression, and the creation of communities both within the text and wider Irish society in the middle of the twentieth century. The article deconstructs representations of sociopolitical hierarchies of mid-century Ireland in the text and examines how they prevent an effective "interpretive contract" from being formed. Musical expression of national affiliation is understood here as a balancing act between co-operatively arriving at agreement for, and grappling over control of, the interpretive contract of musical participation. Issues of "ownership" of musical discourse are therefore addressed in this article. In particular, it highlights the voices that are included or excluded by the singing of the national anthem.

The final article in this journal is a study of landscapes of death in Ireland by **Sheena Graham-George**. This study examines the history of cillíní burial grounds for un-baptised infants, who were buried alongside various types of 'socially undesirable' adults considered unsuitable for burial within consecrated ground. Sheena examines these personal sites of mourning and remembrance for families whose stories have, in many cases, remained hidden, as part of the burying process of a difficult history.

This article focuses on the treatment of mothers-to-be who died in childbirth or had given birth outside of marriage, exploring why these women were denied burial in consecrated ground. Apart from mention in oral history, little information can be gleaned regarding these women who have all but disappeared from the historical record. In support of oral history reports, this paper focuses upon four principal areas. Firstly, a woman's social status in rural Ireland during the late nineteenth and mid twentieth century, alongside societal and religious attitudes towards pregnancy outside marriage, is considered. Secondly, Sheena looks at the history of Canon laws pertaining to the burial of women who died whilst pregnant, in childbirth or shortly after. Within this context, the paper will reflect upon the role and implications associated with the 'Churching', the traditional church ritual which took place after the birth of a child. Outside of Church customs and laws there was a rich source of local superstition and folk-belief centred upon pregnant and post-parturient women. Finally, the paper will look at findings from an archaeological excavation of a cillín in County Mayo. Framing the question of why women might be buried in a cillín in such a way, the article looks to establish whether the combination of factors - of society, the church, the State and local folk-belief and superstition - were and are perhaps responsible for obscuring the memory of these mothers from the historical narrative.

Gerard Maguire

The unacknowledged genocide: The Guatamalan Maya's quest for justice

Introduction

> The era from the start of World War II through to the 1960s... was an era of unprecedented aggression in the occupation of indigenous lands, and backed by the equally unprecedented wealth and power of the industrial world and the systematic dislocation of thousands of indigenous peoples around the world. [Coates, 2004. p. 226/7]

The indigenous peoples of the Americas stood little chance of survival when faced with the strategic western military force they were met with and as a population, they share a sad collective history of exploitation and social condemnation. This paper aims to open up further discussion on the lack of justice achieved to date while assessing the true extent of damage caused to the indigenous society, how their customs and traditions were upset, disjointed and in essence, erased. Drawing on the unquestionable relationship between indigenous peoples and land, this work will offer further insight into how the military-backed scorched earth policies not only destroyed important indigenous lands, but the forced removal of the indigenous population from these lands to the government designed 'model villages' completely upset indigenous custom, tradition and lineage, and hindered the transfer of said traditional practices and customs from one generation to the next. This paper will further hypothesise if the case would have been better suited to an international criminal tribunal like those instances of the International Criminal Tribunal for the Former Yugoslavia [ICTY], International Criminal Tribunal for Rwanda [ICTR], The Special Court of Sierra Leone [SCSL] and The Extraordinary Chambers in the Courts of Cambodia [ECCC].It has been over 20 years since the end of the civil war in Guatemala yet those responsible for some of the gravest crimes commited during the war have not been brought to justice. The crimes of Ríos Montt and his government remain unpunished and there is no closure for the indigenous peoples who were most affected by violence of the regime. The indigenous peoples of Guatemala still face uncertain hardships while enduring this perpetual quest for acknowledgment of the atrocities, recognition of victimhood and justice.

Background

In his writings on genocide, Adam Jones alludes to the fact that the crime of genocide against indigenous peoples of the Americas is sadly not a new concept and in fact they have been victim to continuous acts of genocide over the past century, pointing out that "[t]he European holocaust against indigenous peoples of the Americas was arguably the most extensive and destructive holocaust of all time" [Jones, 2006. p. 70]. This is echoed in the writings of Ward Churchill, who has said of the genocide inflicted upon the indigenous in the Americas "over the past five centuries is unparalleled in human history, both in sheer magnitude and in its duration" [Churchill, 1997. p. 97]. The indigenous peoples of Guatemala resisted assimilation and strived to maintain strong levels of Mayan practice and customs, a battle that was made incredibly difficult when said population became branded as the internal enemy of the state during the civil war period. The most violent period of the internal armed conflict, and the main focus of this paper, was a two year window in the early 1980s: 1981-1983. With the government and military under the control of Efraín Ríos Montt, "[a] holocaust descended upon the Mayan highlands" [Jones, 2006. p. 77]. The catastrophic fate of the indigenous peoples of Guatemala during his reign has left an enormous scar on the face of Guatemalan civil society at large. The extent of the brutality and human rights violations against the indigenous peoples was extraordinary: "[i]n just six years, some 440 Indian villages were obliterated and some 200,000 Indians massacred, often after torture" [Jones, 2006. p. 77]. There was no escaping the brutal forces of the state and military; there was no distinction between the indigenous victims – men, women and children all became targets. A macabre level of cruelty was experienced by the female population in particular, who "were routinely raped while being tortured. Women – now widows – who lived could scarcely survive the trauma: the presence of sexual violence in the social memory of the communities has become a source of collective shame" [ppu.org].Horrifically not even pregnant women were immune from the brutality of the military forces as the wombs of pregnant women were cut open [La Violencia Frohlich & Janning. 2015] in order to curb the next generation of Maya. The tranquil existence of the Guatemalan Maya soon became one of sheer terror.

In 1996 the civil war came to an end with the aid of United Nations [UN] supported mediation efforts and the signing of the Oslo Peace Accords. As part of the peace process the UN created The Commission for Historical Clarification (*La Comisión para el Esclarecimiento Histórico*) [CEH], whose mission was to uncover truths and find answers as to "why did these acts of outrageous brutality, which showed no respect for the most basic rules of humanitarian law, Christian ethics and the values of Mayan spirituality, take place?" [CEH Report, 1999 p. 11]. For the first time, in February 1999 the world got to witness what had happened so silently

in Guatemala. The CEH published their report, aptly titled 'Memory of Silence' which portrayed the sad and incredibly cruel existence of the Mayan population of Guatemala during the civil war. The state-sponsored military attacks on the indigenous populations, as stated in the CEH report were of an "aggressive, racist and extremely cruel nature of violations that resulted in the massive extermination of defenceless Mayan communities" [Navarro 1999]. The report included findings such as:

> the killing of defenceless children, often by beating them against walls or throwing them alive into pits where the corpses of adults were later thrown; the amputation of limbs; the impaling of victims; the killing of persons by covering them in petrol and burning them alive [ppu.org].

The barbarous aggression was inflicted across the entire indigenous population regardless of age or gender:"[v]ictims of all ages often had their limbs amputated" [ppu.org] thus creating an eternal environment of terror. The CEH Report attributed 93% of the human rights violations it investigated to some of the highest authorities in the state. The report went beyond attributing responsibility to only domestic parties and boldly put the United States under close scrutiny for the part it played in the commencement of the Guatemalan civil war. "[T]he commission obtained extensive documentation of the US role in overthrowing a democratic government in Guatemala (1954) then installing and sustaining the military dictators who eventually turned to full-scale genocide against Mayan Indians and domestic dissenters" [Jones, 2006. p. 379].

The remnants of the civil war can still be seen vividly on the tapestry of modern day Guatemala, a country where there is huge inequality between the rich and the poor, or perhaps more appropriately, between the indigenous population and the general population.

3.1 Cultural Genocide

In a hearing before the sub-commission of the Western Hemisphere an indigenous man from Brazil made one simple statement that embodies the special connection between indigenous peoples and the land they occupy: "[l]and is culture and culture is life for us" [Indigenous Sub-Commission (1994). p. 69]. This allows for an understanding that an attack on culture is an attack on life in many indigenous communities. This section will examine the crime of cultural genocide as it relates to the history and continued plight of the indigenous peoples of Guatemala in the pursuit of their collective cultural survival. There is a lack of prosecution for such crimes at present because there is a lack of international legal and political will to tie down a definition of the term. To apply a definition

to the crime, the words used to describe genocide by the General Assembly in 1946 in resolution 96 must to be taken into consideration: "[g]enocide is the denial of the right of existence of entire human groups" [UN General Assembly Resolution A/RES/96/1946]. If a group's culture and society is attacked and they are forcibly removed from their lands, homes and families it would be consistent with the understanding of genocide as the general assembly understood it, a group who have their entire way of life upended and destroyed. It has been credibly documented that during the reign of Ríos Montt, "[t]he army destroyed ceremonial centres, sacred places and cultural symbols. Language and dress, as well as other elements of cultural identification were targets of repression" [CEH Report 1999. p.35]. That is, in essence, a denial of existence of the group whether in whole or in part. There is a limitation of the definition of genocide within international law, however, "indigenous nations continue to face systemic, widespread threats to their fundamental human rights to culture. These identity groups are increasingly conceptualizing such rights violations as cultural genocide" [Kingston, 2015. p. 63-83].

Cultural genocide was part of the crimes commited by the state and military upon the indigenous communities of Guatemala. their society. The goal, as envisioned by the government and military, was complete destruction of the Mayan way of life, their culture, their history and their society. As stated in the report, "The massacres, scorched earth operations, forced disappearances and execution of Mayan authorities, leaders and spiritual guides, were not only an attempt to destroy the social base of the guerrillas, but above all, to destroy the cultural values that ensured cohesion and collective action in Mayan communities" [CEH Report, 1999 p.23]. Even if some or all members of a group remained alive, attacks on their cultural lives and existence were just as brutal. This is a sentiment which is echoed by Kress, who reiterates the significance of cultural identity to any group and how it is a defining feature, further arguing that "the primary goal of the international rule against genocide (is) to protect the existence of certain groups in light of their contributions to world civilization, a campaign leading to the *dissolution of the group as a social entity* is directly relevant to that goal" [Kress, 2006. p. 461-502].

3.2 Cultural Genocide - The Tactics

This is precisely what happened in the instance of Dos Erres, an entire village massacred with no lineage remaining except for the haunting memory which is depicted in many indigenous folk tales and songs. Kristin Hon has claimed that cultural genocide is just as destructive as physical or biological genocide, perhaps with less bloodshed but alluded to the obliteration of a group identity through the process describing it as "nothing more or less than the total destruction of a culture so as to

obliterate the identity of a people" [Hon, 2013 p. 359-409]. Again the goal of the Ríos Montt regime can be clearly seen through a similar lens, as much as senior officials deny any direct attacks against the indigenous Mayans, the history and mortality figures speak for themselves. Additionally, the CEH documented high numbers of clandestine graves that meant many of the victims of the genocide did not receive a proper Mayan burial. This is of huge importance for all communities of Guatemala but it is especially important for the Mayan population, who again were the most affected group, as they hold a "core belief in the active bond between the living and the dead. The lack of a sacred place where this bond can be attained is a serious concern that appears in testimonies from many Mayan communities" [CEH Report 1999 p. 28]. The tactics employed by the military and the civil patrols were physically and psychologically cruel, while physical "[a]ggression was directed against elements of profound symbolic significance for the Mayan culture, as in the case of the destruction of corn and the killing of their elders" [CEH, Report 1999 p. 30].There were further elements of psychological disruption to the Mayan lifestyle and culture with the patrol's overt defamation of the indigenous culture "through the use of Mayan names and symbols for task forces and other military structures" [CEH, Report 1999 p. 30].

Within the previously discussed model villages, inhabitants were forced into accommodation rather than be allowed choose their own. Having witnessed first-hand these model villages, Rebecca Clouser attested that "the location of their houses were chosen at random by the military, villagers were separated from their relatives" [Clouser, 2009 p. 13]. This unquestionably disrupted patterns of kinship which is often instrumental in indigenous populations. This inevitably created a massive disturbance of the transmission of indigenous cultural identity and heritage from generation to generation as a result of the hostilities and violence directed towards them and the evolving need to conceal their ethnicity.

The forced militarised resettlement of people played a significant role in the destruction of the Mayan culture. Forms of amnesty were given to those civilians who opted to move into these military controlled communities, where the inhabitants would be subject to "psychological operations to re-educate the people" [CEH, Report, 1999 p. 31]. The scorched earth policies of the Ríos Montt regime and the forced transfer of indigenous populations from the traditional villages to the newly conceptualised model villages were causing irreparable damage to the cultural property of Guatemala.

3.3 Cultural Genocide - The Aftermath

What is important to note is that Guatemala has a long history of protecting the cultural property of the country. In fact, "(t)he first steps to preserve

Guatemala's culture were taken in 1946, when the Ministry of Culture's Instituto de Antropología e Historia was founded" [ICRC Report, 2000 p. 93]. Guatemala's cultural heritage is divided into two groupings and they are tangible and intangible cultural heritage and under the heading of intangible cultural heritage it has a breakdown of the time periods from which cultural property is protected and it explicitly states "the pre-Hispanic period which includes Mayan heritage" [ICRC Report, 2000 p. 94].

Furthermore, the report also states that the urban layout of towns and villages are forms of cultural property, which was not taken into consideration nor was it any way protected or preserved at the time of the internal displacement of the indigenous population displaying how the government and military ignored national law in place at the time.

In writing about the Mayan movement after the war Burrell has claimed "much of this destruction was performed in an ongoing spectacle of terror, one that was particularly successful because the military assiduously cultivated parties already engaged in local conflicts, and forcibly inducted indigenous men and boys into military service, harvesting their insider knowledge while producing some of the fiercest killers in Latin America" [Burrell, 2013 p. 24]. After being initiated into the patrol units these men and boys would be forced to make their own people their enemy and join the military in their ongoing genocidal attacks on the indigenous populations of Guatemala. As Sieder states, "The combination of random violence, mass displacement and militarized resettlement severely affected indigenous cultural and religious practices" [Sieder, 2003. p. 213]. The military, not only attacked livestock, crops and water supply of the indigenous population; they also "destroyed sacred sites, ceremonial spaces and cultural artefacts. Indigenous language and dress were repressed" [Burrell, 2013 p. 24]. There was very little international or domestic legal instruments that could be relied on for the protection and preservation of the Mayan cultural property. The Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict 1954 only applies to destruction of cultural property during armed conflict. As will be discussed in the following section, Guatemala only acceded to the Convention in 1985. Further to this, there are intergovernmental organisations that work towards the protection of cultural property, like UNESCO, who drafted the World Heritage Convention 1972 [unesco.org]. However this is non-binding and the organisation has to abide by domestic laws: "[i]t (UNESCO) has no mandate to provide criminal protection or custody of materials, not to mention to impose sanctions directly against delinquent national authority" [Nafziger, 2014 p. 295] and though not binding it promotes compliance. The lack of protection of cultural property during an internal armed conflict is an area that warrants further expansion and will be addressed further on in this paper.

Jennifer Otterson Mollick, writing for the Carnegie Council, has said

the following about the importance of cultural property and why it is so often targeted: "[i]t is often collateral damage during battles and bombings, the object of theft for those seeking to sell valuable objects, or the target of destruction in an attempt to destroy a people's culture or evidence of a culture's existence" [carnegiecouncil.org], an attack with the intent to destroy a group through eliminating their culture, history and existence is an act of genocide. Destroying cultural property is a tactic employed by many groups as a means to gain control over a group, by way of eliminating the group's heritage, history and cultural practice and effectively destroying the societal ties that bind a people together. While attacks on cultural property are harming objects rather than people it can be a quick escalation when in the hands of a war lord who is working toward their own agenda and vision. Cryer suggests that attacks on cultural property as an act of cultural genocide is important as it can be viewed as a lead up act to the intended destruction of a group "attacks of ethnic cleansing – and attacks on cultural and religious property - may be significant evidence towards the intent to destroy" [Cryer, 2010. p. 225].

This arguably explains why the crime of destruction against cultural property is so grave yet underrated, as crimes that can be considered acts of cultural genocide can be a pre-cursor to acts of physical genocide, as was the case of the Maya in Guatemala. As mentioned previously, Guatemala had not ratified many of the international legal instruments which were in place at the time and the reason for this is perhaps due to the level of protection said instruments would have afforded the indigenous peoples during the internal armed conflict, in terms of the three generations of human rights. The following section will address the applicable legal framework as it pertained to the Guatemalan genocide case.

4.1 Reparation

Reparation within the context of indigenous peoples can be quite complicated. This is often owing to the poor economic position of indigenous communities and "made more complicated by high rates of illiteracy and very poor basic services of health and education and with respect to the number of victims and their relatives who are expected to benefit from measures of reparation" [Gómez, 2014. p. 147].Taking this into consideration, the CEH recommended that a system be created to offer both psychological and economic assistance for those who were most affected by the massive human rights violations that had occurred during the civil war period. The list of recommendations included "the investigation of the whereabouts of the disappeared, the location and exhumation of clandestine graves; the establishment of a National Commission for the Search for Disappeared Children... the building of monuments in memory of those killed and the official acknowledgement of state responsibility" [Sieder,

2003. p. 219]. Two significantly important aspects of the recommendations made by the CEH in the conclusion of their report in relation to the achievement of justice for the indigenous peoples who were most affected by the crimes, was the preservation of historical memory and measures of victim healing.

There was to be a designated day of remembrance. This was mirrored in the wording of the Oslo Peace Accord which also stated the importance of the memory of the victims of the fratricide in Guatemala. In doing this, the CEH recommended that "local authorities should promote and authorize the raising of monuments and the creation of communal ceremonies in accordance with the forms of Mayan collective memory" [CEH Report, 1999 p. 49]. This was to include assistance in restoring and preserving the cultural property which was damaged during the conflict with the commission highlighting "[t]he scared Mayan sites violated during the armed confrontation are reclaimed and their importance highlighted" [CEH Report, 1999 p. 49]. This was of vital significance as the cultural importance of the Mayan lands was finally being recognised. Secondly, the state should take measures for the compensation for the victims. This was to include a detailed system of reparation for victims, survivors and relatives of the victims of the armed confrontation. These reparations were recommended by the CEH on the basis that they recognise "that truth, justice, reparation and forgiveness are the bases of consolidation of peace and national reconciliation" [CEH Report, 1999 p. 50] which further displayed that the CEH recognised the need for the indigenous peoples of Guatemala to feel part of their state once more and feel safe and secure in maintaining their existence and survival. This recommendation was also derived from the Oslo agreement, under which came the National Reparation Plan, which appeared a great accomplishment on paper whereas in practice, it has done and achieved relatively little.

There have been numerous condemnations of the lack of progress made in terms of reparation by the Guatemalan state. The organisation 'Transitional Justice International' has said of the program "[i]n design, the program includes many different measures, both to improve people's material conditions and to provide symbolic recognition to the victims. But in practice it consisted of only small individual payments, leaving many deeply dissatisfied" [ictj.org]. The international monitoring agency, Impunity International, have commented on the lack of progress that has been made in relation to justice being achieved for the victims and survivors. They maintain that "[l]ittle progress has been made to bring to justice those individuals responsible for the most serious violations committed during the internal armed conflict, or to implement the institutional reforms needed to remove those suspected of involvement from public office" [impunitywatch.org]. The reparation process resulting from the CEH report has been a slow process. It was only in 2005 that Guatemala

saw the creation of the Guatemalan NRP, as per the conditions of the UN CEH report. The body, although created with the best of intentions, has also been slow with achieving the goals it set out to achieve under the recommendations from the CEH report. Nevertheless, a great deal of effort has been placed into the process of identifying the deceased in clandestine graves. The issue of mass graves was a massive concern for many of the Mayan survivors and relatives of the victims of the genocide.

This is due in most part to cultural and spiritual connections the indigenous peoples of Guatemala have with their deceased kin, Nieves Gómez has written extensively about this intrinsic aspect of the spiritual practices of the Mayan people in Guatemala stating "[c]ultural practices relating to death and the deceased are particularly important due to the special relationship of reciprocity existing between the living and the dead" [Gómez, 2014 p. 144]. If this relationship is broken it can have an enormous impact of the living members of the group [Gómez, 2014 p. 144]. This became a major concern and the need to have it rectified formed an integral part of the National Reparation Program as "[m]any Mayans have expressed the need to reconcile themselves with the dead before they can reconcile themselves with the living" [Sieder, 2003 p. 219]. Freddy Peccerelli, a Guatemalan forensic anthropologist, founder and director of the The Guatemalan Forensic Anthropology Foundation (*Fundación de Antropología Forense de Guatemala*) [FAFG] has maintained that the mass exhumation of clandestine graves from during the times of the internal armed conflict have had a dual benefit to the victims and survivors of the genocide. Firstly, the deaths cannot be denied or unacknowledged and secondly "[w]ith the truth and remains returned, the family have the decision to honour their dead according to their families' religious customs" [fafg.org]. Even if the identification of the dead and the return of their remains don't help the prosecution of Ríos Montt, they hold a symbolic significance as "[a]lthough exhumations and burials do not represent punishment for those responsible for violations, arguably they represent a form of restorative justice for victim's families" [Sieder, 2003 p. 220]. Since its creation, the FAFG "has now exhumed 1,450 graves, discovered the remains of 6,500 victims" [amnesty.org] and strives to supply support and scientific evidence to the Guatemalan courts to help justice be served and achieved "FAFG has provided forensic evidence to the Guatemalan Justice System and the Public Prosecutor's Office in 1,400 anthropological reports in legal cases relating to the internal armed conflict" [fafg.org].

4.2 The Right to Reparation

The right for victims of human rights violations to seek reparation is enshrined in national and international legal instruments. Article 124 of the Guatemala penal code allows for victims to seek reparation once a

guilty verdict has been handed down. Once Ríos Montt's original guilty verdict was handed down, civil parties for the centre for human rights and legal action [CALDH] and the Association for Justice and Reconciliation made cases before trial judges for reparations to be made specific to a trial. The reparations hearing was held two days after the guilty verdict was heard, the hearing was not attended by Ríos Montt who had been hospitalised. Although arguments were made that requests for reparation from the State were not well founded as the trial was that of Ríos Montt and not of the state therefore the state should not be liable. This was quickly thrown out and after forty minutes of deliberation the court returned its decision, "[t]he court ordered largely symbolic reparations—intended to preserve the dignity of the victims, promote remembrance, and force the country to confront the horrors of the past" [ijmonitor.org]. Reparations ordered by the court included formal apologies by the government for committing genocide and crimes against humanity and a separate apology for the sexual violence suffered by indigenous women. The court further stated "all of the apologies must be public ceremonies, at the National Palace of Justice and the Municipal Centers" [ijmonitor.org]. As mentioned, the court ordered reparation included a separate apology to be issued to Mayan women who were victims of sexual violence.

This coincides with a "gradual shift over the past decade in Guatemala from occlusion to increased visibility of the use of sexual harm as a weapon of war and genocide" [Crosby A, 2016 p. 265-283] during the internal armed conflict. An emphasis was to be placed on historical memory and there were to be official memorials created to acknowledge and honour the memory of the victims of the genocide. This was to include a national day against genocide which was to be the 23rd of March every year. Non-repetition was a concern for the victims and survivors of the genocide and at their behest, the court-ordered reparation also included extensive training for military personnel in the field of human right and international humanitarian law "with the aim of preventing future war crimes and crimes against humanity. Fourth, the order requires the establishment of schools (elementary, secondary, high school and universities) in the communities affected by the genocide" [ijmonitor.org]. The CALDH also requested that liaising with the indigenous peoples affected in relation to reparations and timelines; however the court rejected this, perhaps showing that an air of insignificance still remains around the indigenous peoples of Guatemala [ijmonitor.org]. The denial of the genocide still exists within Guatemala, so much so that the CALDH, as part of the reparation hearing requested that a law be passed through the parliament "criminalizing genocide denial and hate speech against racial minorities" [ijmonitor.org].

The court, perhaps unsurprisingly, rejected this request also. The court had refused to issue a time frame during which the reparations were to be

made and CALDH requested a six month period which was also rejected by the court, perhaps a foresight of the guilty verdict being overturned. Due to constant delays of the trial and the overturning of the genocide verdict, reparations to the indigenous victims of the genocide remain unmade and historical memory continues to be distorted. The quest for justice for the indigenous peoples of Guatemala remains on the metaphoric back burner. The situation is made more complex due, in large part, to the fact that the state is responsible for the crimes and the have the obligation now to ensure that reparation is made. Meredith Gibbs asserts that "the relationship between restorative justice and remedies and the relative roles of victims, offenders, community and the State in (traditional) formulation[s] becomes far more complex when it is the State which is responsible for criminal harm" [Gibbs, 2009 p. 45-57]. This hinders the hunt for justice in Guatemala, justice that remains out of reach for those directly and indirectly affected and haunted by the genocide.

5.1 The Prosecution of Cultural Genocide

The crime of cultural genocide, although a relatively young concept, is not entirely new in the realm of international law. The previously mentioned UN sponsored Whitaker Report published in 1985 concluded that more work within the international legal world needed to be completed on the crime of cultural genocide and ethnocide. In the conclusion of the report, Whitaker suggested that these crimes be pursued in greater depth and given a greater consideration within the international understanding of the crime of genocide [Schabas, 2000. p. 467]. Robert Cryer has offered further clarification on the issue of reading General Assembly Resolution 96 to include cultural genocide and points out that even though the preamble to the resolution "stated that genocide results in great losses to humanity, in the form of cultural and other contributions represented by these human groups, this did not suggest that cultural loss, in the absence of physical destruction can amount to genocide" [Cryer, 2010 p. 225]. Berster questions the idea of the intent to destroy clause under article two of the Genocide Convention and if it could be understood to mean cultural genocide. Questioning whether the requirement would be satisfied when the "perpetrator aspires after the groups social destruction that is, the dissolution of the group as a social entity by destroying the cultural ties between its members" [Berster, p. 677-692].

The issue of cultural genocide is contentious. It could be an incredibly valuable concept when applied to the precarious position of indigenous peoples within the international legal framework. While it has been proven that a physical genocide took place in Guatemala, the eradication of the Mayan culture was very much a part of lengthy internal armed conflict there and the loss in transmission of said culture to following generations

is one of grave concern. Is the loss of a cultural identity a crime worthy of prosecuting, and if so, what are the means for creating a framework to do so? Cultural genocide "limits freedom to practice cultural traditions and to live out their lives in culturally appropriate patterns, and it effectively destroys a people by eroding both their self-esteem and the relationships that bind them together as a community" [Kingston, 2015 p. 63-83], thus destroying a group by attacking the main pillars of their society, lifestyle and cultural integrity. This section will identify the reasons why said crime is so grave and recognition of the crime is intrinsically tied to the achievement of justice especially in the instances concerning indigenous peoples.

Considering the list of human rights violations documented in Guatemala during the thirty six year civil war, it should seem apt that charges of cultural genocide should be brought against those responsible for the crimes. The issue as it stands, is the lack of agreement between international lawyers and scholars alike on what the exact definition of cultural genocide is, and if it exists at all. Raphael Lemkin included cultural genocide in his understanding of genocide, and many academics, scholars and international legal experts have been in agreement on this point [Nersessian, 2005]. There are equally as many who disagree with the inclusion of the term in the Genocide Convention. Schabas specifically identifies the deliberate omission of cultural genocide from the Convention [Schabas, 2010. p. 130]. That is not to say that the crime, in the case of Guatemala, could not be punished, for instance, it could be possibly to include the crime under article 2 of the Genocide Convention. That would be to link the crime of cultural genocide to mental harm to a group due to the destruction of their culture. Berster argues that this could have been the reasoning for the inclusion of the specific wording of the article and that there could have been a moment of foresight that the crime of genocide could be commit outside the sphere of physical harm. Of this alternative interpretation Berster maintains that "by extending article II(B) to the causing of *mental* harm, the sixth committee seems even to have consciously chosen to widen the protective scope of Article II beyond scenarios of physical or biological destruction" [Berster, 2015 p. 677-692]. A similar observation was reported by the Carnegie Council in the relation to the drafting of the Genocide Convention noting that the inclusion of cultural genocide was omitted from the wording in the convention and that the act was confined to that of only physical and biological genocide: "[t]he 1948 convention on prevention and punishment of the crime of genocide prevents physical and biological genocide but makes no mention of cultural genocide" [carnegiecouncil.org]. The same report proceeds to further highlight the significance of the often disregarded crime and states that "[c]ultural genocide extends beyond attacks upon on the physical and/ or biological elements of a group and seeks to eliminate the wider institutions" [carnegiecouncil.org], as was the case with the cultural genocide of

the indigenous peoples of Guatemala. It was not simply the group being wiped out, the attacks went further than that: they were a means to erase the entire culture of the Mayans; an attempt to curb the transmission of their cultural heritage, values and lifestyles from one generation to the next, made evident by the re-education programs that were part of the military controlled model villages.

5.2 The Prosecution of Cultural Genocide Vs Protection of Culture

The previously mentioned report carried out by the Carnegie Council criticised the current understanding of the term genocide and the faults they see with the definition. The Council maintain that "[b]y limiting genocide to its physical and biological manifestations, a group can be kept physically and biologically intact even as its collective identity suffers in a fundamental and irremediable manner" [carnegiecouncil.org]. By applying this understanding to the situation of the indigenous peoples in Guatemala, it becomes apparent that this is one of the many inflictions they have suffered as a group. Lawrence Davidson has argued that cultural genocide is not in direct violation of international law and proposes that it is possibly because it is less 'bloody' than physical genocide [Davidson, 2012. p. 3]. If this is to be believed then it must also be questioned why the provision for mental harm to the group and the forced removal of children was included in the Convention if not to allude to some form of protection from non-physical harm coming to civilians. In the case of the Mayans of Guatemala, they had their cultural values and heritage ripped apart. The CEH documented numerous instances of forms of cultural destruction, for example, in the model villages where the indigenous populations were to be re-educated in the ideology of the state. When a group is bound by a shared heritage which includes all facets of life like religious practice, language and dress, the collective identity of the group becomes shattered when these norms are repressed to such an extent. This is an argument shared with Kristin Hon, who has given claim that cultural genocide is just as destructive as physical or biological genocide, perhaps with less bloodshed but alluded to the obliteration of a group identity through the process describing it as "nothing more or less than the total destruction of a culture so as to obliterate the identity of a people. As such, a culture or identity can be destroyed even if all members of the group [are] still alive" [Hon, 2013. p. 359-409]. Again this is describing the situation of the Guatemalan Mayans under the rule of the military government in the 1980s. Their ethnicity was a target and a means of persecution at the hands of the state.

Cultural genocide is an ambiguous crime which can take many forms and unlike physical or biological genocide which has an international treaty, there is no international legal protection against the crime. As

Kingston, asserts, "Cultural genocide is a 'unique wrong' that warrants independent recognition by the international community and should not be limited to a subsidiary role in cases of physical genocide.Existing human rights jurisprudence lacks sufficient flexibility to address cultural genocide, and narrow legal definitions of genocide fail to address the intentional and systematic eradication of a group's cultural existence" [Kingston, 2015 p. 63-83]. Prevention and prosecution of the crime would be best handled in the international arena by international tribunals, or the ICC should have their jurisdiction spread to such grounds. If an indigenous population is victim to such a crime at the hands of the state, as was the case in Guatemala, there is very little indigenous people can rely on in terms of prosecution and punishment of those found guilty of the crime. Davidson further describes the reality of the crime of cultural genocide as an "under-recognized and under-studied phenomenon" [Davidson, 2012, p. 1]. Perhaps this is where the lack of clarity on the issue is most evident, the lack of awareness and knowledge. It is an area that requires further study and expansion so that the international legal community can work towards the eradication of this crime. The first step to achieving this would be to codify an agreed definition of term and have the crime included under the Genocide Convention. There is an urgency needed for a universal definition of cultural genocide to be acknowledged and agreed upon. It is only then that the crime can be prosecuted with greater force, both domestically and internationally. This is one of the major concerns with the crime of cultural genocide is the fact that victims of the crime cannot rely on prosecution of those who commit the crimes against them. Hon has written about the lack of prosecution of cultural genocide "the living may suffer cultural genocide without death, and without being vindicated by the prosecution for physical genocide" [Hon, 2013 p. 359-409]. With the protection of an internationally binding instrument these forms of crimes will inevitably become less frequent.

6. Toward International Protection of Culture

What is clear is that there is a lack of political will to include cultural genocide under international law, which is interesting because more recently the world has seen the significance of decimation of cultural identity by way of destruction to cultural property. The gravity of these blatant attacks on culture are becoming more evident within the international community and in March 2016 the ICC make its first conviction for destruction of cultural property in the case of Ahmad al-Faqi al-Mhadi [ICC-01/12-01/15]. At the confirmation of charges hearing,al-Mhadi was alleged to be criminally responsible for "intentionally directing attacks against buildings dedicated to religion and/or historical monuments, including nine mausoleums and a mosque" [ICC]. It may be early hope

and heavy optimism being placed on the shoulders of the new chief prosecutor for the ICC Fatou Bensouda, who, thus far seems to recognise the severity of crimes of cultural genocide and destruction of cultural property. Bensouda has described the destruction to the cultural heritage in Timbuktu directed by al-Mhadi stating "[t]he magnitude of the loss of such irreplaceable physical embodiment of history and culture was felt by the whole of humanity, and at the expense of future generations" [reuters.com]. If the same interpretation of law and appreciation for cultural diversity and heritage was felt in the case of the Mayans in Guatemala, the severity of the destruction of their cultural integrity may have been more widely known and appreciated. This is the form of innovative thinking that is needed to propel cultural genocide into the collective conscience and with internationally known lawyers, Bensouda for example, championing the importance of cultural identity and property the international community will have to acknowledge and accept the importance of the connections between life and cultural integrity. The repercussions of committing such crimes is coming closer to the forefront of international criminal law and "[b]y repeatedly sanctioning the restitution of cultural property following various wars, the international community has implicitly recognized that seizure and destruction of cultural heritage are an integral part of international wrongful acts" [Vrdoljak, 2011 p. 17-47].

7. Conclusion

> *Thousands are dead. Thousands mourn. Reconciliation, for those who remain, is impossible without justice* [CEH Report, 1999 p. 12].

The CEH report stated that the military's actions demonstrated "an aggressive racist component of extreme cruelty that led to the extermination en masse, of defenceless Mayan communities" [CEH Report, 1999 p. 34]. In line with its mandate, the CEH "attributed responsibility for violations to institutions and not to individuals, stating that 93 per cent of all cases investigated were the responsibility of the military and its agents" [Sieder, 2003 p. 216] and documenting a total of six hundred and fifty eight massacres against the Mayan population of Guatemala. Under Ríos Montt, the lives of the Guatemalan Maya were destroyed from the core through violent and aggressive means which left Mayan society decimated:

> the legitimate authority structure of the communities was broken; the use of their own norms and procedures to regulate social life and resolve conflicts was prevented; the exercise of Mayan spirituality and the Catholic religion was obstructed, prevented or repressed; the maintenance and development of the

indigenous peoples' way of life and their system of social organisation was upset. Displacement and refuge exacerbated the difficulties of practising their own culture [CEH Report, 1999 p. 35].

The report for historical clarification "provided an exhaustive historical analysis of the causes and consequences of the conflict, concluding that political violence in Guatemala was the direct result of acute socio-economic inequalities and a history of racism against the indigenous majority" [Sieder, 2003 p. 218]. The sad truth for many indigenous Guatemalans is that impunity is still rife in the country in all aspects of society. This is what is stood in the way of cementing the prosecution of Ríos Montt for the crimes he had commit and as a result, making reparations. The re-affirming moment when victims and survivors of the genocide received the verdict that it was formally and officially recognised that a genocide occurred was momentous. It meant the surviving indigenous population could officially and finally begin their journey for closure. But once again, the joyous delivery was short-lived with the overturned verdict. In a sense "[t]he Guatemalan case demonstrates the various venues available for the prosecution of genocide and their complications in the international legal system" [Blake, 2014 p. 563-613], while allowing first hand vision of the equally complex procedure of securing a domestic prosecution for the 'crime of crimes'. The residue from the corrupt political system during the civil war period, consisting of an "illegal and underground punitive system, managed and directed by military intelligence. The system was used as the State's main form of social control throughout the entire internal armed confrontation" [CEH Report, 1999 p. 18] and has permanently damaged the reputation of the nation where today "[t]he continuity of the causes of past and present impunity leads to a culture of impunity where citizens expect and accept impunity as the norm" [impunitywatch. org]. The spirit of the indigenous peoples in their quest for justice in Guatemala is unprecedented. They, as a collective unit, continue to strive for recognition and justice as a means to reconcile with the state that betrayed them in the past.

Jones has said of the Mayan peoples in Guatemala: that they "emerged from the genocide of the late 1970s and early 1980s with renewed vigour and conviction" [Jones, 2006 p. 87] and as a people, they had, and still have, very little choice as "the pursuit of justice in Guatemala still depends on the initiative of victims and NGOs and faces the obstacle of a highly unreliable justice system" [Popkin & Bhuta 1999. p. 99-122]. This has a resounding effect on the ability to achieve justice for the indigenous peoples of Guatemala, who, today still strive for official recognition of the crimes that they and their entire community were victims of. Societal recognition is of paramount importance in the quest for justice, Greek

biographer and essayist Plutarch famously remarked that "in which those who are not wronged, no less than those who are wronged, exert themselves to punish the wrongdoer" [Noussia Fantuzzi, 2010] affirming that until the entire Guatemalan state are as equally outraged as the indigenous communities at the inadequate achievement of justice to date. Kelsen has written "[j]ustice is social happiness. It is happiness guaranteed by social order" [Kelsen, 1957 p. 2] and that justice cannot be achieved by man alone that it must be achieved through society. It is a juxtaposition that remains unsolved and hinders the possibilities of national reconciliation. The search for justice in Guatemala can only be ended when there is recognition of the crimes by the entire population and with the help of the international community this can be achieved. Justice is certainly subjective, meaning that for some, justice will be the successful prosecution of Ríos Montt; while for others, and particularly the indigenous peoples of Guatemala, justice could come in the form of official acknowledgement of state responsibility, official apologies and the delivery of essential forms of reparation in a timely and fair fashion. The lack of justice further denounces the atrocities that befell the victims of the crimes, as Sanford states "[o]ne of the effects of the massive violence... is the indiscriminate taking of victims, and the namelessness this creates for victims and survivors as well as for the violence itself" [Sanford, 2009 p. 45], the victims of the genocide remain nameless bodies in the collective perception and will remain so until official state acknowledgement has been made. What is clear is that the entire process has been shamefully long and there is a real concern that Ríos Montt will never be prosecuted for the atrocities commited during his time in control of the government and military. Even outside the Ríos Montt case, "[v]ery few prosecutions have taken place at the domestic level in relation to the crimes of the civil war, and most of these were in relation to low level perpetrators" [Hayner, 2011 p. 35].This is a re-occurring issue with crimes relating to a period of armed conflict and often the heads of state are left untouched. This is perhaps even more visible now with the release of the Chilcot Report. Recently the ICC have announced that they will not try Tony Blair for his part in the Iraq war. The situation is similar to that of Ríos Montt, a former head of state escaping charges of violations of law commit during a time of armed conflict. However the possible impeachment of Blair has now been called for by MPs in the United Kingdom. It has been acknowledged that "the attempt will be symbolic and is unlikely to result in imprisonment" [The Guardian] with the call being "seen in Westminster as an alternative form of punishment that could ensure Blair never holds office again" [The Guardian].

Historical memory has an enormous role to play in the healing of the scars left on the broken body of the Guatemalan indigenous population.

However the strength and will in the community is continuously growing and with it has come a new wave of energy in what is now being called 'the indigenous movement' which is fuelled by "indigenous peoples proclaiming the validity and worth of their cultures, languages, laws, religious beliefs, and political institutions; they demand respect and political space" [Jones, 2006 p. 68]. That said, a sense of erasure remains in Guatemala concerning the historical memory of the events. Victoria Sanford—an anthropologist who has spent years studying the impact of the civil war on the collective identity of the country and indeed the indigenous population—has commented on the blatant attempts to erase the events from national consciousness. She claims that the erasure of the genocide from the collective conscience was "compounded by the official silencing of victims and survivors through government disinformation and the negation of the violence – silencing that has been enforced by army acts and threats of continued violence" [Sanford, 2009 p. 45]. The impact on relationships as a result of the genocide in Guatemala has been momentous. As has been previously discussed "although the army organised the genocide, and backed its operation where necessary, the work was done by armed civilians and police" [ppu.org]. The actions of the government, military and the PAC resulted in community members turning on kin. The fact that the police were heavily involved in the massacres, would have unquestionably created a massive distortion of the force. Police who are supposed to protect civilians and yet they became an object that inspired fear and terror among the indigenous peoples of Guatemala. This has most likely affected the work the police force in Guatemala carry out today and most likely accounts for the abnormally high homicide rates, very few of which are ever investigated [Hayner, 2011 p. 35]."[T]he scale of the violence and brutality, with thousands of human rights violations committed, has left deep wounds on the victims and survivors, as well as on the Guatemalan society as a whole" [impunitywatch.org]. The events live on in the memory of the victims and survivors of the genocide and of forced disappearances, and even today "[c]ollective memories of torture, death, massacres and disappearances have created a constant sense of threat among many Guatemalans, making fear a way of life" [Clouser, 2009 p. 13].

Further to achieving justice for the indigenous peoples of Guatemala, the international legal community as a whole must recognise the gravity of crimes against the cultural identity of a people. Barelli, writing on the evolving position of indigenous peoples within international law, has argued "indigenous rights, rather than claims, have come to represent the core of the indigenous debate, where indigenous peoples and state's representatives sit on an equal footing at the UN permanent forum on indigenous issues" [Barelli, 2009 p. 957-983]. The UN has put full force behind bringing indigenous issues to the metaphoric table and have

continuously been trying to improve their international legal standing. There have been two decades of the world's indigenous peoples at the UN; with the poor performance of the first, a second decade was announced and progress in the realm of indigenous issues was beginning to be made. At the beginning of the second decade of World Indigenous Peoples, the General Assembly under resolution 60/1 2005 asserted a "commitment to continue making progress in the advancement of human rights of the world's indigenous peoples at local, regional, national and international levels" [General Assembly Resolution 60/1 2005 GA/RES/60/1 Paragraph 127]. The plan of action for the second decade was to also have an aim of "developing a strong monitoring mechanisms and enhancing accountability at the international, regional and particularly national level, regarding the implementation of legal, policy and operational frameworks for the protections of indigenous peoples and the improvements of their lives" [Report of the UN Secretary General. Paragraph 9(v)]. Finally, after nearly a quarter of a century in the making, the United Nations Declaration on the Rights of Indigenous Peoples was entered into force in 2007. The introduction of numerous legal instruments has resulted in the survival of the Mayan population, and indeed, culture a lot more promising.As mentioned in section 2, the post-Ríos Montt government in Guatemala have improved greatly with ratifying international legislation; thus affording much more protections to its indigenous history, heritage, culture, and indeed the physical environment. The 1972 Stockholm Declaration on environment was a result of a meeting of the UN General Assembly Conference held in Stockholm in relation to basic principles and protections relating to the human environment which Guatemala signed in 2002 and ratified in 2008, which affords specific protection to the physical lands. The pursuit of justice for the indigenous peoples of Guatemala has been a long and tumultuous road—a journey that has not come to an end, however. "Increasingly, they (Indigenous peoples) have mobilized to denounce the genocides visited upon them in the past and demand their rights in the present" [Jones, 2006. p. 68]. While there remains some gaps in the relevant legal framework regarding the rights and protections for national minorities and indigenous peoples, the struggle for their peace and survival continues to rise to the surface of the international legal world where:

> [r]espect for minorities and indigenous peoples' rights is also linked to issues of conflict and peace. For the sake of peaceful societies and peaceful relations among states, the vision of public policies should be away from sustaining, encouraging or creating myths of a cultural or "blood" purity of a society, but rather focus on the reshaping of national identities to include today's multicultural realities [Stamatopoulou, 2007 p. 249].

In the situation of the advancement of justice for the Maya of Guatemala, the hope remains that the spotlight will once again be aimed at the trial of Ríos Montt; that the currently frayed population can be reconciled and unified by collective remorse. On April 1st 2018, Ríos Montt passed away having never been prosecuted for his crimes against the indigenous peoples of Guatemala.

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Towards a concept for archiving hacked websites

Introduction

Web defacements as a form of hacktivism are rarely archived and thus mostly lost for systematic study. When they find their way into web archives, it is often more as a by-product of a larger web archiving effort than as the result of a targeted effort. Aside from large collections there also exists a small scene of community-maintained *cybercrime* archives that archive hacked web sites, some of which are hacked in a hacktivist context. It is the purpose of this article to give an overview of the state and possibilities of using both archives for research. Such research may include qualitative and quantitative data analysis from a media and social studies perspective.

The first section of this article will present an introduction and definition of the phenomena of hacktivism on the web, followed by a description of the potential of general, large web archives to be used for the systematic research of hacktivism. This article attempts to arrive at an approximate ratio of *hacked* pages that can be expected to be found, a further subset of this content being pages defaced by hacktivists. In order to make steps towards a systematic model to describe hacked web pages, a Dublin Core Metadata schema will be adapted and described as well as ethical considerations are explored.

Following on from there is a section concerned with the use and usability of community-maintained archives. As this scene has seen many pages disappear since 2014, the focus will be on one of the remaining sites, *Zone-H*. The main point of this section will be the description of Zone-H's collection of hacked websites and metadata, in order to describe the opportunities and challenges in working with this kind of archive. This will be complemented by two brief examples of archive use by the site's personnel as well as academic researchers.

Definitions

Hacktivism

Hacktivism is a phenomena embedded in power structures and technologies. Its understanding is obscured by the narratives that surround it. Hacktivism carries with it the legacy of cyberspace utopia with all its problems.

It is tempting to use the expressions 'hacktivism' and 'hacking' as if they could be described in isolation, without having to refer to any external frameworks. In fact it might be more precise to move away from the conceptual level and not talk about hacking or hacktivism, but about *writing electronic text*. By doing so, it becomes more apparent how this writing is regulated by laws, conventions and design. A subset of this writing, in relation to the principles surrounding it, can be described as antagonistic in the sense that one act of writing overrides the other. Further down in this subset, then, are acts of writing that are not only antagonistic, but violations of one or many of the surrounding laws, conventions and designs. Now we are approaching something that under certain circumstances might be called hacking. Motivations for this type of writing are diverse, but what drives all forms of antagonistic engagement with media is narratives of how media should be. Without this utopian vision, or without an actual cause of concern, none of these practices would be able to mobilize its supporters.

The understanding that hacktivism could be a potential external influence to politics and national infrastructure was defining for writing on the topic during the early 2000s. While US-based agencies in particular attempted to estimate the future influence of hacktivism (National Infrastructure Protection Center 2001), an early strain of activist literature emerged that was equally interested in the possible uses of digital activism. Tim Jordan in his 2002 book *Activism! direct action, hacktivism and the future of society* describes hacktivism as "transgressions of the information infrastructures of 21st-century socio-economies" (2002, 121). On the other side, Mark G. Milone defines hacktivism as "surreptitious computer access or the dissemination of potentially disruptive and/or subversive software" (2002, 77) and advocates for educating hacktivist on how even well-meaning intentions can cause damage to vital Web infrastructure. Leah A. Lievrouw in 2011 presents a more rigid definition of hacktivism as the reconfiguration of media itself and thus qualifies hacktivism as the work of (activist) computer professionals (2011). Finally, Alexandra Samuel in her 2004 dissertation uses the following definition: "hacktivism is the nonviolent use of illegal or legally ambiguous digital tools in pursuit of political ends" (2014, 2). For the context of this article, the act of altering web sites through hacking (defacements) will be the focus of attention while acknowledging other important scholarly works that use sociological

methods to understand the community behind it (Coleman 2013, 2014).

Being so embedded in contemporary technology and the managing of it, hacktivism is closely intertwined with existing structures of power and control. Describing it as *antagonistic writing of electronic text* describes hacktivism in its willing engagement with existing technologies for the creation of electronic text wile driven by a vision influenced by techno-utopian romanticism about what texts should be written.

Web Archiving

As defaced web sites are usually quickly restored, they can be seen as content especially vulnerable to deletion and as such depend on web archiving services to be preserved. There exists a range of different approaches to web archiving, most are specific to their goals and the nature of the material (Brügger 2005; Antracoli et al. 2014; Bragg and Kristine 2013). Specific approaches to ephemeral web material are described by (Healy 2017; McDonald 2015; Ball 2010), with the latter describing a "performative model" for the presentation of complex web content:

> In this model, a researcher does not experience a digital record directly, but instead experiences a performance arising as a result of a process (software, hardware) running on some source data. In the Web context, a researcher looking at a Web page is in fact looking at a rendering of a collection of source files performed by a browser. (Ball 2010, 10)

Ephemeral content is described by Ball as intrinsically competing for limited resources through excess:

> The ephemeral nature of posts [on 4chan] combined with their anonymity confronts the users of boards with a question of meaning – how does a board create a sense of shared experience, something that extends beyond the brief period that individual posts are present? Anonymity, combined with the ephemeral nature of posts, generates a dynamic of competition for the limited resource of attention: a driver of excess and the extreme. (2010, 12)

The described characteristics of ephemeral content on image boards such as 4chan can be used to understand the nature of hacktivist web defacements: Driven by a competition for the limited resources of visibility and attention, archiving defacements also serves as a tool to provide that shared experience.

This explains why web archiving is important in this context, and also hints at why community-maintained archives exist within the scene.

Finding traces of Hacktivism

Traces of hacktivism means that in the context of antagonistic writing, one piece of electronic text was replaced with another, and that this new piece remained there while the site was archived. We can not assume that whoever archived the page had any knowledge of this. In this context, finding traces of hacktivism that coincidentally were archived within larger grabs can be compared to searching for marginalia in books. Yet the analogy with a phenomenon borrowed from textual scholarship (cf. Jackson 2001) is only partially correct. If hacked websites are seen as part of a larger debate within a society, spanning from websites to social media to traditional media forms, it is true that this form of marginal writing can be "a truncated and imperfect witness to the remarkable popularity of [a] [...] topos or commonplace that circulated widely..." (Bawcutt 2015). But looking at the individual site, the idea of marginal writing falls short of describing hacking and its communicative function.

While it is certainly true that hacktivism can be a form of engagement with a site's original content in the form of a remix or parody, its style of engagement is much more aggressive than that of leaving notes at page margins. We must also take into account that the majority of content on hacked sites is exclusive to the original content; one cannot be where the other one is. For these reasons, a better analogy to borrow from textual scholarship is the *Palimpsest*, a pergamene page that has been scraped off and rewritten (cf. Lyons 2011). Research on palimpsets includes forensic examination to restore the overwritten text and tries to establish a connection between the original and the new text. Similarly, forensic examination of digital media treats the existing data as palimpsets and aims to reveal the overwritten (Kirschenbaum 2012).

Even if we are to take a step back and remove any notions of *intent* from web archiving efforts, we still have to account for the fact that hacked websites are, while certainly not uncommon, far outnumbered by uncompromised websites. Amongst this minority, a great part of which will be taken up by spam and malware, hacktivist activity is an even smaller subset.

To exemplify the magnitude of this, a brief look at the Internet Archive's *Wayback Machine* in comparison to a dedicated collection of hacked websites shows to what extent problems of scale affect the usage of large, general web archives for the research of hacktivist activity. Comparing the growth of the Internet Archive and Zone-H, one of the few remaining site defacement archives, over the last 8 years shows that the ratio of hacktivist material one can realistically expect to find in larger, unspecialised web

archiving projects is far below one percent:

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Growth IA (Billion)	0	0	0	223	57	49	31	-224	58
Growth ZH (Billion	0.145	0.151	0.11	0.14	0.11	0.09	0.08	0.08	0.05
Relation	0.000966667	0.001006667	0.000733333	0.000375335	0.000255814	0.000187891	0.000156863	0.00027972	0.000145349

Fig. 1 Reported yearly growth rate of Internet Archive (IA) and Zone-H (ZH)[1]

This is a somewhat crude comparison which does not take into account factors such as availability and changing efforts in web preservation, hacking or archiving of hacked sites.

I am aware of further problems and limitations of this example. For one, the Internet Archive counts *web objects*, i.e. html pages, text and pdf files, Zone-H counts whole *sites*. A comparison of the total sites available on the Internet Archive in 2016 (361 Billion) with the highest pageId in the Zone-H archive (32187275) gives a ratio of approx. 0.09.

Also pageIds on Zone-H are not reused, so that if a site is deemed not eligible and removed from the archive, its pageId will not be reassigned, leaving an "invalid defacement" error behind. Manually reviewing and requesting sites for archival is the third and most important reason to be sceptical of the above data. While the Internet Archive uses automated crawlers to follow links to new pages, re-visit old ones and thus expand the archive, entries on Zone-H are checked by a human operator and, if not valid defacements, removed.

Finally, Zone-H is dedicated to archiving hacked websites. It does not specialize in hacktivism, nor is there any way to sort the archive by messages left behind. Websites get hacked for many reasons, be it an automated attack to distribute spam or malware, be it a kind of tagging to make a name for yourself in the hacking scene, be it (sometimes) a combination of the latter and some kind of political message. From my own research using the Zone-H archive, I assume that less than 10% of content in the Zone-H archive qualifies as hacktivist material by any given academic definition as most of the content lacks any political ambition.

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1   Data sourced from from http://www.zone-h.org/stats/ymd (ZH) respectively using the Wayback Machine on itself to get the number of pages held on each 1st January. In 2010, the IA held 150 Billion pages and did not increase that number until 2013.

This example shows how complicated the use of large, unspecialised web archives can be for the research of hacktivism. Even a superficial comparison of two collections shows that a low percentage of hacktivist material is present even in a specialized archive. In a general archive, research must assume an even smaller percentage and can hardly rely on them to access a range of hacked sites. Further, general archives such as the Wayback machine allow users to search by URL and date and thus might be used to confirm claims of sites having been hacked in the past rather than discovering new content.

A more concrete example of approaching a large web archive in the search of traces of hacktivism may be seen in efforts to describe hacktivist activity on the deprecated service *Geocities*.

Yahoo Geocities started as a service called *Beverly Hills Internet* and similarly to projects such as the *Amsterdam Digital City* it owed its name to its organizational structure which was modelled after a city with streets, squares, lots and houses. While the *Amsterdam Digital City* was originally based in and around the city of Amsterdam, Geocities had a global scale and hosted over 100,000 websites making it the fifth most popular site on the web of 1997. When acquired by Yahoo! for $4.6 Billion in 1999, Geocities had upwards of one million users (Miligan 2017, 139). The service was eventually taken offline in 2009 after the static content was considered not profitable enough for the newly dubbed web 2.0.

The history of preservation of Geocities shows the immense difficulty in identifying and preserving a project of that scale. Even though the shutdown was announced in advance and efforts to archive Geocities had been existing before that, it proved difficult to index everything, let alone to archive it (Miligan 2018b, 2018a). As a result, most of the available archives estimate their crawlers have the majority of content, but there is no general index, no checksum or catalogue to refer to. This puts the available archives closer to media archaeological investigations than plain storage of a deprecated service. Snapshots were taken throughout Geocities' existence, but owing to the size of the project this produced more fragments than histories. We may know that just before the shutdown, Geocities had 7 Million sites (Fletcher 2009), but we are oblivious as to where traffic went.

Similar to an archaeological investigation is the search for any hacktivist content on what remains of Geocities. The following will show the difficulties and possibilities in surveying the field for further investigation.

The methods used were a general keyword search to survey the archive and an attempt to cross-reference some well-known hacker groups from the Zone-H archive:[2]

Keyword	Results
Hacking	6100
Hacked	10400
Hacktivism	44
Cyberarmy	18

Fig. 2 Keyword search on geocities.ws

A full text search for some general keywords reveals the archive holds sites about hacking, hacked sites and even sites about hacktivism. If we put those results into relation to the size of the archive (40 Million pages), the prevalence of potentially relevant content is 0.0004125. This is within the ranges described earlier. Again, the comparison of pages and sites leads to a very low ratio of relevant content but still fits within the ratio bands the comparison between the *Internet Archive* and *Zone-H* yielded.

General approaches like this are of course only useful to survey the field and to prove the general existence of potentially relevant content. They are problematic for two main reasons: First, there is no standardization within the hacking community because of its disparate and multifacted nature. Not all hacked sites will feature the word "hacked" and very few sites defaced by hacktivists will contain words like "hacktivism" or "deface-ment". This might explain the low yields for the general keyword search. Second, while it is convenient to have a search engine built into a public-accessible archive such as geocities.ws, the user is unable to confirm the completeness of the index and the search parameters. This creates a black box effect where the user dependent on the tool to function correctly, without having insight into its configuration. Any in-depth study should avoid reliance on black boxed tools and instead use local copies and con-figurable search engines where possible.

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2   The archive used is geocities.ws since it offers a large collection of sites as well as content search.

Cross-referencing

Cross-referencing can be a useful method to overcome limitations of general keyword searches. In this case, cross-referencing uses the lack of standardization that complicates the keyword search to achieve more precise results. Cross-referencing requires a reliable source of information and is also reliant on time-dependent vocabulary. The following table shows the selected results of a cross-reference between the top 50 defacers on *Zone-H* and the respective search results on the Geocities archive.

Name	Defaced Sites on ZH	Search results on geocities.ws
Ashiyane Digital Security Team	1407	1
oroboruo	1799	1
iskorpitx	786	2
uykusuz001	38	2
MCA-CRB	374	4
Panataran	24	4
ISCN	102	4
chinafans	1	4
Mafia Hacking Team	331	24
RxR	706	28
Iran Black Hats Team	418	68
By_aGReSiF	804	104
Turkish Energy Team	320	180
DeltahackingSecurityTEAM	232	183
Digital Boys Underground Team	190	336
1923Turk	475	614
Triad	397	1500
Fatal Error	2751	1790
[#elite top team]	573	1850

Fig. 3 Results of cross referencing the top 50 defacers from Zone-H (ZH) with the geocities.ws archive

Cross-referencing can show continuities across time and virtual space, it can circumvent the often too broad scope of a keyword search and it can make use of specific names and expressions. Its limitations are the often the fast pace at which digital underground communities change, so that it is necessary for the two archives to have some overlap or at least similarity in the covered time period. Some data such as the name "Fatal Error" is simply too general to be used in this context, other depends too much on search engine parameters to be used in a black box scenario. "HighTech" for example will return all results that feature the words high and tech on the same page, while the query ignores spelling such as H1ghT3ch. Again, this is where a local, configurable search engine is especially helpful.

Adopting a Dublin Core Metadata schema

The Dublin Core Metadata Initiative (DCMI) offers metadata sets that can readily be adopted for the description of web pages. While models exist to describe general web pages and scraped web data, the archiving of hacked websites poses a problem that requires a specialized set of metadata tags. In the following I am going to describe an outline that can be adopted into a schema to describe both sites taken from larger archives as well as sites grabbed from the original source.

The goals of this effort are to provide a metadata model for a possible standardization of web defacements in the context of hacktivism and increased interoperability between collections and increased sustainability of research data. The schema is supposed to be quite general in its description, this is done with a view towards a possible automated description by keyword search within the HTML files as well as an computerized image recognition system.

Overview of required tags for a DCMI scheme

- dc:title

Used for the title of the item. It is recommended to refer to the URL here, since hacks often include changing the site's header as well.

- dc:creator

The name of the individual or group claiming authorship. If none is given, "unknown" may be used.

- dc:subject

The general subject of the message. Recommended uses are claims to authorship ("Hacked by"), solidarity with a cause, political messages of general nature, group-based defamations ("Down with X"), or specific memory-related content ("Remember these atrocities"). The use and frequency of these classifications is dependent on the kind of content that is in scope for analysis.

- dc:description

A free text description of the site's contents. This field should include the use of images, sounds, video etc. It can also be used to specify whether the attack was in relation to the site's original content.

- dc:publisher

This field is dependent on the way the site was obtained. If taken from a larger archive, it should be referenced here. Otherwise, "taken from original source" should be used here.

• dc:date

If taken from an archive: State the original date if possible. Otherwise, "unknown" should be used. If captured from a live site, the date of the capture should be used.

• dc:source

If taken from an archive or live capture, this can be the same as dc:publisher. If the data is taken from another already curated set, it should be specified here.

• dc:language

The language used. If mixed, country codes can be combined (en; pl)

• dc:relation

The relation between the new and original content. In most cases, it will be a complete replace of the original site, but also parodies of sites and subversive content insertions can be marked up using this tag.

• dc:rights

When taking material from an archive, relate to the licence agreement the content is under. Note this is a complicated situation as the archival work may be under the archive's licence while the actual site content may be not.

Sample DCMI set

Property	Range	Value String	Comments	Tag example
dc:title	literal	YES	Used for the URL	<dc:title>www.test.ie</dc:title>
dc:creator	literal	YES	Name of individual or group	<dc:creator>hack0r</dc:creator>
dc:subject	non-literal	YES	Message subject, political, defamatory, etc.	<dc:subject>Political</dc:subject>
dc:description	non-literal	YES	Freetext description of the hacked site	<dc:description>Gaza</dc:description>
dc:publisher	literal	YES	Reference to archive, replace if scraped from original source	<dc:publisher>Zone-H</dc:publisher>
dc:date	literal	YES	date of the hack	<dc:date>2002-05-01</dc:date>
dc:type	literal	YES	type of source	<dc:type>Web page</dc:type>
dc:identifier	non-literal	YES	Assigned identifier	<dc:identifier>SRC001_P001</dc:identifier>
dc:source	literal	YES	Used to refer to the data source	<dc:source>Zone-H</dc:source>
dc:language	non-literal	YES	country code	<dc:language>eng</dc:language>
dc:relation	non-literal	YES	relation to original content, defacement, subversion	<dc:relation>defacement</dc:relation>
dc:rights	non-literal	YES	licence situation	<dc:rights>Attribution-Noncommercial-No Derivative Works 3.0 Unported</dc:rights>

Fig. 4 Suggested DCMI set

Using specialized archives

Specialized archives in relation to hacking are independent collections of hacked and defaced websites. They are usually maintained by people with an interest in computer security, be it white hat (lawful) or black hat (unlawful) hackers or internet activists themselves. Some of those archives are part of larger collection of sites based around computer security:

> Attrition.org [...] is a computer security web site dedicated to the collection, dissemination and distribution of information about the security industry for anyone interested in the subject. They maintain one of the only open and honest grim look at the industry, reminding everyone that we must strive to be better than we have been historically. The crusade to expose industry frauds and inform the public about incorrect information in computer security articles is a primary goal of the site.

> Previously, Attrition.org maintained the largest catalogs (sic) of security advisories, text files, and humorous image galleries. They are also known for maintaining the largest mirror of Web site defacements ... ('Attrition - about Us' n.d.)

This critical view of "the industry" is often part of these site's self-understanding as the outsiders who "get it" while the mainstream is ignorant or oblivious. This ties in with countercultural ideas of identity rooted in mainstream culture's failure to anticipate developments:

> When a marginal social movement accurately anticipates in the public eye a significant historical failure of judgment on the part of leadership, the effects can be powerful. Being right about something when the powers that be were wrong, for example, was a central collective experience of the 1960s counterculture; by 1969, the world had watched the television networks, the New York Times, and many members of the political establishment change their position on the Vietnam War. (Streeter 2011, 163)

This idea of being right where the established IT security is wrong, of seeing what the masses can not or choose not to see is important to many of these independent archives. It may explain the immense dedication that went into building and maintaining these archives, not to mention checking every submission.

Overview

These specialized independent archives are disappearing from the Internet. Samuel in her 2014 dissertation on hacktivism as a form of political participation draws from archives that have since gone offline, while also dealing with a scarcity of sources herself:

> Thanks to the volume of defacements, the biggest mirrors (Attrition and alldas) have stopped archiving defacements. alldas has gone offline entirely; Attrition stopped maintaining its archive in April 2001 [...] but has preserved its records of defacements from 1995-2001. (Samuel 2014, 8)

The mentioned mirror page, Attrition, has ceased to archive any new content but published a list of recommended mirror sites:

Name	URL	Original Description	Status
Alldas Mirror	https://www.alldas.org/	None	Message "offline"
Zone-H Mirror	http://www.zone-h.org/	None	Online, accepting submissions
Blackhat.info Mirror	http://www.blackhat.info/	None	Offline, empty directory
Turkeynews	http://www.turkeynews.net/Hacked	Turkish Defacements	Offline, empty page
Flashback Mirror	http://www.flashback.se/hack/	None	Online, last update 2012, Swedish site
Hysteria Mirror	http://hysteria.sk/hacked/	Czech defacements	Offline, Error 404
Hackzone	http://www.hackzone.ru/hacked/hacked.html	Russian defacements	Online, last update 2008
Hax0r	http://deface.hax0r.hu/	Hungarian defacements	Offline, server not found
Influence	http://influence.org/~bedlam/misc/defaced-all.html	Irish defacements	Offline, server not found
Philippine Defaced Webpages Archive	http://www.ezroot.com/archive/	None	Offline, no connection
Onething Archive	http://www.onething.com/archive/	No longer updated	Offline, no connection
Beard Mirror	http://www.netrus.net/users/beard/pages/hacks/	No longer updated	Offline, Error 404

Fig. 5 Status of archives mentioned at attrition.org

Availibility

Availability here refers to any of the remaining site's long-term prospects. This includes funding, hosting and content review. Looking at the above list, 9 out of 12 sites have already disappeared from the web. Many of them do not allow automated web crawlers to archive their domains, so that research can not rely on larger, unspecialised collections to contain them. A further two archives are in a state of suspended activity and have not released any new content for seven (Flashback Mirror) and eleven years (Hackzone).

It is reasonable to assume that these sites too will eventually disappear.

The reason for this decline is unclear. A larger analysis of web deface-ments suggests web defacements have lost some of their appeal as a political tool (Balduzzi et al. 2018, 59). While this is likely to be one factor, a change towards web content being distributed through centralized plat-forms rather than individual web pages is certainly another.

Cross-site availability describes the process of copying one archive's contents into another, especially used when sites gracefully stop archiv-ing. For example, Zone-H holds material from Alldas that was copied over before the site went offline. While this can not be expected to be the norm, it may at least prolong the availability of some of the material.

As none of the above sites is or were affiliated with any institutions, they are completely reliant on volunteer work. This of course makes them very vulnerable as any drop in interest might lead to a lack of people to maintain and run the archives. While staff may work for free, servers and bandwidth need to be paid for. Potential sources of income are anonymous donations and ads on the sites. Both of these sources are extremely unreliable and naturally only be a small number of businesses would be interested in being associated with hacked web sites. Financial problems are intensified by exclusion from larger ad networks such as Google AdWords.

The lack of any long-term funding for these archives is most likely the main reason they keep disappearing. Volunteers loose interest, submis-sions quickly pile up if not tended to daily. Currently 342,807 submissions are awaiting review on Zone-H. Those specialized archives, often build by people who are (maybe a bit too) enthusiastic about IT security, are valuable resources for the study of marginal, subcultural web. Looking at the loss rate throughout the last 5 years, it must be assumed that they will disappear or stop archiving material before long. To exemplify the dif-ficulties in using these independent, specialized archives such as Zone-H or attrition for research purposes, this next section is going to evaluate the FAIR Data Principles against the Zone-H archive. This is not done to belittle the tremendous amount of work and dedication volunteers have put into the making and maintaining the site, but solely to show difficul-ties in using this and other similar sites for systematic research.

Usability – a short case study

FAIR Data Principles stipulate data must be Findable, Accessible, Interoperable and Re-usable (Force11 n.d.). Further described are 15 sub points:

- F1. (meta)data are assigned a globally unique and eternally persistent identifier.
- F2. data are described with rich metadata.
- F3. (meta)data are registered or indexed in a searchable resource.
- F4. metadata specify the data identifier.
- A1 (meta)data are retrievable by their identifier using a standardized communications protocol.
- A1.1 the protocol is open, free, and universally implementable.
- A1.2 the protocol allows for an authentication and authorization procedure, where necessary.
- A2 metadata are accessible, even when the data are no longer available.
- I1. (meta)data use a formal, accessible, shared, and broadly applicable language for knowledge representation.
- I2. (meta)data use vocabularies that follow FAIR principles.
- I3. (meta)data include qualified references to other (meta) data.
- R1. meta(data) have a plurality of accurate and relevant attributes.
- R1.1. (meta)data are released with a clear and accessible data usage license.
- R1.2. (meta)data are associated with their provenance.
- R1.3. (meta)data meet domain-relevant community standards.
- R1.3. (meta)data meet domain-relevant community standards.

Status Zone H

The FAIR criteria allow for research to build tools that scrape archives like Zone-H. Scraping, and thereby creating a local copy, is one of the strategies to get around the limitations of the site and data. One example for such a limitation would be the site's lack of a function to search defacements by date. While time and date is present in the metadata, a user can not search the archive for all defacements submitted during, say, March 2016. Because the metadata is available in html format, however, it is easily possible to use a software tool to create a local copy of all metadata, sort it by date and return a list with the requested items.

In a similar fashion, web scraping can be used to download the defaced web sites together with their metadata and create a local archive to perform a keyword search. The two examples show how, despite falling short of fulfilling the FAIR data requirements, availability and open file formats can at least to some extent circumvent the limitations of the archives.

Criteria	Status	Comment
F1	Not met	Local Id assigned, not referenced in metadata
F2	Partially met	Some metadata about attacker, time and targe
F3	Partially met	Some metadata is searchable
F4	Not met	Identifier not referenced
A1	Partially met	Data accessible via html request
A1.1	Met	Data stored in html format
A1.2	Partially met	Archive is public, site allows login
A2	Met	Metadata is independent from mirrored site
I1	Met	Metadata is clear and concise
I2	Partially met	Where applicable or possible
I3	Not met	Sites are unconnected
R1	Partially met	Content description missing entirely
R1.1	Met	Licence defined
R1.2	Not met	Metadata in isolation from objects
R1.3	Partially met	In accordance with other, similar sites

Fig. 6 Status of FAIR criteria for Zone-H

Accessibility
As the previous sections already mentioned web scraping, this section is going to give further details on the accessibility of the mentioned specialized archives. Zone-H allows access exclusively through http, there is no API or any (legit) way to directly access the full collection. Using web scraping tools is complicated by the site's usage of captchas which occur around every 500 page requests. It has also occurred that the server closed the connection after too many requests in a 24h period. Even browsing the archive using the unique local IDs assigned to every defacement is not something that is intended to be part of the site's functionality.[3]

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3   URLs are build according to the schema: https://www.zone-h.org/mirror/id/{ID}. By inputting different values for {ID}, a user can access different defacements. Zone-H acknowledges this can constitute a security risk when sensitive data can be accessed through this method. (Maslowski 2007)

Most likely it is a known and tolerated feature since no sensitive data can be access using this method and the design allows for a maximum of 30 pages á 25 entries to be skipped.

Because of these limitations, it becomes quite difficult to use web-based archiving services to extract data from Zone-H's collection. The site's robot. txt excludes automated services such as the Internet Archive's Wayback machine. While there is a search function included, users can only search for *domains* and not sort the results in any way.

These difficulties in accessing material show mainly two key aspects. One, how the site, much like similar sites, is very difficult to access for a structured analysis. In fact, any structured analysis can only be done with the material held in the archive, not through the site as a gateway to the material. Second, how the site's nature as a scene-maintained hacking database shapes its structure. It seems only reasonable, looking at it from that perspective, to offer as few services as possible in order to not become an entry in their own list of hacked web sites. Adding to this is also the before mentioned perspective of the knowledgable outsider. It would be contradictory to maintain this identity while at the same time opening up the site for large cooperation with research or, worse, industry.

Use cases

While there might be a reluctance to opening up archives, there is evidence of past projects utilizing specialized archives, as will be described in the following. This section is going to be divided into external and internal projects, depending on their authors. While projects and cooperation with external authors shows the use of an archive for research and art projects, internal engagement with the archived material can be seen as defining the self-understanding of a site and shows the level of awareness of the material held in storage.

On February 3rd 2014, the following message was posted on Zone-H:

> I'm a specialist in graffiti, one of the oldest and most interesting forms of human expression.

> As a researcher at a major North American University, I've been carefully following the most recent development in the long history of graffiti: the move to the digital environment and the rise of what I call Virtual Graffiti – my name for the work you do and for what is preserved here at Zone-H.

> I'm interviewing virtual graffiti artists as part of The Virtual Graffiti Project, an exhibition that I'm putting together with some

friends and colleagues, to introduce virtual graffiti to the broader world. I work on Skype or Gmail chat, and record interviews on a digital recorder, carefully protecting the anonymity of my sources (see below).

In the exhibition and accompanying book, I want to highlight the interesting works of virtual graffiti I've discovered, as well as comments from the artists, to introduce both to the world, and establish links between them and the 'traditional' graffiti we find in the 'real' world.

The project has been approved by my university – which will guarantee the confidentiality of our interview. I provide all participants with a formal letter outlining the measures taken to guarantee the privacy and confidentiality of everything discussed over the course of the interview. [...] (Hopkins 2014b)

This request for people to come forward and contact Tedd Hopkins shows that some level of cooperation must have existed between the Zone-H admins and a north American researcher. This cooperation ultimately contributed to a 2014 PhD thesis titled *Virtual Graffiti: Dyscribing Humans*. Its acknowledgements start with:

I would like to thank the people who participated, some directly and some indirectly, in my ethnographic research: the LeetBoys, 1337Mir, Gantengers Crew, PhantomGhost, CoupdeGrace, Mr.WWW, 4prili666ho5T, NoFace, and many other virtual dyscriptors and makers of marks on the digital cave walls; 'Vympel' and 'Siegfried' from the zone-h archive—both of whom have seen more virtual graffiti than anyone on earth; 'Pavel' and 'Bruce' and the other webmasters willing to talk to me about the breaches at their sites ... (Hopkins 2014a, sec. III)

The thesis itself features a qualitative approach to digital graffiti, thus "tracking the emergence of a new, 'digital-borne' analogue to traditional graffiti praxis". (Hopkins 2014a, ii) However, no details on the nature of cooperation with Zone-H or attrition.org are given. Despite this, the work described in the thesis shows that research has acknowledged these specialized archives as valuable sources of information and that successful cooperation is possible. Whether similar efforts are still possible today (due to the shrinking number of archives and defacements) is unclear.

In addition to scholarly engagement with Zone-H and similar sites, there exists reflective engagement with the archive's contents. This is yet another form of engagement with those community archives that deserves to be mentioned as this type of introspection allows insight into the site's self-understanding and showcases some types of usage that those archives were designed for.

In the following excerpt, posted on the News section of Zone-H, the author reflects on the political issues that drive hacktivists:

> But what happened in the cyber-world? [referring to Mahmoud Ahmadinejad's election victory in 2009] Did we witness any sort of digital protest as we used to see in the past like those related to the Kashmir dispute? Or something like the Estonian bronze statue protest? Or even the Prophet Mohammed cartoon protest? [...]
>
> Surprisingly (or not?) the voice of cyber-protesters is still focused on:
>
> wishes of death to Israel, Usa and Denmark (still, after 3 years!) [...] Armenian and Azerbaijan rants [...] Turkish hackers against Israel [...] Turkish hackers against Armenians [...] wishes against Israel [...] wishes of a free Iraq, Afghanistan and Palestine while showing the finger to USA and Israel [...] whishes [sic] of a Kosovo independency [...] and absolutely nothing, zero related to the recent Iranian happenings. Yet another statistical anomaly? (Preatoni 2009)

This excerpt shows how Roberto Preatoni is well aware of hacktivism as a phenomena within the spectrum that Zone-H attempts to capture and preserve. He continues to identify political agendas that hacktivists are focussed on and provides links for each, while being surprised about the lack of content regarding the Iran elections. The post ends with an update:

> UPDATE: I received a message from an Iranian defacer. He says that he indeed protested during the election days. [...] I didn't notice it as... I don't speak Farsi language. (Preatoni 2009)

The situation is very much owed to the structure of the archive itself, such as no description of the content and nature of the hack, so that material gets lost in the volume of submissions and may be very difficult to access due to language barriers. These issues are worth mentioning as they affect researchers in the same way. Yet this list of topics also shows a great level of awareness and communication between the author and defectors.

Zone-H offers other posts that explore the archive often from an insider perspective, some featuring surveys as to why people engage in defacing web sites. As often with surveys on the Internet, they should be taken with some grains of salt but serve as clear indicators that Zone-H is interested in its community and does understand itself to be more than just a defacer leaderboard.

Ethics

Research on and with hacktivist material is going to be research on the fringes of the Internet, as the content is only accidentally captured by academic web archiving. Being on the fringes has the tendency to enlarge and distort tendencies from the centre, such as discrimination and sexism. This is evident as hacking conventions frequently report issues of gender discrimination and harassment (Richterich 2018). Therefore, even though an approach may be metadata-based and without personal identifiable data, these dynamics must be understood and must be considered.

It can generally be assumed, when working with material either obtained through a general or specialized archive, that hacking of any web page is done without the owner's consent. This is hardly an epiphany but should be kept in mind when deciding how to engage with hacktivist content in a scholarly context.

The first question derived from this is the medium itself. Maynooth University Ethics Policy states that:

> The consequences of research may reverberate at many levels, including the local community of participants, the professional community and the wider society. Researchers should be cognizant of this and sensitive to issues arising from inequalities of power. (Maynooth University Research Ethics Policy and Committee 2016)

This responsibility explicitly extends to the professional and private community of owners of hacked web sites. It should be considered, especially in the case of smaller websites, whether the URL needs to be provided to understand the hack or whether the owner could be exposed through it. In many cases, it will be sufficient to briefly describe the site to provide context. It its a key question in web research whether information is to be treated as text or as personal expression. Stine Lomborg acknowledges that:

> [for] the study of the development of specific sub-cultures on the web (e.g. sexual minority groups, political extremist debate fora or camgirls' websites), using archival data on the participants and their online communications may be more problematic, if only because of the risk of exposing and causing harm to specific private individuals, based on their prior affiliation to a sub-culture. The case-by-case ethical judgement starts with reflections about the textuality or humanness of the data in question. (Lomborg 2018, 102)

According to Lomborgs's argumentation here, the use of hacked sites could potentially be problematic insofar as individuals might be – against their will – affiliated with cybercrime. This can be mitigated by shifting the focus more towards the hacktivist material and less to the original page.

The second aspect is the posted material. It is entirely possible to come across personal information that was posted for no other reason than to expose and humiliate a person. Although such sites will hardly be hacktivist content by definition, it is also a requirement of the research design to exclude any identifiable information as consent can not be sought or assumed. In the same way, other identifiable information such as photographs must be dealt with great care and consideration. It is in the absence of ethical guidelines for engagement with hacktivism that those principles had to be derived from general ethics guidelines.

Conclusions

Traces of hacktivism are hard to find on the web. The vast majority of it is lost for research purposes. What remains are fragments that are occasionally found in general web archives such as the *Wayback Machine* or in very large grabs such as the *Geocities* archive. It is hard to estimate how much or how little material is present in those general archives, but actual hacktivist content probably occurs at a prevalence of less than 0.01. General archives such as the Internet Archive's Wayback Machine are also dependent on their search engines to deliver results, which in some cases adds more obscurity through a black box effect where search parameters are not always made transparent.

This scarcity of material is further amplified by the lack of a metadata scheme to effectively describe hacked websites. Such a scheme, as proposed in this article, would allow researchers to engage with the content and message beyond individual collections.

Specialized archives are better suited for the systematic study of hacktivism, yet suffer from:

a) lack of support and thus a dwindling number of archives that remain active

b) lack of standardization and lack of easy access

Also most of the archives mentioned in the article are not *hacktivist* archives per definition, they are self-described *cybercrime* archives, thus covering a wide range of phenomena from web defacements to hacking for the *lulz*. They have, however, shown some cooperation with researchers in the field even though this does not seem to have included any kind of privileged access to the data.

Complimenting these external analysis, Zone-H also features a range of news entries that show a kind of internal engagement with the material held in the archive. This introspection shows that hacktivism is acknowledged as part of the collection and that efforts were made to find and describe sites hacked by hacktivists.

There are ethical considerations when dealing with content that was placed on a 3rd party web site without their permission, even more so when that content is offensive or abusive. Ethics policies require research to be aware of possible implications in the private, public and professional sector, all of which might be in scope when dealing with hacktivist material.

What ties all sectors together is their lack of a common base to stand on. Research on hacktivism has been and probably will be research on fringe material either captured by chance during a large archiving effort or reported and archived by a volunteer site with uncertain lifespan. In the light of this, it becomes even more important to acknowledge existing material and work towards a robust standardization in the description of hacked web sites.

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Julie Trobitsch

Censorship, literary commemoration and the Spanish Civil War, 1936-2018

Introduction

The twentieth century was a century of wars and conflicts. The Spanish Civil War was one of them. This conflict, followed by almost four decades of dictatorship, affected Spain's politics, economy and society at the time. And the consequences can still be seen today. The Spanish Civil War is the result of political tensions during the Second Republic (1931-1936). These political tensions are directly linked to the 'deeply transformative' reforms voted in by the Spanish Socialist Party (el PSOE), during the Second Republic. Among the reforms presented by the government of the Second Republic, the following were particularly new to Spain's conservative society: a 'fairer' distribution of land, the extension of the right to vote to women and soldiers, the reorganisation of the army, the redefinition of private property, the questioning of the relationship between church and state. Even on a European scale, some of these reforms appeared too progressive for the 1930s. At that time, these reforms were not unanimously accepted. They were considered too 'communist' by big landowners, the clergy and supporters of right-wing parties. At that time in Europe, communism was seen as a growing threat.

The dissatisfaction expressed by the opponents of the Socialist Party's reforms, along with the conflicts between the Prime Minister Manual Azaña and the other political parties, could be clearly seen in the elections of November 1933 when the PSOE lost its majority in favour of the CEDA (Confederación Española de Derechas Autónomas: The Confederation of the Autonomous Spanish Right-wing Parties). With the appointment of CEDA ministers came the will to reinstate the strong relationship between the Christian religion and the Government in this "fascist-leaning part" (Encarnacion - *Democracy Without Justice in Spain: The Politics of Forgetting* - 31). The CEDA showed a different kind of approach influenced by German politics (Preston - *The Spanish Civil War: Reaction, Revolution, and Revenge* - 125). After the CEDA, the Frente Popular (the Spanish popular Front, a coalition of left-wing parties) governed. After the Frente Popular's arrival, a strong political tension remained palpable in Spain, especially between the "republicans" and the "nationalists" ("Donquijote").

After the elections of 1936, some military leaders started plotting against the government. They believed the government was too inefficient in removing 'communist' reforms, and they believed they should use strength and propaganda to attain their objectives. Among the leaders were Generals José Sanjurjo, Emilio Mola, Manuel Goded and Francisco Franco. These leaders started plotting actively against the government, but the assassination of the monarchist politician Calvo Sotelo on 13 July 1936, accelerated the outbreak of the Civil War.

This conflict lasted three years. Three years of struggle where the troops directed by aforementioned generals quickly took the advantage thanks to the help of the Italians (in the foreground) and the Germans (in the background) and of their weaponry, while the Republican troops, which were mostly composed of volunteers (before becoming the Popular Army), struggled with understaffing (Beevor, *The Battle for Spain: the Spanish Civil War, 1936-1939* - 131). The Civil War ended when Franco and his troops invaded the capital, Madrid. There were many victims, but the figures are unclear. Few contemporaneous records of Spanish nationals who perished on the battlefields are available, moreover, records of those who were murdered in mass killings during the war and the dictatorship are largely non-existent (Preston, *The Spanish Holocaust: Inquisition and Extermination in Twentieth-Century Spain* - 9). An exemplar of this was, the battle of the Ebro, July-November 1938 which produced more than 60,000 casualties. During the three years of the Civil War 30,000 people were executed, and 400,000 people were imprisoned (Barton 246).

The research presented here focuses on the process of recovering Spain's historical memory through novels from the Francoist era until today. This paper will start by looking at the timeline of the events that took place between the Francoist era followed with the transition years and today. Then it continues by looking at the general trends in terms of publications in Spain at different point of the twentieth and twenty-first centuries, where we can see the impact of the censorship, which controlled many aspects of the population's daily life, and its impact on literature during the Francoist era. It will thereafter talk about the two main 'waves' of publications. Novels will be the main studies genre, although poetry and cinema will be mentioned. Moreover, it will end with a discussion on the situation today, in 2018, in Spain.

1) Timeline of relevant events 1936-2019.

The Civil War crushed Spanish republicanism. It was followed by the Franco dictatorship, which lasted thirty-six years. The war was harsh and traumatic for each side, but the dictatorship imposed by Franco and his government was as traumatic as the war.

> To impose the dictatorship, the Franco regime carried out systematic repression at all levels, beginning with the confiscation of republican family apartments and continuing with the purging, detention and punishment of all those suspected of being against the dictatorship, including of the soldiers who had to do military service in the Francoist army. ("El Primer Franquismo En Manresa En Un Clic (1939-1959)").[1]

The commonality of mass assassinations created a climate of terror. Franco's objective was to repress any political group that could fight back. Political and social groups such as liberals, left-wing party members, anarchists, protestants, intellectuals, freemasons, and nationalists from Catalonia, Galicia and the Basque Country were Franco's main targets. This "white terror" was used to achieve Franco's objective: to annihilate anyone that would be against his regime (Beevor 94).

The mass assassinations were done privately. The victims, after being reported and caught by Franco's officers, were brought to an empty plot of land where a big hole in the ground would be dug. The prisoners would be asked to stand around the edge of the hole and one by one they would be shot dead (or at the very least wounded), they would then fall in the hole and the officers fill it in as if nothing had happened. It is believed that more than 150,000 citizens were victims of the political repression either murdered, imprisoned or sent to concentration camps (Obiols). Outside of the mass killings, education and re-education was also Franco's priority. The education system changed in order for children to be brought up with values approved by the Franco regime.

> The school had to inculcate a series of values that can be summed up in an exalted Spanish patriotism, obedience to Franco and the authorities. [...] The second pillar was the defence of Catholic values in its most fundamentalist or national-Catholic version. The Church regained the prominence in education it had lost with the Second Republic: The Catholic religion became a compulsory subject at all levels and the institution returned to exercise its moral inspection of schools. ("La Educación En El Franquismo.").[2]

Looking at re-education, centres were open for some members of society prone to deviance such as women in particular.

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1   Citation translated from Spanish into English by the author.
2   Ibid.

These centres would re-programme them into becoming a good Christian citizen that would fit the standard expected by Franco and his government, implementing the values of the regime: Christianity, patriotism and conservatism. And in the case of women, they would teach them how to be the perfect housewife (*La Educación Española De Los Siglos* XX-XXI).

> The Francoist view of women was based on a highly conservative biological determinism, which saw the nature of male and female as absolute and irreducible. Women were seen as essentially passive, born to suffer and sacrifice and to be activists only as guardians of the moral order. (Richards 52).

When Franco died on 20 November 1975, a long period of political transition led by King Juan Carlos I began. During this time, the government and the Cortes (Spanish Parliament) worked on a new constitution. This period ended after the 1982 elections and the return of the PSOE to government.

When the monarchy was brought back, the events that took place in Spain from 1936 to 1975 remain locked in a closet that no one dared to open. King Juan Carlos I's inauguration speech on 22 November 1975 before the Cortes represented the way in which Franco was seen throughout the country:

> The name of Francisco Franco will remain important as part of Spain's history and a name to which it will be impossible to stop referring in order to understand our contemporary political life. ("Discurso De Proclamación De Don Juan Carlos I Como Rey...").[3]

The King thus mentions General Franco in a neutral way, to appease those who were still in favour of the Franco regime (such as Arias Navarro, the former Speaker of the Cortes and President of the Council of the Kingdom who resigned after Franco's death, knowing he could not protect his convictions anymore) but at the same time to give hope to those who have been oppressed by the dictatorial regime (Casanova, Carlos 295-296).

During the dictatorship, the only type of aspects of the past commemorated by the State were those which honoured the victors of the civil war. Monuments were erected to celebrate Franco and the Nationalist soldiers who died. These figures collectively were eulogised by the Franco regime, and it stayed that way until the end of Franco's dictatorship in 1975 (Aguilar, Memory and Amnesia: The Role of the Spanish Civil War in the Transition to Democracy - 71).

3   Citation translated from Spanish into English by the author.

What was going to happen after the end of the transition? Was the silence that prevailed during the dictatorship going to continue? The political transition did not really help. The Ley de Amnistía of 1977 (or the amnesty law) published on 17 October 17 1977, in the *Boletín Oficial del Estado* (the Official State Gazette), gave amnesty to all those who committed intentional crimes against a group of people with a different political opinion, between the beginning of hostilities and the publication of this law. This law ensures that all penalties against those who committed these political offences are removed. In the second article of the law, the offences are better defined: talk of rebellion and sedition, refusal to participate in military service, denial of crimes already committed, expressions of subversive opinions through any means of communication, misconduct and crimes committed by a figure of authority or by members of the state or by law enforcement officials. Thus, the 1977 law forgives everyone regardless of the crime committed, in order to remove the heavy past. For this reason, the 1977 amnesty law, was praised by the majority at first, but then it started to attract criticism. The law on Spanish historical memory ("Ley de Memoria Histórica", also known as "Ley de Nietos": the law of the grandchildren) published in 2007 re-opened the debate about Spain's past.

Indeed, twenty-five years after the end of the transition period, the 2007 memory law was highly anticipated. The law on Spanish historical memory was voted in to help victims and their families to recover from the wounds left by the Civil War, providing them with justice and closure. After its publication, the law was gradually dividing the country. Some saw it as an unnecessary reminder of the traumatic past. For others, the law did not heal the wounds as the majority of the population had hoped but it temporarily covered it, just like before. The law pleased some and offended others who thought many questions were left unanswered ("La Ley De Memoria Histórica y Su Desarrollo Normativo: Ni Verdad Ni Justicia").

> The Law of Historical Memory pretended - timidly, wrongly and contradictory – to close the chapter of the war and dictatorship. That was at least its explicit goal. [...] On the one hand it fulfills a duty of memory, for some it will constitute a kind of reconciliation, but it also has an irrefutable political component, as evidenced by the fact that one of the two great parties would receive it as a direct aggression (De Antuñano 81-82).[4]

Authors and artists used their work to think, to question, to denounce and to make sense of the Spanish Civil War and the dictatorship.

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4   Citation translated from Spanish into English by the author.

Moreover, they continued to do so all throughout the latter half of the twentieth and the beginning of the twenty-first centuries with novels and other works still being published to this day such as Javier Cercas' *Monarca de las Sombras* (2017) (Gies, *The Cambridge History of Spanish Literature*). Spain's intellectuals continued to reflect on their national past and present through books, articles, movies, documentaries, and organisations. They are all trying to understand what truly happened from 1936 to 1939 and during the dictatorship in Spain.

2) Publications in Spain at different points of the twentieth and twenty-first centuries.

In this part, we will see the impact of censorship, trauma and of the two memory laws on the Spanish intellectual class, particularly regarding publications from the beginning of the Civil War until c. 2017. The censorship instituted by the Franco government prevented the distribution of stories and testimonies of those who experienced the horrors of the Civil War from either side. The 1938 Press Law governed that all publications (from the press to plays, to movies or even music) must be approved before being published. They should all be in favour of Catholic values and dogma, they should not be in any way appalling to the readership/spectators/audience, and they should all be in favour of the regime and of its principles. Journalists and newspapers were given detailed instructions on the topics that could be mentioned. The government used the media as an instrument of propaganda to maintain the status quo. Consequently, this censorship then not only affected all forms of expression but also affected the public discourse on political, social and economic matters. This degree of censorship had heavy consequences upon Spanish society which are still present today especially in the arts.

> The upshot is that Spain's literary censorship problem is alive and well today. [...] We are talking about one of the most long-lasting yet invisible legacies of his regime. The effect on culture in Spain and in other hispanic countries is almost incalculable. Censorship has certainly distorted many people's perception of the civil war and its consequences. Many readers will also be ignorant of writers' real points of view regarding important social issues such as gender roles, birth control and homosexuality (Cornellà-Detrell: https://theconversation.com/francos-invisible-legacy-books-across-the-hispanic-world-are-still-scarred-by-his-censorship-115488).

Before, and during the civil war, the main literary medium of expression was poetry (Bou 553). The Generation of '27 ("Generación del 27", in Spanish) were no exception to the trend. They were created in 1927 and

their objective was to create poems more 'pure', more 'human' (Uriarte). They used their art to protest and to express their freedom through writing about themes considered taboo such as homosexuality. On a stylistic point of view, the authors of this generation were known for using traditional and modern writing methods. Among the most important writers of this generation, names such as Luis Cernuda, Pedro Salinas, Jorge Guillén, Vicente Aleixandre, Gerardo Diego, Dámaso Alonso, Miguel Hernández or Federico García Lorca appear. The Generation of '27 lived through important events such as the Primo de Rivera dictatorship, the economic depression of 1929, the Second Republic, The Spanish Civil War and the Second World War. Those events made many of their pieces politically and socially committed. The Generation of '27 wrote during the whole Civil War until Federico Garcia Lorca's assassination in August 1936. After that, many of the other authors of the generation fled Spain out of fear.

After 1936 and for the rest of the Civil War, poetry continued to be written and shared from either side of the conflict to motivate troops.

> The Civil War of 1936-1939 was a huge collective catastrophe in national life but paradoxically had much less literary consequences than could be attributed to it and, in fact, it can not be considered a milestone in the history of Spanish literature. There was, on both sides at stake, a fighting literature, mobilised by circumstances and whose value, with exceptions, was never very important [...]. (Alvar 621).[5]

After the conflict ended and the establishment of the censorship, the literary scene changed. Novels started gaining in popularity (626). Novels such as *A sangre y fuego* (1936/1937) by Manuel Chaves Nogales, *Les Grands Cimetières sous la lune* (1938) by Georges Bernanos, *L'Espoir* (1937) by André Malraux and *Homage to Catalonia* (1938) by George Orwell.[6] Many of the authors who wrote novels to condemn the Franco regime published their works abroad to avoid the censorship and because they feared repression due to high involvement in the conflict.

> After the war [...], the only rupture was physical and was based on several thousands of exiled people, among whom were the most recognized and most promising of the Spanish intellectual life - university students, writers, artists - who had to resume their work apart from their natural audience (Alvar 622).[7]

Outside of novels, many poems and chronicles were published in illegal newspapers but often individually (and not in books) as most authors were

5   Citation translated from Spanish into English by the author.

involved in the conflict (Dennis 576).

During the thirty-six years of the Francoist era, some novels were written and published by non-Spanish authors as an external response to the shocking events that took place from 1936 to 1939. Some of the most famous ones are Ernest Hemingway's *For Whom the Bell Tolls* (1940) and Gustav Regler's *Das große Beispiel* (1940). Most of the novels written by authors of Spanish nationality were published during the authors' exiles abroad because the heavy censorship would not allow any criticism to be made against the Civil War or the dictatorship. For example, the Spanish author Camilo José Cela published his famous work *La Colmena* (1951) in Buenos Aires during his stay there. The literature written in Spanish and published in Spain (which belong to the first "wave" of publications that will be looked at later) have a particularity: they do not explicitly mention or denounce the Civil War and the Francoist regime. Rather, the literature during the dictatorship was "a mirror of the dark, humble, daily struggle of the Spanish people for its lost liberty" (Ugarte, 611). Among them we can mention Carmen Laforet's *Nada* (1944), José María Gironella's trilogy (*Los cipreses creen en Dios* (1953), *Un millón de muertos* (1961), *Los hombres lloran solos* (1986)), Arturo Barea's trilogy called *La Forja de un Rebelde* (1947-1950), Juan Goytisolo's *Señas de identidad* (1966), and Ana María Matute's trilogy *Los mercaderes* (*Primera memoria* (1959), *Los soldados loran de noche* (1964), and *La trampa* (1969)), *El tragaluz* (1967) by Antonio Buero Vallejo and the author Miguel Delibes who wrote many books during the dictatorship, one of them *Las ratas* (1962) won the Critics Prize (Premio de la Crítica). The censorship, although highly present in the literary life, did not stop more controversial and politically committed pieces to be published through a smuggling network. Novels, poems, plays, pamphlets and others were shared in secret among the population, bringing hope to the victims of the regime.

During the transition period 1975-1982, fewer novels were published and it was certain that the Spanish literature "was in the midst of change" (Mainer 690). This can be explained by the uncertainty that dominated the period. Among the main works published, we can note Jesús Torbado's *En el día de hoy* (1976), Carmen Martin Gaite's *El cuarto de atrás* (1978), and Juana Doña Jiménez's *Desde la noche y la niebla* (1978). In the case of Martin Gaite's novel, the reader enters the memories and the psychology of the character while reality is mixed with fiction providing the reader with an insightful retrospective full of regrets and what-ifs. The same idea of retrospective also in the two other novels mentioned. During that time,

6   All the works mentioned are presented under their title of publication in their own language.
7   It is highly unlikely that a judicial branch controlled by the regime would have recognised any attempts to report crimes, same goes for the police forces.

Franco and the dictatorship started to be mentioned in the works published. Although, authors were not explicitly criticising what happened during the thirty-six years of political oppression. Starting during the transition, the Civil War and the dictatorship started to be shown through a new perspective. Indeed, the authors who started writing at that time were children when they witnessed the Civil War and the dictatorship. In their works, the focus is more on the social impact of the past rather than on the physical violence. Authors experimented with neorealism; a "revival of realism in fiction" where the observation of society plays an important role ("neo-realism").

After 1982 and the return of the PSOE, authors spoke more openly about Spain's past. The amount of literature published rose on either the topic of the Spanish Civil War or the dictatorship or both. Among the major works written, we can highlight the following Julio Llamazares' *Luna de lobos* (1985), Miguel Delibes's *Madera de héroe* (1987), Antonio Muñoz Molina's *El jinete polaco* (1991), Manuel Rivas' *O lapis do carpinteiro* (1998), Dulce Chacón's *La voz dormida* (2002), Jesús Ferrero's *Las Trece Rosas* (2003), and Javier Cerca's *Soldados de Salamina* (2001). Many of the works study the time of the Civil War and the beginning of the Franco regime. Ferrero's *Las Trece Rosas* looks at the life of thirteen women in a women's prison, it looks at their arrests, their stories, and their conditions in prison and their executions. The novel was based on the real story of those thirteen women executed on 5 of August 1939.

Following the publication of the memory law, even more was published on Spain's recent past, and more and more works are still being published. This second literary 'wave' can be explained by the general discontentment against the 2007 memory law. Famous works include Jordi Sierra i Fabra's *Lágrimas de sangre* (2008), Carlos Fonseca's *Tiempo de memoria* (2009), Javier Cerca's *Anatomía de un instante* (2009) and *El monarca de las sombras* (2017), and many more.

All the literary trends we listed regarding novels show that the Spanish Civil and the Francoist era are subjects that were silenced, because of the censorship installed since 1938. Opinions that would not be in favour of Franco and his government were repressed. Authors kept writing, but their freedom to talk about the past was limited. After Franco's death, authors and artists found their lost freedom, gradually being more explicit about the past. And the important 'wave' following the publication of the 2007 memory law shows that many people are now willing to voice their own opinion without any censorship. This fact is both linked to the time factor and to a curious new generation which wants to understand what happens to their family members between 1936 and 1975. Literature and art have become common ways to talk about the past, on a national or an individual scale. Writing is also a process used to provide information for the posterity, to prevent history from repeating itself.

It also shows that authors, and artists in general, have more to say on the subject of the Spanish Civil War and the dictatorship, even though it all ended 43 years ago.

3) The 'waves' of publication

The first 'wave' of publications appeared at the end of the civil war. The traumatic events that took place between 1936 and 1939 are not explicitly mentioned to avoid censorship. These works have one thing in common: they speak about Spanish society, its values, the concepts of family honour and religious virtue; concepts that are highly important for Franco and his ideal image of the Spanish family. These works are historically located during the Franco dictatorship and sometimes during the Spanish Civil War, but this aspect is not at the centre of the narrative. Among these works, *Nada* (1945) by Carmen Laforet is a significant example of this trend. The novel tells the story of Andrea (the narrator) and her arrival in Barcelona. She is an orphan (the reader does not exactly know why, but we assume her parents were killed during the Civil War). She is moving in with her grandmother where her uncles and aunts also live. Throughout the novel, Carmen Laforet uses the description of the landscape to talk about the oppressive atmosphere set by Franco's government. For this reason, the work passed the censorship and the novel's manuscript won the very first Nadal prize in Spain in 1944. This novel is about witnessing the socio-economic situation post-civil war. By using this descriptive narrative, many authors managed to express their feelings regarding the oppressive political situation while being approved by the censorship board. They used "ambiguities and imprecisions of memory" to omit the obvious (Ugarte 615).

One would imagine that the population's voices and opinions were liberated from censorship after the death of Franco. However, the fear of what could happen next froze the engagement with memory for a little longer and the Spanish people, even after recovering their freedom of speech, stayed voiceless. During the transition, very little was said about the Civil War and the dictatorship out of fear and to respect "el pacto del silencio", described by Sebastiaan Faber as "the elites' stubborn refusal to come to terms with the Civil War and the Francoism, even after the country's transition to democracy in the late 1970s" (Faber, 205). Therefore, authors continued publishing using metaphors and other literary methods to talk about the conflict and the dictatorship. The transition was a period of uncertainty, the Spanish nation was unsure of the King's position on some major societal matters that used to be heavily controled by the catholic church during Franco's regime (the question of divorce and of females' role in society being important ones). This uncertainty appeared also in the literary world. Many characters in the works published at that time were

questioning their existence and questioning the world surrounding them. Characters in the works of Carmen Martín Gaite are perfect examples of this trend. Also, little by little, authors started gathering testimonies regarding the Civil War to publish them. We can speak of literary works like those of Juana Doña Jiménez's *Desde la noche y la niebla* (1978), Juan Eduardo Zúñiga's trilogy (1980-2003), Miguel Delibes' *Madera de hero* (1987).

However, the authors narratives showed that they were not at ease with the past. These works brought more questions than answers to the readers as the Civil War and the dictatorship are subjects which were difficult to talk about without some time to reflect on them. This behaviour is linked to Sigmund Freud's study of historical memory. By historical memory, we refer to:

> In its most common use, collective memory refers to the shared memory of a past event shared by a community, large or narrow, nation, village or family for example. But it also defines the history or what is still called "historical memory" as it would ensure the permanence of the great collective mythologies (Lavabre, 49).[8]

In *Moses and Monotheism* (1939), Freud presents the concept of 'latence'. By latence, it is meant that, to recover from a traumatic past, a certain amount of time needs to separate the traumatic event from the understanding of it and the final stage of recovery in order for the recovery to be as effective as possible. This concept can be applied on the individual or on a group of individuals, such as a nation.

This Freudian theory applied to Spain presents the country like an individual suffering from Post-Traumatic Stress Disorder (PTSD). Indeed,

> The brutal repression imposed upon the losers of the Civil War not only impeded the possibility of overcoming the traumas of the war, it also added an abusive burden of suffering. The politics of terror and silence imposed by the dictatorship created an environment that engendered a veritable epidemic of post-traumatic stress (Encarnacion 18-19).

Stephanie R. Golob presents in her article "Volver: The Return of/to Transitional Justice Politics in Spain" the four "normative prescriptions" that seems necessary to achieve a successful transitional justice, explaining what should be done during the transition process to avoid the country suffering from PTSD.

These four prescriptions are: "Rejection of Impunity" (not letting a group of citizen act above the law), "Confronting the Past" (with a free access to information showing any side of the nation's past), "Prioritising State Accountability" (let the people decide how to deal with the past), and "Broader Societal Inclusion of Past Regime Victims" (Golob 5-6). However, in Spain, none of these four prescriptions were fully applied to the country. This could explain why Spain is still dealing with the consequences of its political transition whereas Portugal and other countries such as Argentina, Chile and South Africa (who attempted to be successful with their transitional justice system with the help of "Truth and Reconciliation Commissions") have attempted to deal with their violent pasts already (Cazorla Sánchez 245).

We must wait for a new generation of authors and artists to arrive in order to hear the stories of the past without any filter of fear or uncertainty. The second literary 'wave' exploded around the year 2000 which appears a few years before the publication of the Ley de Memoria Histórica (Historical Memory Law) in 2007.

> The Zapatero government's draft ''Law of Historical Memory'', publicized with great fanfare in late July 2006, was met with muted applause on the left, and by indignant disbelief on the right [...]. On the left, it was a case of ''too little, too late'', as it had taken nearly two years for the Interministerial Commission charged with drafting the law to produce the text. [...] On the right, the response was particularly volcanic regarding the provision for a panel of notables who would review and possibly vacate judicial sentences passed down by Franco's military tribunals against regime opponents and Republican veterans. The PP loudly accused the government of ''re-opening the transition'' and practicing the politics of revenge through these panels, even though they would not prosecute former regime officials (Golob 11).

The "pressing problem" had been ignored since the beginning of the transition (Mainer et al. 689). Nevertheless, international pressure may have accelerated the birth of the 2007 law. Surely, the Eugeni Gurnés Bou case, brought to the European Court of Human Rights, and whose outcome was the successful revision of the case sixty-four years after he was executed. The first draft of the law opened a memory debate that had not been considered before. It brought inspiration to authors and artists who used their writing and art to try and fill in the blank parts of Spain's history; parts ignored by the Historical Memory Law. They began to talk about exiled children and families, the underlying fear of betrayal during the dictator-

8   Translated from French by the author.

-ship, and the role women played, among other aspects. They gathered testimonies and went to great lengths to understand their national and individual past. Javier Cercas' *El Monarca de las Sombras* (2017) is a great example as the author investigates his maternal great uncle's death. He enlisted in the Nationalist army when he was just eighteen years of age to protect his country from communism. Javier Cercas, throughout the novel, tries to unveil his family's past through his investigation. Other key works we can put the emphasis on are Javier Cercas's *Soldados de Salamina* (2001), and *La voz dormida* (2002) by Dulce Chacón.

Filmmaking also played an important role in this 'wave'. Although the Spanish cinema had already started addressing the matter of the Spanish Civil War and the transition, the movies were censored or they were only released during the transition. Spanish cinema on the subject were internationally recognised and popularised around the 2000s. José Luis Cerda's *Lengua de las mariposas* (1999), *El espinazo del diablo* (2006) and *El laberinto del fauno* (2006) by Guillermo del Toro, and *Pa Negre* (2010) by director Agustí Villaronga are emblematic films. These four in question focus more on the problem of education and children during the Civil War and the Franco era. Children that suffered because of the political and social position of their parents at that time. In addition to these, some of the novels published were turned into movies around that same time, such as *Las trece rosas* (2007) and *La voz dormida* (2011). They used modern technics and a wide variety of genres such as horror and fantasy, especially in Del Toro's movies to show the past under a new light. On top of fictional movies, documentaries started to appear with the flow of testimonies that came along the publication of the 2007 law. Together, these works speak explicitly about conflict, the battles, the mass executions, conditions in prison, torture, missing persons. These works are, in some way, literary and cinematographic testimonies.

In addition to authors and artists, associations, such as the Asociación para la Recuperación de la Memoria Histórica (ARMH), were created to help people deal with their past on a more individual level. In the case of the ARMH, they exhume mass graves to find those who disappeared and were executed during the dictatorship. Their objective is to bring peace to the families and friends of the executed, and to help them understand what happened because "in order to be able to recognize oneself and to feel fully included within society, one's private individual memories must find some resonance with the collective narratives of the public sphere". (Blakeley 251)

4) The current situation
Today in Spain, the Civil War and Franco's dictatorship are faced with different types of opinions and feelings about it.

Some think that those topics have been exhausted since the beginning of the transition and now there is a feeling of 'memory fatigue'.

This feeling is a direct consequence of the "excessive memorialising" of the past events (Encarnacion 206). Others, on the opposite, think it is just a start and that the investigation to bring out the truths of the past continues with organisations such as ARMH and the publications and release of documentaries and books about Spain's past. They are trying to turn the past events into an "education tool for the future"; something the Historical Memory Laws did not manage to do (Blakeley 13).

As it was mentioned previously, works are still being published regarding the subject, whether they are documentaries, movies, articles, paintings, caricatures, novels, poems or others which means Spain has not reached the stage of complete liberation from the past. Meanwhile, the new generation of adults in Spain are divided between two opinions regarding their nation's past: some want to let go and forget about the past because they cannot fix what happened then and because of the phenomenon of "memory fatigue", others are disappointed with has been done and expect more from the government to help with the recovery of the nation's historical memory.

In any case, it is undeniable that most political tensions currently present in Spain (especially regarding Catalonia) are highly linked to the fact that Spain is not at ease with its past. Indeed, all the main movements regarding regional autonomy started during the Civil War, with the exception of the Basque movement which pre-dated the Civil War and intensified from 1959 with the creation of Euskadi Ta Askatasuna (ETA) ("Basque Homeland and Liberty") . Through the time of the Second Republic, more autonomy was granted to two regions (Calatonia and the Basque Country) and Galicia was in the process of getting more autonomy. This first limited regional autonomy was cancelled by the Franco regime and the regional languages and symbols were banned. After the political transition, tensions started to rise again, especially with ETA. ETA is a separatist paramilitary that used terrorism to campaign for Basque independence. When the transition started, they started questioning the new political regime accusing it to be a continuity of the Franco dictatorship. They then created a political branch in 1978 inside the group, rejecting the proposed transition to democracy which they considered 'pure continuity with Francoism' (González, Brito and Aguilar 101-102). When the Amnesty law was passed in 1977, they continued with the terrorist attacks to show their discontentment. ETA only disbanded in 2018 after a four decade-long fight for the Basque Country's independence which they did not succeed.

Other questions were left unanswered during the transition but regarding the case of Catalonia the issues were brought back in a less-violent matter (compared to ETA). The tensions peaked in 2017 with the Catalonian independence referendum. Indeed, although the 17 regions

of Spain were given a certain degree of self-governing, "Catalans have been trying to upgrade since 2006 by gaining greater control over their financial affairs" (Encarnacion - "The Ghost of Franco Still Haunts Catalonia"). Unfortunately today – almost two years after the referendum was called and that the central government revoked it - "the problem has turned chronic because there is no real will for dialogue on either side" (Fotheringham).

The consequences of the Civil War and the dictatorship can still be felt in Spain's present. On a literary side, Javier Cercas said during his stay in Dublin, that authors and artists will continue to talk about Spain's past "as long as there is more to say about it and new ways to say it".[9]

5) Conclusion

Before concluding this study, it is important to highlight that Spain is not the only country in Europe that went through a difficult past. Other countries such as France, Germany and Ireland had to go through the struggle to talk about historical memory. Regarding France, we can mention the recent literary craze around the decolonisation period in the French literary scene with books like Alain Vircondelet's *La Traversée, Les pieds-noirs quittent l'Algérie* (2012) where the War in Algeria is a main protagonist. We can also talk about the movement in Ireland to reinvestigate what happened during the Easter Rising of 1916 and the Irish Civil War that followed as the country is going through the commemoration of centenaries coordinated by the Irish government in conjunction with civil society and various stakeholders ("Decade of Centenaries"). Alongside the official commemorative activity, there has been numerous publications, films and other media on the topic of Ireland's revolutionary period. It is in this context of observation and interpretation of the past that the TV show *Derry Girls* is gaining in popularity, showing the tension in Derry in the 1990s through a different lense. Finally, in Germany the process of *Vergangenheitsbewältigung* also known as the process of "denazification" which began right after the end of World War Two and continued throughout the unification of Germany after the fall of the Soviet Union and the fall of the Berlin Wall (Deutsche Welle). The German nation started the process early (in comparison to other nations) which became an advantage as the part of the past they were looking back on was not too far from their present. They accepted their past and learnt to live with it. In all those cases, the past has affected how these nations understand their past and how they see their present, the same way it is happening to Spain.

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9   Notes taken by Julie Trobitsch (the author) during a book conference that took place in Dublin on the 23rd May 2018.

We have seen through our study that the Spanish Civil War and Franco's dictatorship, although they happened decades ago, still have an impact upon the Spanish political attitude and society. The past censorship forced the population to move their thoughts, their feelings and emotions from the public to the private realm. And this retreat into silence deeply impacted several generations of people. This explains at least to some extent why it took so long for authors and artists to lead the way towards a complete freedom of speech regarding what happened between 1936 and 1975.

By using their art and their audience, they brought a lot to the Historical Memory debate and their importance can not be denied when talking about recovering and understanding Spain in the twentieth and twenty-first centuries. However, a lot of more unique narratives have not yet been observed. Authors, artists, directors and others are currently exploring these narratives and unique voices in order to give an uncensored view of the events.

Overall, although the Historical Memory Law did not seem to pay much attention to the nation's troubled past, focusing rather on the future by eradicating any troubled memories, "the Law has itself generated an atmosphere of debate, ferment and inquietud over the past. It is the heat and light generated and the subsequent "defrosting" of Spain's past that may be the Law's lasting legacy." (Golob 13).

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Chris McCann

Breandán Ó hEithir's Use of Music in Constructing and Re-constructing Community in *Lead Us Into Temptation*

Music is an effective device in Irish fiction for symbolising community and the expression of collective values. As Gerry Smyth observes, the presence of music in the Irish novel elucidates how the histories of each form are often "enmeshed with the wider question of national identity" (106). Such formal complications emerge in Breandán Ó hEithir's novel *Lig Sinn i gCathú*, first published in Irish in 1976 and two years later in English as *Lead Us Into Temptation*.[1] Through a multifaceted approach incorporating musicological theory and comparative historical sources, this analysis interrogates the ways in which music expresses Irish sociopolitical identity in the novel.

Lead Us Into Temptation is a reconstruction of Easter Week 1949, culminating on the first day of the Republic of Ireland's existence. Under the guise of "Ballycastle," a fictional town modelled closely on his native Galway, Ó hEithir points out problematic mythologies of the nascent Irish nation. The catalyst for this in the text is lingering affiliation and disaffiliation from the long fight towards an independent Ireland, embodied in the tension between musical voices at the Ballycastle Republic commemorations. The analysis explores whether musical (dis)unity at such national celebrations occurs organically and incidentally, or whether it is a "precisely located goal" (Tuan 128).

Participating in music is both a privately affective experience and a public articulation of adherence to community values, fostering cooperation and coordination within a group (Smyth 4; Turino 106; Brown 4). In reinforcing shared ideologies and identities, music also delineates values and delimits lines of inclusion for social groups (Brown 2). Yet, if as Blacking says (32), music is "humanly organised sound," then it may also be disorganised. Indeed, it may even reveal "simmering conflicts hidden beneath a veneer of conviviality" (Dubois 235).

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1   This analysis uses the English translation for reasons of linguistic consistency and proficiency, space and scope, and analytical consistency. Salient differences in musical symbolism occur in translation between the Irish and English texts, meriting a future standalone analysis. Some differences of immediate interest have been briefly pointed out as footnotes in this chapter. See also: Conchur Mac Giolla Eáin's study on the overall translation, *Lead Us Into Temptation: anailís ar an aistriúchán a rinne Breandán Ó hEithir ar Lig Sinn i gCathú* (MA Thesis, National University of Ireland Galway, 2008).

In *Lead Us Into Temptation*, where music ought to be a rallying point for cohesion it instead foregrounds division and simmering conflict, especially when portraying the new Republic's national anthem. Ó hEithir colours the commemorative celebrations with ambivalence and occlusion, and in the novel's climactic cacophony, the louder the voice is, the less it is truly heard. This analysis explores the role that music plays in collective myth and memory, political affiliation and expression, and the creation of *communitas* both within the novel and wider Irish society of the twentieth century.

Music as Text for Social Enhancement

Drawing on Paul Ricoeur and Steven Brown, this analysis considers music as a "readable" text used for persuasion and cooperation amongst group members. For Ricoeur, human actions form a discourse "the meaning of which is 'in suspense' [and] waiting for fresh interpretations" ("Model of the Text" 544). He states that human behaviour is symbolically mediated and thus able to be "recounted and poeticized [...] due to the fact that it is always articulated by signs, rules and norms" (*Reader* 141). The musical textual act also includes its attendant behaviours; viewing written, musical and socially enacted behaviours as texts means they may be deconstructed using the same processes (Ó Laoire 31). Furthermore, music is an effective text for understanding individual and community identity alike because music and identity are both performative and narrative processes (Frith 109-111).

This hermeneutic strategy is supplemented by Steven Brown's model of music as a form of social enhancement. Ethnographies of Irish musical communities have increasingly emphasised the understanding of cultural process, especially regarding performance, in the attainment of meaning (see Ó Laoire 27-28). Ó Madagáin, for example, argues that songs are "not an independent entity [but] a form of behaviour [with a] vital context in the social life and culture of a community" (132). Moreover, Brown argues that music is an "associative enhancer of communication at the group level" (1). John Miles Foley echoes this in the context of the oral tradition through an apt metaphor, stating that "texts or performances also serve as libretti for audience realization, [and] these 'scores' imply readers or listeners in a process" (43). These analytical strategies can be mapped through Ricoeur's theory of threefold textual mimesis.

The first stage of mimesis is the prefigured reality common to the creator, performer and receiver of a text, without which it would not be understandable (Ricoeur, *Reader* 143). This consists of the ongoing reification of community values by drawing pre-existing material from the *topoi* of the group, "the cultural treasure of meanings" understandable to each member (Ricoeur, *Reader* 79). In music of the Irish political sphere, the

mythology of the patriot dead features frequently—an aspect that will be developed below. The "formulaic devices" of the first stage constitute a "musical lexicon" that also defines the limits of communication between the senders and receivers of the text (Brown 17).

In the next stage of mimesis, these tropes are configured into a discernable narrative governed by the constraints of tradition—or, in other words, by "the ways in which structure and delivery contribute to meaning" (Dubois 235). The creator (or "sender") of the musical message must "effectively unite musical structure and semantic meaning" in what Brown calls "content matching" (17). The success of a musical text hinges at a nexus within the second mimetic stage: the instant of performance. As Ó Canainn has noted of *sean-nós*, for example, "[the song] is only completely at ease [...] where the singer and listener are in real communion" (132). The audience tacitly authorises the performer to transmit the song, and performer and audience are linked in what Lillis Ó Laoire calls a "shared communicative pact" (80), or in John Miles Foley's words, an "interpretive contract" (50; 53). In terms of function within the community, Brown describes this as a "cooperative arrangement in which the social rewards of the communication process—be they at the levels of emotion, motivation, or action—are shared more or less equally between the sender and the receiver" (21).

The third stage of mimesis arises where those who receive the text change their own actions as a result of what Gadamer has called "fusion of horizons" (301). The act of reading reveals indeterminacy as well as richness of meaning within the text (Ricoeur, *Reader* 401). Successfully negotiating between these states completes the "hermeneutical circle" where apprehension of the text leads to the expansion of self-understanding (Ricoeur, *Reader* 309). The process of "filling in" textual indeterminacy can include examining one's own and others' identities (De Nora 90).

The interpretive contract may be broken to reveal conflict in three main ways. The first is when the intended message is mismatched with content, and receivers misinterpret or ignore it (Brown 18). The second is the case of a poorly delivered or deviant performance, which negatively subverts the expectations of the audience and leads to the receiver of the text being "overwhelmed by [...] unrelieved indeterminacy" (Ó Laoire 82; Miles Foley 44). The third is where there is a lack of authorization from the audience, whether partial or total. This is further complicated where transmission is indirect, such as recorded music, or where the symbolic significance of the music is such that it "supersedes the individual text or performance, poet, [or] local tradition" (Brown 13; Miles Foley 46). In such instances, the original performance is spatially and temporally displaced, and the sender "will be not only the people who recorded the music but those who control the emission of the music" (Brown 13). The emitter(s) may have "interests, intentions, and agendas that differ greatly from those of the performers"

(Brown 13). As will be discussed later, this especially applies to the character of Councillor Macken in the novel.

Here problems of authorization arise where one purports to speak on behalf of another through a particular musical text. Brown argues that ordinarily music is a form of consensual persuasion, creating "compliance, conformity, and cooperation for [...] reinforcing group affiliations [and] justifying collective actions" (21). However, this is problematic when music is transmitted for manipulation, where the use of selfish or deceptive devices results in asymmetrical social rewards usually biased towards the sender (Brown 21-22). To account for this, Moore suggests that it is beneficial to ask who rather than what is being authenticated in performance. There are three possible responses: the performer (or sender), the audience, or an (absent) other (220). Thus, the participants and their values being affirmed or denied through transmission of the text must be analysed on a case-by-case basis (Brown 13).

The question in *Lead Us Into Temptation* is not only whether an interpretive contract has been broken, but also whether the multiple voices grappling for attention (and political positions they represent) have come to an agreement with their audience in the first place. As Morris observes, "Social cohesion can be threatened [...] if ambiguity gives way to open conflict over meaning" (*Our Own Devices*, 5). As a result, all participants can be overwhelmed by unrelieved indeterminacy until the interpretive contract is resolved. Musical expression of national and sociopolitical affiliation is understood here as a balancing act between cooperatively arriving at agreement for, and fighting over control of, the interpretive contract of musical participation.

The Irish National Anthem
Cerulo argues, following Durkheim, that national anthems are manufactured and distributed by political elites, who "'make over' these symbols with reference to the social conditions they face and the goals they wish to project to their constituents and observers" (80). However, the Irish national anthem has been a "source of some tension and confusion" since partition (Sherry 39), especially in the years between the Civil War and the inauguration of the Republic of Ireland. Similar to the Polish national anthem (the *Dabrowski Mazurka*) or the *Marseillaise*, "The Soldier's Song" originated as a revolutionary march that later developed a wider following (Mach 62; Morris, *Our Own Devices* 55). Peadar Kearney, a member of the Irish Republican Brotherhood, wrote the words to "The Soldier's Song" in 1910, with music by Patrick Heeney ("Status, Treatment and Use").[2] The lyrics were first published in Irish Freedom in 1912, and its use among Volunteers increased as "it confirmed that they were 'soldiers' rather than 'rebels'" (Sherry 39). De Búrca argues that because of this

popularity, "by the end of that fateful year [1916] it was *de facto* National Anthem of Ireland" (55). While the song was undoubtedly popular, this represents only one position.

An anthem's popularity is not always necessarily a full expression of national will. *Topoi* that symbolise a particular aspect of the cultural past can be divisive since competing political or ethnic groups align with different pasts (Kolstø 679). Indeed, anthems born of political conflict can themselves become the focus of conflict, because the ascendancy of a particular anthem "signals that a particular view of the nation's history, culture and politics has triumphed over other, competing views" (Morris, "Anthem Dispute" 72-73). Sung in the GPO in Easter 1916, and a source of great unity among republican internees after the Rising, "The Soldier's Song" came to be widely used in republican circles (De Búrca 55; Sherry 40). However, after the Civil War, pro- and anti-Treaty nationalists each fought for possession of "The Soldier's Song." While in opposition, Fianna Fáil disputed the right of the government to use "The Soldier's Song," viewing it as a strictly republican symbol. Once in office, they not only continued to use the song as the State anthem, "but actually entrenched its official status by acquiring copyright" (Morris, Our Own Devices 51). The IRA newspaper *An Phoblacht* was more categorical, saying that "The Soldier's Song" was "but part of the Free State camouflage of its Crown-colony partitioned freedom" (Morris, *Our Own Devices* 47). At the same time, other groups such as former unionists and constitutional nationalists were alienated from control over this and other symbols of the state, such as the flag (Morris, *Our Own Devices* 68). For these latter groups, the powerful symbolism that the "The Soldier's Song" had gained was divisive because it embodied painful memories of revolutionary violence (Morris, *Our Own Devices* 48; 68).

Argument also surrounded the anthem's perceived lack of musical character. After the famous tenor John McCormack criticised the anthem for its musical quality in 1935, the song's author responded that the "adoption" of the anthem was "not as a compliment [to the song] but as an astute and very necessary political move" (Ó Cearnaigh 19). While this may be true, Morris argues that for "a number of Free State Citizens almost anything would have been better, both musically and lyrically" (*Our Own Devices* 53). A letter from "Minstrel Boy" on March 29th 1949 in the *Irish Independent* demonstrates the continuing debate at the inauguration of the Republic.

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2   Some argue it was written in 1907 (for example De Búrca; Sherry). However, Peadar Kearney asserted in an affidavit in 1926 that it was written "early in 1910 or late in 1909" ("Status, Treatment and Use"). Though originally in English, Liam Ó Rinn's translation "Amhrán na bhFiann", completed in 1923, is now used almost exclusively (see Sherry, "Status, Treatment and Use"). For this discussion, it should be assumed that where the title is in English (or vice versa) then that is the version being referenced.

Despite having fought for independence himself, he writes that from "the point of view of national sentiment or resurgence ["The Soldier's Song"] does not mean a thing to me, and I fought through our struggles from 1919!" He asks for a new anthem "which would have no association with internal bitterness or strife and for which its sheer beauty alone the men of the north would stand in reverence" (8).

Early Free State leaders were concerned about issues of unrest and exclusion surrounding the anthem. The Northern Ireland government had repeatedly considered banning the song due to potential disturbance, but while it may have been considered an "offensive" expression of republicanism and a possible prosecutable breach of the peace it was never specifically proscribed (Morris, *Our Own Devices* 149; 151). Even within Northern nationalist groups, constitutional nationalists had continued singing "God Save Ireland" and "A Nation Once Again" rather than "The Soldier's Song" (Morris, *Our Own Devices* 138).

These competing forces were felt in Galway on July 23rd 1935 when in protest against attacks on northern Catholics, dock workers refused to unload the *S.S. Comber* owned by Sir William Kelly of Belfast. That evening the workers conducted a rally through town led by their fife and drum band, before marching back to the port and assembling opposite the *Comber*. There, they "stood to attention and sang Amhrán na bhFiann" (Hanley, "Galway's Wildcat Strike"). The anthem deliberately and publicly excludes, and the music proceeds through force rather than communion. Both this incident and the reference by "Minstrel Boy" to "men of the north" highlight the potential of performance of the anthem to divide, especially given the augmented symbolism of "The Soldier's Song" in the North.

Because of these factors, the Cumann na nGaedhael government did not confirm "The Soldier's Song" as the national anthem until 1926. Even then, it was not written into law, and "the government's failure to promote it left some people unsure of its status" (Morris, *Our Own Devices* 52-53). Although the anthem had closed Radio Éireann broadcasts since the station's inception in 1926, and theatres played it after performances from 1932 (Sherry 42), a sizeable portion of the public did not know its correct lyrics or music. Colonel Brase, leader of the Army No. 1 band and the arranger of the official score, observed this and suggested that newspapers publish the words and that it be taught in schools (Morris, *Our Own Devices* 62-63). This did not take place however, and problems of perceived disrespect for the anthem continued.

At a meeting of the Association of the Municipal Authorities of Ireland in January 1949, representatives discussed disrespect for the anthem they had observed around the country. The lack of standard performance was commonly reported: in theatres and cinemas it was being "played in a sort of rag-time or jazz, which is not recognizable by the audience", in "such a

strain that it could not be sung", or "by a dance band in dance music time when people were anxious to get home" ("National Anthem" 2). However, the Galway representative, Mr. Redington, claimed that "until they induced the public to have respect for the anthem there was no use getting the music standardised" ("National Anthem" 2).

A sixteen-year-old Breandán Ó hEithir was witness to these influences. He wrote from the Aran Islands to the *Connacht Tribune* in 1946:

> Dear Sir,—I was present last week at one of the Galway cinemas and I was disgusted to see the disrespect with which our National Anthem was treated. People who sat spellbound during the film rushed to the exits as the national anthem was being played. [...] The position in short is this—the idiotic acting of the so called film-stars is treated with breathless admiration, while our National Anthem is offered the greatest possible insult. Can anything be done to remedy this sad state of affairs? ("The National Anthem" 2).

Previously, governments had attempted to avoid inducing the populace to support the anthem by coercion or compulsion. On November 9th 1949, General Mulcahy answered a question in the Dáil concerning this issue by saying that:

> I have come to the conclusion that no useful purpose would be served by making and enforcing regulations such as they recommend. [Patriotism for symbols] so precious as the National Flag will naturally follow and be stronger and more deeply rooted than if their growth appeared to be dictated ("Flag and 1916 Proclamation").

As these sources indicate, issues of respect and acceptance for the anthem still lingered at the declaration of the Republic. Breandán Ó hEithir's use of the anthem in *Lead Us Into Temptation* was oddly foreshadowed by W.F. Trench, Professor of English Literature at Trinity College, who suggested in 1929 that if "The Soldier's Song" continued to be the National Anthem "we are liable to be regarded with scorn [since] the music suggests a rabble rather than a nation" (in Morris, *Our Own Devices* 54).

Lead Us Into Temptation – Political Climate and Commemorations
Like Emilie Pine has observed of Frank McCourt, Ó hEithir enhances remembrance with invention to (re-)construct the past in his novel (57). Ó hEithir wrote in 1985, "I cannot write dispassionately about Galway [whose] proudest boast is that it has slowed time to a virtual standstill" (Mac Con Iomaire, 412). In *Lead Us Into Temptation*, Ó hEithir projects Galway as "Ballycastle" ("*Baile an Chaisil*") in often unflattering terms. Pearse Hutchinson identified with Ó hEithir's portrayal of Galway in "those terrible medieval 'Forties'", saying that the "bleakness" of the novel was "not the author's own, but that of the society he's describing" (Mac Con Iomaire 392). Indeed, reviewers noted the combination of realism and imagination in the novel's atmosphere, conveying the "unique chemistry of Galway in the late 1940's" (Mac Con Iomaire 394-7).

This "unique chemistry" manifests as an ambivalent Ballycastle, which has "never made up its mind whether to become a country town or remain a medieval city" and possesses maze-like streets "always finishing exactly where they started" (Ó hEithir, *LUIT* 11-12). Ballycastle in fiction—and Galway in reality—struggles to decide on the meaning of being in the Republic, enhancing the significance of the Easter 1949 commemorations. In organised commemoration, the past is "both deadweight, but also ballast" (Brown and Grant 156). In Ireland's case, the violent associations of Easter Week embody the "'myth symbol' complex" comprised of heroes and martyrs (Brown and Grant 141). Countless songs of Irish nationalism arise from political martyrdom. This provides space for an unremitting "contest for possession of the Irish dead [...] providing a sharp focus for factional and political conflict" (Fitzpatrick 184-5).

Both real and fictional newspapers demonstrate this. In *Lead Us Into Temptation*, Mickey MacGowan, editor of the *Ballycastle Courier*, laments on the evening of Friday the 15th that the Board of Directors of his paper "come down on both sides of the fence" of the new republic. MacGowan tells the protagonist Martin Melody that the following day's edition will "emphasise the need for unity" and "stress community cooperation" throughout the weekend's commemorations (32). MacGowan will eventually publish an article stating that "Emmet will have to wait", but not before he drunkenly exclaims, "Fuck Emmet and his fucking epitaph!" (32). When Councillor Macken, the local Fine Gael leader, reads the final article he is apoplectic. He cries, "wait till I see that alcoholic editor! Even our own paper, that stands firmly behind the policies of our party, has to drag in this nonsense about Emmet's epitaph" (70). Macken's commentary on MacGowan's editorial choice echoes the *Connacht Tribune* edition of Easter Saturday 1949, which opined: "Belittling [the Republic] will not bring the unity of Ireland nearer" ("Fianna Fail Attitude" 5). Each demonstrates an underlying partisan agenda veiled by the apparent promotion of unity.

Preparations for the celebration for the incoming Republic in Galway did not even begin until the week before Easter. The *Galway Observer* report of the April 7th meeting of the Galway Corporation could easily be a scene lifted from *Lead Us Into Temptation*. It reports that Mr. James Redington (the same as above) asked whether the Corporation was intending to "ask the people to join in the celebrations", indicating that it was the second time he had raised the question ("Celebration For Republic Day" 3). Alderman Lydon answered negatively, saying: "It is more important to provide work for the people" ("Celebration For Republic Day" 3). The following exchange is then reported:

> "If you want to turn it down. It looks like you don't want a Republic at all" said Mr Redington.
> Al. Lydon—"We don't want a twenty six county Republic".
> Ald Miss Ashe—"We want a thirty two county Republic".
> There was no seconder for Mr Bedington's [sic] proposal and no action was taking [sic]. Mr Redington then left the Council Chamber ("Celebration For Republic Day" 3).

A public meeting was eventually held on Friday the 8th at which "a committee was formed to make arrangements for the celebrations" ("Republic of Ireland Act" 3) a mere ten days before Easter Monday.

Dublin's celebrations were grander as the nation's capital and focal point of the Easter Rising. The *Irish Times* reported:

> The cheers of the watching thousands, which had momentarily stilled while the guns went into action, broke out afresh. Men, women and children shouted "Up The Republic," while groups of young people with accordeons [sic] and other musical instruments joined in singing national airs.
> Open-air ceilidhthe had been arranged at various points, and dancing continued until early this morning ("Guns Salute the Republic" 1).

Similarly, the *Irish Independent* described a "fanfare of trumpets and a roll of drums", and as the ceremony concluded, "Cheering crowds joined in 'The Soldier's Song,' and from the North Wall came the jubilant clamour of the ships and tugs in the port" ("Cheering Crowds" 7). However, in spite of the seemingly spontaneous outpouring of national feeling, the "fanfare" and "clamour," and the various bands, reports from diplomatic observers indicate "there was a lack of genuine warmth among the crowds attending the celebrations" (McCabe 92). In this sense, Ó hEithir's portrayal of the

feeling at the weekend captures equally that which was factual, embellished, or ignored by press reports. While the relative size of the cities bears remembering, the *Irish Independent* assumed that ceremonies "on similar lines will be held at many centres throughout the country" ("Nation Preparing" 7). Yet, unlike Dublin, or even Ballinasloe, Galway did not have a midnight ceremony, except that "Vic Burgoyne's Orchestra played the National Anthem at one minute past midnight amid cheers at the dance in the Pavilion, Salthill" ("Galway Honours Republic" 1).

The relatively piecemeal nature of the commemorations in Galway is made apparent by local newspaper reports. The *Galway Observer*, for example, called the ceremony "simple" ("Galway Honours Republic" 1). In its preview on Saturday the 16th, the *Connacht Tribune* wrote that events would conclude "with a little ceremony on Eyre Square to commemorate the 1916 Rising" ("Plans to Honour Republic" 5). Moreover, a sense of distrust pervades the *Tribune's* piece, describing an appeal "issued to the citizens to display flags and bunting" while reminding the reader that "the national flag takes precedence over other flags and no flag should be displayed higher than the Tricolour on any building" ("Plans to Honour Republic" 5). Such a tone hardly engenders enthusiasm or complete cooperation. That unity was a pressing concern of the weekend is embodied by the headline of the report after the High Mass in the *Connacht Tribune*: "Bishop's Plea for Greater Concord" (5). Yet, a tenuous concord was made more difficult by the absence of Fianna Fáil officials from any celebrations other than the mass.

Music was a central element of the parade that immediately followed the Mass:

> After the Mass a parade of Old I.R.A., Cumann na mBan, F.C.A., Knights of Malta and the Red Cross accompanied by the Renmore Pipers' Band, the St. Patrick's Brass and Reed Band and the Labour Fife and Drum Band marched through the principal streets of the city and past a saluting base at Eyre Square, where Mr. Michael Donnellan, T.D., Parliamentary Secretary to the Minister for Finance, took the salute.
>
> The 1916 Proclamation was read by Professor Liam O Briain, U.C.G., after which the Last Post was sounded in memory of the Republican Dead followed by the Reveille heralding the new-born Republic, and the ceremonies closed with the playing of the National Anthem ("Bishop's Plea" 5).

The variety of music in the Galway parade represents a cacophony of voices competing for attention. Most immediately notable is the St. Patrick's Brass and Reed Band, formed in Galway in 1896 and still active to this day (Kenny, "St Patrick's Brass Band"). These troupes originated from British

military bands, and for many years provided social outlets and employment opportunities (especially in garrison towns).[3] Civilian versions were formed among memberships of trade unions and workers' clubs in the nineteenth and early twentieth centuries, and as they became increasingly popular, the bands began to be associated with independence and nationalist movements far from their colonial origins (Mullaney-Dignam 16-17).

Ó hEithir's reconstruction of the parade features a heightened sense of disorder that parodies the original. Ballycastle has:

> [...] two marching bands, the St Francis Xavier Brass Band, from the Franciscan Sodality, and the Dockers Fife and Drum Band from Irishtown. The Brass Band was of very recent origin and had so far learned to play three tunes: *The Wearing Of the Green*, *The Three Flowers* and the theme music from the film *Message of Fatima* (*LUIT* 128).

The fictional St. Francis Xavier Brass Band parallels the St. Patrick's Band of the actual parade. Two of the only songs they know how to play are nationalist ballads, each of which draws from the myth symbol complex of the patriot dead. Yet, the third—the theme from a film—absurdly undermines the symbolic impact of their repertoire.

The Labour Fife and Drum Band of Galway becomes Ballycastle's "Dockers Fife and Drum Band." Illustrating the potential divisiveness of the Ballycastle parade, the Brass Band's "uniforms and instruments were brand new and for this reason Councillor Macken put them at the head of the parade, behind the army colour party" (128). On the other hand, the Dockers Band is consigned to "[bring] up the rear, for all that remained of their original uniforms were their greasy and tattered peak caps" (128). They are offended by this slight, and their leader threatens to "shove his fife up the Councillor's arse and play *The Geese in the Bog* through his earholes" (128). Crucially, they are described as "good musicians, although most of them boozed heavily and couldn't march in a straight line if the re-unification of Ireland depended on it" (128). This comic yet poignant description stands ironically against Merriam's conception that music is a focal point of group activities requiring cooperation and coordination (227). What occurs next bears out this non-cooperation:

> Just as Councillor Macken was about to give the order to strike up the music ... the Dockers Band struck up Roll Out the Barrel and drowned out everything else completely. Everyone took this to be a signal to march and the parade moved off. Councillor

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3   See for example Fallon, pp. 47-56.

Everyone took this to be a signal to march and the parade moved off. Councillor Macken had to gather his robes around his waist and sprint towards the Brass Band shouting at them to play for all they were worth (Ó hEithir, *LUIT* 129).

"Roll Out the Barrel" is a vernacular music-hall song (otherwise known as the "Beer Barrel Polka") popularised during the Second World War (Greene 131). Its chorus proclaims, "Roll out the barrel/we'll have a barrel of fun", and its use here disrupts the authority of ritual commemoration and foreshadows further chaos.

A crowd is gathered at Ballycastle's square for the ceremony, including a group of elites "whose dignity would not allow them to march with the Dockers Band" (Ó hEithir, *LUIT* 132). The congregation strains to "catch the strange music [...] negotiat[ing] the maze of twisting streets" (132):

> Such a mixture of music was never before heard in Ballycastle. In a fit of anger and spite the Dockers Band refused to play anything but *Roll out the Barrel* which they kept belting out defiantly. Councillor Macken finally succeeded in getting the St Francis Xavier Brass Band to strike up the theme music from *Message of Fatima* but their nerve was almost gone and for love, money or the new Republic they couldn't turn into either of the other two tunes they knew. When the crowd in the Square saw and heard what was happening they squirmed with delight. They hadn't come in vain! (132)

The Brass Band's failure to play their "other two tunes" again represents a subversive failure of the "patriot dead" mythology.

The crowd is less interested in the pronouncement of the Republic than in the spectacle before them. Councillor Macken unveils a memorial statue and announces, "Long live the Republic", but the "crowd around the platform clapped in such a half-hearted way that it annoyed the Councillor even more" (133). This recalls the diplomatic observations in Dublin and the "lack of genuine warmth". It also undercuts the lofty tone of the *Connacht Tribune* which reported: "As a bugler sounded the General Salute at the Elevation the wonderful significance of the great occasion was borne in upon the mind and many must have realised, perhaps for the first time, the long distance we have travelled from the Mass Rock of our ancestors" ("Bishop's Plea" 5).

As the University's Professor of Irish begins reading the 1916 Proclamation, his "mortal enemy" the Professor of Archaeology interrupts him with "a triumphant whoop", shouting: "'A mistake! A mistake! Upon my solemn oath there's a mistake!'" (Ó hEithir, *LUIT* 134). The entire party descends into chaos while each examines the inscription on the

just-unveiled memorial, trying to decide whether it ought to read "fanned the flames of freedom alive" or "to life." Councillor Macken succeeds in calming the professors, but the mad Monsignor Blake "surprised everybody by catching the microphone and quavering in the most comic way: 'Alive, Alive, O! Alive, Alive O! [...] Crying cockles and mussels, Alive, Alive O!'" (135). Along with Mickey MacGowan's earlier exclamation, this bathetically recalls the adulteration of Emmet's last words amidst the musical wordplay of Joyce's "Sirens".

In frustration, Councillor Macken implores the Dockers Band to "Play the national anthem, for the love and honour of God!" (135). The leader of the band, still slighted, instead signals his men to turn on their heels and go to the pub. What follows encapsulates the disarray of the occasion:

> 'Sing it yourself,' roared the crowd. 'Rise it like a good man! Think of our patriot dead.'
>
> The St Francis Xavier Brass Band stood looking at one another sheepishly when the Bishop's secretary took charge of the situation and shouted to the young man in the broadcasting van to get a record immediately. The young man was enjoying the total confusion so much that he had to be twice nudged into action. He jumped into the back of the van and began to root among the records.
>
> 'Silence, you bloody jackasses!' shouted Councillor Macken. 'Silence for our National Anthem!'
>
> This had an immediate effect and for the first time that day the Councillor was in complete control of a situation. But it was certainly not his day!
>
> In his blind rush the young man slapped the wrong record on the turntable and the now silent crowd heard the opening bars of the Ballycastle Céili Band playing a lively jig. He whipped it off again but the damage was done. After that there was no possible recovery (135).[4]

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4   In Lig Sinn i gCathú, the recording is named as "An Rógaire Dubh". Mac Giolla Eáin (73) points out that Ó hEithir was concerned that its associations would be lost on English target audiences, and instead rendered "a lively jig".

Brown argues that the most "salient target of control" here is *"the control of use* [...] a way of biasing use in certain directions by selectively favoring or disfavoring particular components of a music-culture" (12, emphasis his). At this second stage of mimesis, Councillor Macken's *use* of the anthem represents an attempt to force an interpretive contract. However, unity deliberately manufactured by musical ceremonies is problematic because it is a "'limited' form of power that ultimately relies on actions beyond musical performance itself" (Mattern 1998; in Parfitt 2). Macken and the other elites are additionally relying on the audience agreeing on the meaning and usage of *topoi* from the first stage of mimesis. The crowd is unlikely to enthusiastically agree, however:

> As was always the case in Ballycastle the crowd that waited at the square was composed of three main groups: those who came because of genuine interest, those who came out of curiosity and those who came out of seeing or hearing something outrageous. The first group was the smallest and the third group was by far the largest (Ó hEithir, *LUIT* 129).

Considering this imbalance of interest, the Dockers Band's refusal to play, and the crowd's heavily ironic calls for Macken to sing it himself, full authorization of the anthem is practically impossible. Macken's attempted transmission represents manipulation, in which there is a false expectation that the receiver will benefit "by acting in the interests of the sender" (Brown 21). Macken's self-serving motives are far from hidden: we learn earlier that spearheading the commemorations is the "pinnacle of his career in politics", and he declaims, "the memorial up at the Square is the most important thing ... apart from the official declaration, that is, and the whole ideal" (Ó hEithir, *LUIT* 70).

The crowd, however, rejects manipulation and creates spontaneous vernacular communion when the wrong record is played:

> The crowd cheered and began to dance, singly and in groups. The Pooka caught the Cook, swung him around and shouted, 'Another couple here for the Walls of Limerick! Around the house and mind the dresser' (135).

This represents what Joep Leerssen has called "community remembrancing"— "sub-elite and demotic" commemoration through "face-to-face means rather than mediatized in print or monuments" (215). On the other hand, Councillor Macken's official ceremony constitutes "society remembrancing" – "state-sanctioned public commemoration [...] which canonises the acts and personalities of individuals into an 'official' version of history" (Leerssen 215). Councillor Macken's emphasis on the official

commemoration surmises a historical trajectory that is ultimately "out of step with the rhythm of life" (Pine 146).

The fact that the crowd dances in this moment is important. For the same reasons music is a text, so is dance, as a behaviour codified by signs, rules and norms. Desmond observes that dance is a "primary social text" which through "highly controlled" parameters of acceptable movement "signals group affiliation and group differences, whether consciously performed or not" (36). While music and dance are invariably linked, Ó Laoire notes that dance "enacts a nonspoken, symbolic discourse in its own right" (127), and drawing on Jane Cowan emphasises the nonverbal nature of dance as crucial to its expressive power.

Here the specific codified context is *céilí* dancing which through the Gaelic League underwent a "process of formalisation" both musically and culturally in the late nineteenth and early twentieth centuries (Catherine E. Foley 48). Though *céilí* dances seemed "to express an unspoken political/cultural agenda, as if one could 'free' Ireland by dancing the High-Cauled Cap", according to Catherine E. Foley *céilí* events were as much about dancing as experiencing reaffirmation and renegotiation of the "sense of belonging to this *Irish* dance community" (49; 48; emphasis hers). Ó Laoire also points out (drawing on Judith Lynne Hanna) that dance can "provide a cathartic outlet for various tensions or divergence from a norm in a non-threatening way" (129). Where at Dublin's commemorations the *céilí* events were orderly but lacking "genuine enthusiasm", in Ballycastle they are disruptive but rejuvenating. The characters in Ballycastle highlight this by dancing even after the record has been removed. The Pooka who calls for "The Walls of Limerick" and those who dance without music are to some extent "freeing" Ireland from the weight of myth through non-threatening protest. The authorisation of *céilí* music instead of the national anthem suggests that a form of cultural rather than political nationalism is uniting the Ballycastle crowd.

While resisting, the crowd is not necessarily creating an alternate "nation", or solving problems of national disaffection. Yi-Fu Tuan observes that:

> Dancing, which is always accompanied by music or a beat of some kind, dramatically abrogates historical time and oriented space [by] allowing [participants] to live briefly in ... "presentic" unoriented space [...] The idea of a precisely located goal loses relevance (128).

Drawing on Aristotle, Ricoeur provides a modified theory of *catharsis*, which he defines as "the moment of communicability of perceptive understanding" (*Reader* 410). This occurs in the final stage of mimesis and assists in clarifying the positions of participants in the musical act. At the

Ballycastle ceremony, the cacophonic bands and the national anthem bring tensions to the surface, before the *céilí* music and the spontaneous dance authenticates the audience and creates a renewed sense of unity. Though Councillor Macken perceives the wrong record being played as a failure of content matching, the audience accepts the unexpected music as a legitimising act of social authenticity (Moore 215). As Pine as observed of Frank McGuinness's *Observe the Sons of Ulster Marching Toward the Somme*, Ó hEithir's parodic recreation of commemorative events—"a version of a version"—questions the stability of myth and suggests that "certain forms of memory are divisive and destructive, and need to be dismantled" (133; 151). Indeed, the Ballycastle National Anthem debacle works to reverse the paradigm that Declan Kiberd sees of Ireland "not so much born as *made*, gathered around a few simple symbols [including] a flag, [and] an anthem" (101, emphasis his). The personal and communal is "constructed as an alternative myth that can be invested in instead" (Pine 135), and unity is no longer a precisely located goal.

Conclusion

Ó Laoire argues for song "as a veiled discourse, which may at once uphold the social system at the very moment it criticizes it" (208). Breandán Ó hEithir achieves this in *Lead Us Into Temptation* by recreating in parody the music of the 1949 Independence celebrations, especially in (non-)performance of the national anthem. In the commemorations, song and dance each occupy a contested space between tension and unity. Subversion occurs at each stage in the mimetic process. In the first stage, symbols selected from the "store of available elements" (*topoi*) are subject to "constant negotiation" (Honko 134). Brown notes that "internal cooperation is a necessity for groups to flourish" within and also in the face of external forces (3). However, the competition between musical voices blurs internal and external forces. While it may be seemingly obvious which participants constitute "us" and "them" within a group, if negotiation becomes a battle for control over ownership of symbols, then internal social cohesion can be threatened. At the second stage, vested interests and occluded voices inhibit the effective authorisation of the anthem. Fianna Fáil's refusal to partake in the Republic ceremonies, for example, constitutes a tacit refusal to grant authorisation on behalf of what the *Connacht Tribune* stated as "roughly half the nation" ("Fianna Fail Attitude" 5). However, in the final stage of mimesis the audience is affirmed by spontaneous music, and Councillor Macken's attempted manipulation is rejected. Though the *céilí* music is codified in an "official" sense, the crowd responds to the absence of coercion and achieves unity for the first time in the novel. After their ironic invocation of "our patriot dead" undermines the contested myth-complex of the anthem and its symbols, the authorisation of a spontaneous

musical community (the *who*) supersedes political affiliation (the *what*). Ó hEithir highlights the problematic nature of unity in the nascent nation, as control over symbols is momentarily but decisively wrested from the sphere of politics to be reinvested in the collective.

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Sheena Graham-George

The Forgotten Mothers of the Cillíní

Introduction

Hidden away, folded within Ireland's rural landscape, cillíní are historically, emotionally and politically complex sites. The landscapes of the cillíní are personal sites of mourning and remembrance for families whose stories have, in many cases, remained hidden away, as part of the burying process of a difficult history. Often referred to as *Children's Burial Grounds*, cillíní were primarily used for babies who were still born, miscarried or who died at birth without baptism thus not qualifying for burial within consecrated ground. The word cillíní describes sites which have distinctly different histories in relation to their landscape contexts, narrative within the communities which they served and the multiple temporalities which underlay each site. Evidence suggests that cillíní were in use from the medieval period (Dennehy, *The Placeless Dead?* 13; Finley 408) until late twentieth century when the custom waned after the Second Vatican Council in 1962 - 1965, however, burial has been recorded after this time as late as 1981 (Graham-George 2016).

All these factors contribute to the overall significance and ambiguity of the monuments. The number of officially recorded cillíní throughout Ireland is estimated at approximately 1,400 (Dennehy, *The Placeless Dead?* 213). This is likely to be a conservative estimate as many have disappeared from living memory or have been lost under new developments (Aldridge 83) even though they are protected under the National Monuments (Amendment) Act 1994. Throughout Ireland they are known by a variety of names including cillíní, calluraghs, caldragh or ceallunacha (Cuppage 347), reilig, reilicin, cloranan, cahir, cahiree, teampaillin (Crombie 150).

Cillíní were predominantly used for the burial of babies and infants, however, many disenfranchised adults were also eligible for burial here. The list of individuals traditionally quoted in a number of academic papers (Cuppage, Bennett 347; Donnelly, Murphy 191; Finlay 409; O'Sullivan, Sheehan 323) and in the populist media include suicides, strangers, shipwrecked sailors, murderers and their victims, criminals, famine victims, those with physical and learning disabilities. A further category which is invariably overlooked are the women who died in childbirth. This omission is concerning as continued non-inclusion will result in the gradual editing out of these women and their lives from the history books.

Within this article the term cillín, or the plural cillíní will be used, as evidence is presented to support the fact that women who died in childbirth were buried within these locations and the implications of this for Irish social history, feminist studies and for contemporary modern Ireland will be discussed.

As they emerge from the shadows of the past, cillíní, like the Magdalene Laundries and the Church-run Mother and Baby Homes are physical reminders of a time when Catholic Church doctrine dominated the lives of the people. In the early part of the 20th century the new Irish State worked in tandem with the Church implementing the moral teachings of the Catholic faith to create as James Smith labels it, an 'architecture of containment' (Smith 111), comprised of a physical and abstract set of rules and institutions designed to govern and control female sexuality in an attempt, 'to confine and render invisible segments of the population whose very existence threatened Ireland's national imaginary, the vision of Ireland enshrined in President Eamon de Valera's 1937 constitution.' (Smith 112). The legacy sowed the seeds for the scandal that was the Kerry Babies and in the same year, 1984, the teenage death of Ann Lovett (O'Leary).

Nothing remains invisible or suppressed for ever. Through the subsequent decades much that was carefully hidden, silenced and concealed has overtime gradually emerged, the most recent being the events surrounding the Tuam Bons Secours (Grierson) and Bessborough Mother and Baby homes (Ó Fátharta). All are sharp reminders that the past refuses to remain hidden. It arrives unannounced into the present, rupturing our sense of order and challenging the sense of national identity. All stark reminders of darker times, often at odds with present day sensibilities.

Even though the origins of the cillíní lie farther back in history, they still belong to such a past, a time associated with shame, disgrace and secrecy. Viewed within this context cillíní require extreme sensitivity to help facilitate reconciliation with this dark aspect of this by-gone era. Tim Robinson eloquently states the case, 'Although disused for some decades now, children's burial grounds are still tender spots on the rural landscape and have to be approached with tact' (Robinson 94).

The mothers buried here appear even more invisible and spectral than any other group, where social history appears silent regarding their fate. The silence alone leads one to question, why would a Catholic woman who died in childbirth or died 'unchurched' (Dennehy *Placeless Dead?* 213) be denied burial in consecrated ground? In the absence of hard evidence and definitive proof all that is available to detect the presence of these women within the cillíní is their spectral presence, the mark or imprint left behind (Derrida xx). Their spectrality a result of societal rejection, akin to W. G Sebald's, outcast individuals whom he describes as those, 'made spectral, made almost invisible through expulsion and exclusion' (Wylie 175). It is these traces of a presence, absent yet present which this article follows

and tracks; the material remnants which clearly indicate the fate of these mothers who died un-churched or un-married and whose final resting place was the cillíní:

> 'If traces are present yet not always visible, define the ''thing'' through a web of relations between listener and teller yet are not animated until they come alive in particular settings, are always already known but not recognizable until they are brought out again in yet new but familiar forms, then the concept of spectral traces may provide us with a language of belonging, even as such traces speak of past loss.' (Till 1)

Studying and connecting the visible 'web of relations' of these women's lives told to us through oral history sources, church teachings, State legislation and archaeological findings will lead us to recognise the traces of this 'past loss', of individuals whose lives were written out of the official historical narrative. Interrogation of these sources will establish the reasons why the story of these women was marginalised and restore a crucial element back into the accounts of Irish social and feminist history.

The contradiction lies in the silence surrounding the fate of these women in death, a silence which speaks loudly of absence yet conversely has the potential to conjure their presence. Apart from existing within community memory and oral history, little information can be gleaned about the deaths of these women, and the reasons for their being buried in these informal graveyards.

To gain a greater understanding of the motives behind this apparent invisibility and silence, it is necessary to follow several threads which serve to illuminate the faint traces of the lives of these women which lead back eventually to the explanation on why some women were buried in the cillíní.

Further threads include the importance of the ritual of churching within society and how married and unmarried mothers were to be viewed and treated by society, the Church and the State. The final strand of this web are the canon laws concerning burial practices of pregnant, post-parturient women and un-married mothers.

The absence from the historical record could perhaps in part be due to church law preventing the burial of unchurched women in church grounds resulting in a lack of official burial records.

Further compounding this has been the previous lack of interest by historians in women's lives, a point which Margaret MacCurtain, Mary O'Dowd, and Maria Luddy make when concluding why the stories of women in history are absent.

In conjunction with male dominated historical discourses they argue that, 'the training of Irish historians has led them to consider women as historically insignificant.' (MacCurtain & O'Dowd & Luddy 5). This partially accounts for why these mothers of the cillíní were overlooked, marginalised in life and subsequently in death, deemed too inconsequential to be recorded as part of Ireland's history.

This article pieces together the traces to establish the context in which mothers who died in childbirth and/or unchurched were buried within a cillíní and in the process restore the memory of these women within Irish social history. By acknowledging the fact that the fate of these women was inextricably linked with the cillíní is a way towards reconciling our modern experience of maternal loss with our ancestral history.

The article will first give an overview of the cillíní before analysing the roles of women within Irish society, as wife and mother alongside maternal mortality. Leading on from this, the Magdalen Laundries and mother and baby homes and the importance of churching for women and the position of unmarried mothers within Ireland. Finally, the article looks at the burial of unchurched women.

Cillíní

Within the rural landscape of Ireland, the cillíní lie concealed. Clandestine burials often undercover of twilight or darkness; the body secreted away into the cillín without the customary wake or church ritual. These were lonely burials '[v]eiled in secrecy, mired in shame' (Traynor) in often isolated and hidden locations where only those in the community with reason to know being familiar with their whereabouts.

In some locations cillíní are found within pre-existing archaeological monuments both Christian and pagan in origin, such as ringforts, beside holy wells and disused ecclesiastical sites. Exact dating is difficult due to the relative few that have been excavated and the sensitivity surrounding them by local communities as many sites have been used well into the mid-20th century, within living memory (Nolan 89). Their use waned after the Second Vatican Council in 1960, however, burial has been recorded after this time (Graham-George).

Seán Ó Suilleabháin listed twelve typical locations where cillíní were sited which included such places as at a crossroads, on a cliff ledge, boundary fences, cliff edge etc (Dennehy *Dorchadas gan Phian* 12). Dennehy added five further locations including, townland boundaries, the corner of fields, beside wooded or marsh ground, the top of a hill and within, 'all types of pre-existing archaeological monuments (Dennehy 12); liminal places in character mirroring the liminal position of these individuals in death (Dennehy *Placeless Dead?* 219; Finlay 408). Not all sites are on boundaries or crossing places though. Eileen Murphy puts forward the

theory that prominent places within the landscape were specially chosen so they would not be disturbed, so "rather than regarding them as marginal and liminal places, they would have been very much in the thoughts and minds" (Murphy 417) of the families of those interred.

Babies and unbaptised infants who were not baptised were consigned to the cillíní as baptism was considered the only way to cleanse the soul of the sin committed by Adam and Eve when they disobeyed God in the Garden of Eden. In *A Catechism of Catholic Doctrine*, Joannes Carolus writes that Original Sin, 'comes down to us through our origin, or descent from Adam, the head of the human race' (Carolus 22). In the eyes of St Augustine of Hippo all innocent new-borns were tainted with Original Sin which only Baptism could redeem and save from damnation, a punishment later commuted by subsequent councils to become a place between hell and heaven, Limbus Infantum or Limbo, where innocent un-baptised children without actual sin, would go. Never formally defined as Catholic Church doctrine this theory nonetheless was largely responsible for many thousands of families burying their offspring in cillíní. In 2007 the International Theological Commission under the direction of Pope Benedict declared that as a theory Limbo provided "'an unduly restrictive view of salvation,'' and that there was hope that infants who died without being baptized would be saved' ("Limbo," Encyclopaedia Britannica Online).

However, as stated previously cillíní were also the last resting place of disenfranchised adults, denied funeral rites and burial in consecrated ground by the act of contravening social or religious laws. Ven Gennep describes the fate of such individuals as, 'persons for whom funeral rites are not performed are condemned to a pitiable existence, since they are never able to enter the world of the dead or to become incorporated in the society established there' (Van Gennep 160).This was the fate of those condemned to the cillíní, cast out in death as they were in life, confined to the margins of life and subsequently that of eternity.

Women in Ireland
During the 19th and into the mid-20th century Ireland was considered 'by sociologists as an extremely patriarchal society — a situation created and maintained by the institutional Church; the State; the economic structure and the social and cultural construction of heterosexuality' (O'Connor 1). Pat O'Connor's work outlines the changing role of women within this patriarchy, she describes the 'social subordination' of women up until even recent years as something akin to a natural phenomenon which justified why women were confined to hearth and home (O'Connor 2). This combination of government legislation and Church doctrine served to clearly define and mediate all aspects of a woman's life.

Wife and Mother

On the whole life for women was narrow and limiting, controlled as it was by both State and Church societal rules. Few opportunities existed for women beyond marriage, childbearing or a religious life. To fulfil the role designated by such a patriarchal society 'being a wife and mother was the utmost and, where possible, sole achievement of Irish womanhood' (Fischer 822). The only true role models for women during this time were those established by the Church and State which defined the quintessence of the moral and spiritual ideal, thus, 'the image of the Virgin Mary was regarded as the ideal role model for women, while the image of the mother was considered to be the prototype of Irish women' (Ryan 112).

As the Catholic Church dominated moral and welfare issues this very one-dimensional view of women was re-enforced. Caitriona Beaumont explored it in her work on women as citizens in the early years of the Irish Free State, and the influence of the Catholic Church. She references Pope Leo XIII writings that women's 'natural' place is in the home, an opinion further endorsed in Pope Pious XI's writings. As Beaumont concludes it was when this philosophy 'was used to justify legislation which limited the opportunities of women and attempted to confine women to their 'natural' role that it took on a more sinister tone '(Beaumont 564). The influence of the Catholic Church on the Free State of Ireland's legislation was clearly evident in numerous statutes, not least in Article 41 of the Irish Constitution written in 1937 which states, 'by her life within the home, woman gives to the state a support without which the common good cannot be achieved. The state shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home' (Scanlon 70).

Clara Fischer makes the point that one of the aims of the alliance between Church and State was the desire to create a new nation state of 'moral purity' distinct from that which existed under the previous British rule. The state defined Irish identity was one in which women were to be sacrificed as, 'the moral purity at stake in the project of Irish identity formation was essentially a sexual purity enacted and problematized through women's bodies' (Fischer 822). The idea of female purity became closely entwined with the building of a nation and the identity of a new state. Female sexuality prescribed in this way was only permitted to exist within the confines of marriage and even then, it was about hiding female sexuality, 'a good woman was either a virgin or a chaste mother' (Inglis 21).

The repercussions of these moral teachings and their subsequent enshrinement within the country's laws can be witnessed in the pressure women experienced within their own homes and within the wider society. Through her work analysing the oral history records of Ulster women's experience and views on childbirth, pregnancy and marriage from the Irish Folklore commission set up in 1935, Fionnuala Nic Suibhne found

that significant importance was placed upon the status of marriage as 'it was only within marriage that a female had official social sanction to give birth' (Nic Suibhne 13), to do so outside of marriage incurred any number of social and religious sanctions. Nic Suibhne makes an important observation in relation to the Irish Folklore Commission whose remit was to collect and preserve the folk traditions practiced by men and women across rural Ireland especially the Gaeltacht areas. However, the commission only employed men as fulltime collectors, and only one eighth of part-time collectors were women. A similar gender disparity is recognized between the informants with only one sixth being female. This under representation of women as collectors and informers resulted in a collection from a specific male viewpoint, Nic Suibhne made the point that the commission was 'very much a product of its time, a time when women went unnoticed' (Nic Suibhne 12). This point was reinforced by, Micheal Briody who considered other contributing factors to this gender imbalance, including the various legislation affecting the rights of women or married women to work. He also stressed that 'Women were not only not employed as full-time collectors; they were significantly under-represented among the Commission's informants.' (Briody 58) This under-representation might also explain the small percentage of information gathered around subjects specifically about women and pregnancy, churching, birthing etc. Other factors at play which potentially affected this type of information being gathered was the Censorship of Publications Acts of 1929 alongside the weighty influence of the Catholic Church which, 'As a result of this growing puritanism, certain types of folklore were under-collected and certain aspects of folk-life under-investigated' (Briody 58). It must not be forgotten though that personal preference also played a part in what collectors felt interested in collecting. In the case of child birth Ciara Breathnach relates that within the first twenty years of the commission 'that very few stories about birthing were collected' (Breathnach 37) and as well as the points raised by Briody she mentions the attitude of one of the pivotal archivists, Seán Ó Súilleabháin towards women in his guidance book for collectors:- 'Ó Súilleabháin's prescriptive guidance in the Handbook gave the world of women little quarter' (Breathnach 50). The perceived unimportance of women's lives by a predominantly male organisation, reinforced by draconian censorship publication laws, alongside employment rules regulating women's work combined to eclipse the details of the lives of women.

Within society marriage was of utmost importance as it was through marriage that a woman gained status through becoming a wife and mother (O'Connor *Blessed and the Damned* 46). This status came at a cost though as Kevin Kearns oral testimony from those who lived in Dublin's tenements witnessed. Women were subservient, 'second class citizens' (Kearns 133) within marriage, it was the men who 'ruled over women' (Kearns 64).

A view reiterated by an elderly male informer whom Kearns interviewed, he described women as 'slaves to the men' (Kearns 64). A sentiment echoed by a different male informant, 'The women were *slaves*. Oh, sure, they were slaves, had to be home *all* the time' (Kearns 117, emphasis in original).

The role of marriage was purely to legally procreate, with women having little or no power over birth control. Kearns oral testimonies provide a further insight into how some women felt regarding the purpose of marriage, 'Many wives desperately wanted to limit the number of children they had for survival's sake. But according to the dictates of the Church for a woman to refuse her husband's sexual advances was a sin' (Kearns 44-45). One informer interviewed by Kearns recalled a priest's response in confession when a woman said she didn't want sex with her husband, 'he'd say, '' You're married and you have to suit your husband, that's it.'' They'd tell you to ''Get out! I'm *not* giving you absolution'' You wouldn't get absolution ... you *had* to have children' (Kearns 190, emphasis in original). Within law and validated by the Church a woman was essentially under the jurisdiction of her husband both financially and morally (Cullen).

Women had very little influence over their reproductive rights as the use of contraceptives were forbidden by the Church, a view further endorsed by the State through the banned sale of such within the country. The influence of the Church was also reflected in the barbaric practice of symphysiotomy as Caesarism sections would only allow for three further pregnancies after which sterilisation was recommended; a course of action though completely contrary to the Catholic opposition to contraception (Morrissey 45). Between the 1940s and 1980s it was estimated that 1,500 such operations were performed (Khaleehi) without full consent showing a complete disregard for a women's voice and wellbeing.

The pressure experienced by married couples was not only from the alliance between Church and State, there was also the added societal expectation laid upon couples to have children. This was exercised from both within and without the family: 'Many's the daughter-in-law who lived with her husband's people and who wasn't inclined to have a family. She often had to suffer bitter reproaches from her people-in-law until such time as she'd prove fruitful' (NFC 1210: 283). There was also the associated stigma for those couples who were unable to have children who were often looked down upon by those in the community for this perceived failing (Nic Suibhne 13). Often the blame for barrenness was perceived as the woman's fault, 'it was the woman who was held responsible for not giving birth and regarded as guilty by the community' (Nic Suibhne 13).

Maternal Mortality

The teachings of the Church ensured that women were bound for multiple pregnancies. To give birth was not without risk and many mothers died either before or after giving birth due to a variety of factors.

To gain an accurate picture of the number of maternal deaths is difficult. Obtaining accurate statistics on maternal death is problematic due to a variety of factors in the ways in which records were kept, recorded etc. Ciara Breathnach and Brian Gurrin's study of maternal deaths between 1864-1902 in Dublin outlines these problems. Through their research they discovered that the figures for maternal mortality rates (MMR) were under-estimated due to a variety of reasons not least the ways in which maternal deaths were defined, thus resulting in under-recording, concluding, 'that historic trends in reported MMR for Ireland are inaccurate' (Breathnach & Gurrin 102). They looked at records from two big Dublin hospitals and discovered discrepancies in their record keeping. MMR cases returned from outside these institutions they noted were not well documented at all. The reasons were due to a combination of issues including the difficulties in implementing Government policies in relation to record keeping alongside, 'A post-famine economy, social class, gender and denominational factors all compromised the way in which official information was reported, moderated and recorded' (Breathnach & Gurrin 103).

However, to give even a partial idea of the MMR it is worth looking at the figures from the two big city hospitals in Dublin at the time, the Rotunda and the Coombe, which provide an overview of the situation during the mid to late 19th century. According to records for 1888-1889 there were apparently 16 maternal deaths recorded at the Coombe hospital in Dublin out of 430 births (Breathnach & Gurrin 95) and at the Rotunda, 'An unprecedented 80 childbirth-related deaths occurred in the hospital in 1861–1862, but above 30 deaths in a year were reported on seven other occasions; all of these occurred by the mid-1870s' (Breathnach & Gurrin 94).

These figures give an idea of the numbers of women who died in or as a result of child-birth especially as the figure is likely to be much higher due to the reasons outlined above. These numbers are only representative of an urban area, it is therefore possible that the numbers were higher still in rural areas where women gave birth at home with the aid of the local 'handy-woman' or midwife. What can be surmised though is that many women died as a result of pregnancy and childbirth. The majority of these women who died would most probably have been buried in the churchyard with traditional Christian ritual and ceremony. However, what of the fate of mothers who died in rural areas where superstition held sway or unmarried mothers?

Magdalene Laundries & Mother and Baby Homes

In recent times investigations and scandals into church run institutions such as the mother and baby homes and the Magdalene Laundries has given an insight into how these women were treated in death. The Magdalene Laundries were Catholic institutions run by orders of nuns for un-married mothers and women considered sexually deviant. The first of many laundries opened in 1765 in Dublin and the last finally closing as late as 1996. An article in the Irish Times relates the details of the 1993 exhumation of bodies from a site which had housed a laundry in Drumcondra. The land was being sold for development by the order of nuns who owned the site and had run the former laundry. As undertakers were exhuming the 133 bodies which were already known to be there, they discovered a further 22 unaccounted women's bodies even though Irish law stipulates all deaths to be registered and the location of the burial stated. As these women had no registration relating to their deaths the General Register Office referred to them as ''no-trace'' women, a term of great significant in this instance as this article attempts to find traces of these women (Humphreys). The situation at Drumcondra is one that was replicated at the Mother and Baby Home run by the Sisters of Bon Secours in Tuam where an unmarked mass grave was found to contain the bodies of mothers who had died at the home. Similar to Drumcondra, out of 9 bodies records only existed for four of the women (O'Reilly).

These unmarried mothers were treated by society and by the religious institutions in which they were incarcerated, as second-class citizens both in life and as can be seen also in death. Their burial in unmarked mass graves or their un-recorded death demonstrates the lack of status these women held within society to the degree that many have become 'no-trace' women, invisible.

Churching

For those mothers who did survive the perils of childbirth, fulfilling her sacred role as wife and mother, the Catholic Church required her to be ritually 'churched' before she was able to re-join society after the momentous occasion of the birth of her child.

Benedictio mulieris post-partum, or the Blessing of Women after Giving Birth also known as, The Churching of Women but invariable referred to as just churching, is a ritual dating from the early Christian period and was a traditional thanksgiving ceremony within the Catholic faith welcoming women back into the church and society after a period of weeks following the birth of a child. The practice ceased after 1965 with the advent of Vatican II but prior to this time legally married Catholic women were expected to undergo this ritual after giving birth. The ceremony of churching required the woman to kneel before the priest holding a lighted

candle whilst he offered a blessing on the status of her new motherhood and welcomed her back into the arms of the church.

The roots of the custom are found in the Book of Leviticus (Lev 12:1-8) of the Old Testament and are related to the Jewish ritual of purification. Leviticus outlines in detail the rules associated with the birth of a male child where the mother 'shall be unclean for seven days' and require 'three and thirty days' before she is purified. On the birth of a daughter the time of being 'unclean' is double that, 'she shall be unclean for two weeks.' requiring a further 'threescore and six days to become pure again' (Lev 12:1-8).

The link between purity and the language used, *'unclean', 'purifying'* and the association between blood and impurity in connection with childbirth (Lev 12:1-8) is one of the reasons why the churching was not without controversy as it was deemed by some as a misogynistic practice implying women and childbirth as dirty and unclean, the mother in need of ritual purification, 'The way it was, you were like a *fallen* woman. Like a man and a woman (together) and I was dirty because I had the child … tainted. …. You were tainted unless you got this candle and (renounced) the devil and all his works. And it made you a Catholic again. See, you weren't a Catholic. *Stupid*!' (Kearns 191, emphasis in original).

Until a woman had undergone churching, which could be some weeks after the birth, she was unable to attend church even for the baptism of her own child or fully participate socially. Louise Lewis interviewed a number of Irish women as research for her drama *The Churching of Happy Cullen*. She describes how many women often felt ostracised until they were churched feeling, 'the stigma of being labelled as 'tainted' or 'dirty' after going through an often difficult but the no less life-affirming joy of childbirth as something that affected them for the rest of their lives' (Lewis).

Others felt the ceremony was misunderstood that it was in-fact a celebration of women, a thanksgiving to God. For many other women it was considered a special time, that liminal period between the birth of the child and resuming domestic labours; an opportunity for a rare but welcome rest.

Women who had not yet undergone churching were considered to 'be in danger because through the process of childbirth she had come to be marginalized by association with forces of the otherworld' (Nic Suibhne 21). An unchurched woman was no longer protected by her Catholic faith, whilst she existed in this post-partum limbo state, she was in danger of abduction by the faeries.

Not only was she marginalised through this belief she was also considered a danger to others, tainted by the experience of childbirth. Leviticus states 'she shall touch no hallowed thing, nor come into the sanctuary, until the days of her purifying be fulfilled' (Lev 12:1-8), thus, explaining why, it was believed that a woman could not attend church or touch items,

prepare food etc. until she had undergone purification through Churching. Consequently, a layer of superstition and folk belief surrounded the unchurched woman, governing her activities, 'By aul tradition she wasn't supposed to go out at all after the child was born, or make a cake, or churn or do anythin' till she was churched' (NFC 1797:338).

Associated with this were certain folk practices which insinuated that an un-churched woman was embodying evil and that the mother was unlucky and a danger to the fertility of the land, 'it is still the belief in Umhall that a woman is unlucky and calculated to destroy the fertility of rivers and to blast the fruits of the earth until she is churched and purified' (Cook 57). Such beliefs where practiced were in danger of further compounding a woman's feelings of being tainted and ostracized from her community and society after giving birth.

Regardless of the thanksgiving element to the churching ritual, within Ireland it appears to have been viewed as a form of cleansing, 'until the mid-twentieth century 'echoes' of its earlier role as a rite of purification' (Hogan 150) still existed.

Churching as Control

Irrespective of whether the ceremony of churching was purification or thanksgiving does not hide the fact that in the preceding two centuries the Catholic Church in Ireland was not averse to withholding the ritual of churching from women and to use it as a form of punishment or control.

In 1780, as a means to encourage more members of his parish to attend mass, Bishop Troy of Ossory devised a rule which stated that parishioners who chose not to receive Holy Communion 'would not be married in church, permitted to act as godparents, or, in the case of women, churched after childbirth' (Connolly 90). This ruling was designed as a means of spiritual blackmail, at a time when churching was a vital route back into society and the church. As such to withhold was to ensure a woman remained in a permanent limbo state both spiritually and socially. A further example of such a practice can be seen when on the 11th February 1829 a full meeting of Bishops met to discuss how to enforce discipline within their parishes. One of the recommendations made was for only married women to be allowed to receive the churching ceremony (Yates 171).

This leads to an interesting divide between the rather un-subtle ways married mothers or mothers to be were treated compared to those who had broken the social taboo of pregnancy outside the protection of the marriage vows.

Pregnancy outside of Marriage

For those women who had a child outside of the sanctity of marriage the spiritual rulings governing her actions were harsh in the extreme as the Church exerted influence over the community to ensure that she 'incurred the most severe social sanctions' (Connolly 188). In 1831 clergy in the diocese of Dublin were ordered not to church unmarried women, a similar policy was also in place in County Cork (Connolly 180).

In many cases she would only receive churching after being publicly punished and humiliated in front of the congregation, 'in such a way that her disgrace would deter others from the same offence' (Connolly 180). Penance took the form of standing alone at the front of the altar ahead of the whole congregation further singled out by the compulsory wearing of a white sheet (NFC:48 201).

Pregnancy outside of marriage was punishable not just by the church but also by the local community where the woman or girl would be ostracized even by her own family for bringing shame on them. Within this context there was an element of blame where the woman was the guilty party and where, 'The father of the child got away lightly, by comparison with the mother at least. It was said, for example, that no attention was paid to him and that he always got away' (Nic Suibhne 14).

There are numerous folk stories that relate the fate of the unmarried mother at the hands of her local community and parish priest. This story collected from County Galway is about a poor woman who had two illegitimate children, 'and did not the Priest of the parish turn against her, and not only that didn't he turn all the people o' the parish against her. Everyone ignored her, and wherever she went, they all turned from their door, and would give her nothing to eat. Nobody stood to her at all' (NFC 581:312). The story continues with the priest refusing to attend the woman and children and offer last rites even though they were dying. Only a 'silenced priest' eventually prepared her for death which meant 'herself and the two children went to heaven' (NFC 581:312).

This story mirrors the work of Cara Delay into the ways in which women's bodies and sexuality were controlled and mediated within the Irish landscape. In her research Delay relates the story of Áine, a mother of three illegitimate children. On her death when the priest refused the last rites or a Christian burial, she was eventually buried by her neighbours 'outside of sacred land' (Delay 72). It is quite conceivable that Áine's final resting place was a cillín but unfortunately the details are too vague to be certain.

The 1937 story from the National Folk Collection has sad parallels with that of Peggy McCarthy. The play *Solo Run* written by playwright Tony Guerin tells the 1946 story of his father and his neighbour, 25-year-old unmarried and heavily pregnant Peggy McCarthy. Going into labour whilst critically ill with eclampsia and in dire need of medical assistance, local

taximan John Guerin drove her to Listowel hospital where they were turned away by the nun in charge and refused medical treatment as she was unmarried. Continuing onto Tralee hospital they suffered the same welcome. As they drove to a third hospital in Killarney Peggy McCarthy died after giving birth to a baby girl before reaching the hospital. As was the case in parts of Ireland at this time 'unmarried expectant women were sometimes refused treatment altogether' (Rattigan 2010:172) at hospital, Kerry County Council had a rule that unmarried mothers were not allowed admittance to the county's hospitals. The final sad end to Peggy's story was when the local priest in Listowel refused her body in the cemetery, as she had died in childbirth unwed. However, contrary to the priest's admonitions Peggy was finally buried in the churchyard as the local people stormed the churchyard (Graham-George).

The case of Peggy McCarthy is a clear example of how during the last century the Church and State worked in unison to police the moral welfare of women by refusing medical attention and ultimately refusing a Christian burial to those who had in their eyes sinned by conceiving a child out of wedlock.

Burial of Married Mothers

As this article has already demonstrated, unmarried mothers/mothers to be were often prohibited burial within consecrated ground. Yet what was the situation for married mothers, those who fulfilled what was considered their sacred and official role yet who died as a result of childbirth and who therefore were un-churched? A woman who died in this way was eligible for burial within the cillíní, as Dennehy says, 'if the mother died without being 'churched'... then she could be buried in a cillín as well" (Clifford 2018).

Prior to churching, a woman was considered by both Church and folk belief to be beyond spiritual protection, she was potentially dangerous, un-pure and closely associated with the otherworld. This in-between state which the new mother or mother to be inhabited gave rise to questions about her suitability for burial within consecrated ground.

Throughout the centuries there have been differing opinions on what the fate of women who died in pregnancy should be. One such belief was that whilst pregnant a woman received the sacraments which meant that in death she could be safely buried within consecrated ground. There was the counter argument that the body of a pregnant woman could not be brought into a church. The Council of Canterbury (AD 1236) and the Council of Treves (AD 1310), made it a pre-requisite which 'decreed that it was unlawful to bury a woman until the foetus had been cut out' (Anderson & Parfitt 1998: 123).

In his book *The Religious Condition of Ireland 1770-1850*, Nigel Yates

writes that in Brittany during this time the foetus was 'removed by hysterectomy and baptized, with the full cooperation, in this case, of the local clergy' (Yates 303-4). In this way the child was presumably able to be buried in consecrated ground. Unfortunately, no mention is made regarding the remains of the mother and whether the same attitude towards conducting a blessing would allow her burial in consecrated ground.

At certain times in history there was debate around the fate of women who died in this way. The fact that there was a debate at all concerning the differing views and interpretations of these Canon laws leads one to suppose that it was highly likely then that some women would not have been afforded a burial in a Christian kirkyard. In an article examining historical taboos and rituals associated with childbirth in England and Ireland, Susan Hogan comments, 'in some areas a woman who died 'unchurched' could not be buried on consecrated ground' (Hogan 147).

Folk custom further compounded the fate of the woman as it was often much harsher than church laws. Medieval Historian Madeline Gray makes this very point when she says that, 'Folk custom went further than canon law in excluding not only the unbaptised and stillborn children but even women who died while pregnant, since the foetus within them was not baptised.....women who had died in childbirth and even women who had died before they were 'churched' or ritually purified after the birth process were sometimes buried in un-consecrated ground' (Gray 15).

Returning once again to the cillíní Colm Donnelly and Eileen Murphy in their paper 'The Origins of Cillíní in Ireland' make an interesting point in relation to Susan Leigh Fry's work on 'unfortunates' in her book *Medieval Ireland 900-1500: A Review of the Written Sources*. The 'unfortunates' are those individuals who would be barred from burial in consecrated ground such as un-baptised infants, men that died in battle etc and 'women who had died in or shortly after childbirth' as Donnelly & Murphy observe, 'These would be exactly the people that we might expect to find in a Medieval cillín'. They note that in relation to these 'unfortunates' that Fry 'perhaps significantly... could find no reference or information in any of the historic sources relating to their burial.' Concluding that 'the historic record of Ireland is silent on this matter' (Donnelly & Murphy 213). The lack of records within the historical narrative around these burials within the cillíní demonstrates how women buried in this way have been quietly erased from history.

Even though there are such significant numbers of cillíní throughout Ireland very few have been excavated for a variety of reasons, not least in respect to the fact that these sites were still within use up until relatively recent times making them especially sensitive locations within communities. This situation makes it difficult to know precisely how many women who died in childbirth or as unmarried mothers were buried within the cillíní.

In 2003 a cillín was excavated in the townland of Tonybaun close to Ballina in County Mayo as part of the N26 Ballina to Bohola Road Scheme. The archaeologists working on the excavation dated the site to the late 15th century with use up until the mid-20th century. Out of the 248 burials excavated, 181 were as expected, children ranging from infants to children, juveniles and adolescents. The remaining 67 were adults, 15 male, 18 female and 22 whose sex was indeterminate. As the author of the report, Joanne Nolan, surmises regarding the general age of the females, 'Women were more susceptible to earlier death possibly owing to the danger of death during pregnancy' (Nolan 97). In light of Canon Laws discussed earlier and folk belief this comment makes one question whether the women within this cillíní were buried in relation to such. One of the females found buried within the site supports this theory. The body was that of a young woman aged between 25-35 years old who was found with foetal remains inside suggesting she had been pregnant at the time of death. Not only had she died whilst pregnant but three cut marks made by a blade were found on the skull signifying, she had in fact been murdered. Nolan concluded that the woman had probably been placed in the cillín due to both her murder and unchurched status, 'This would have made her doubly ineligible for burial in consecrated ground—both as a murder victim and because she could not have been 'churched' prior to her death' (Nolan 97).

In an Irish Times article from 2018, archaeologist Eileen Murphy referred to this burial concluding that it was more likely to be 'the violent nature of her death that may have necessitated her burial in the cillín' (Clifford). Here are two differing readings of the past. However, when placed within the context of the argument that this article presents, this burial provides an interesting conjecture that relates to the un-churched status of a woman and burial within a cillín alongside other 'unfortunates.'

Conclusion

> 'No justice seems possible or thinkable without the principle of some responsibility, beyond all living present, within that which disjoins the living present, before the ghosts of those who are not yet born or who are already dead' (Derrida 2006: xviii).

Cillíní by their very nature are secretive and clandestine places where the past remains safely locked away with only fleeting glimpses occasionally captured through oral history sources. However, this mode of history is a rich gathering of people's memories and experiences which at times challenges our view of the past yet gives us access to unofficial histories, those outside the sanctioned re-telling of the past. It is through oral history

we find mention of women who died in childbirth being buried within the cillíní alongside other groups of individuals cast out from society and not regarded as worthy of burial within hallowed ground by the Catholic Church. The burial of un-baptised babies and infants is now well recorded and documented as to a lesser degree are some of the adult burials such as suicides, shipwrecked sailors or strangers. On the subject of women, the evidence is there even though they are absent from the official historical accounts. The traces survive even though this group of women have been made to appear virtually invisible, their fate obscured by a dark silence when one stops to question or find written evidence in the death registers where they were buried. They are absent from written Irish history which was presided over, collected and edited by primarily male historians who lacked interest in the lives of women.

The Irish Folklore Commission was a predominantly male organisation with a substantial gender imbalance in relation to its collectors and informers. This imbalance is evident in the under representation of women's voices and experiences within the collection. The Commission was established by the fledgling Irish State who recognised the importance of Irish culture and its need of preservation to assist in the creation of a national identity, one in which women were central to its perceived ideal but, whose stories conversely were not viewed as relevant as that of their male counterparts. Ironically, it is this silence within the historical record which speaks the loudest.

The historians and the collectors of the Irish Folklore Commission were products of a male centred Irish society led by an all-male Catholic Church and governed by a predominantly male Dáil. Both these institutions worked seamlessly together to forge an ideal of virtuous Irish womanhood, sanctioned by the Church and written into legislation by the State. Women who did not sexually conform to the idealised vision of mother or the Madonna were hidden away in institutions – Magdalene Laundries to do penance for their perceived sexual deviancy or Mother and Baby homes. To be pregnant outside of marriage was an unforgivable sin both spiritually and socially, to be punished by public humiliation, barred from hospital, shunned by the church and one's own community.

It is through these institutions that we gain an insight into how women who died within these confines were treated in death. Buried in unmarked mass graves and at times with no record of their death or subsequent burial they become invisible for a second time from society. The first when they were consigned and hidden away within the institution, the second when their death and burial is not even recorded. A law broken on numerous occasions but without the apparent will of the State to prosecute or even acknowledge these women (Raftery; Gleeson 300). These individuals termed officially ''no-trace'' as they didn't exist, lacking the correct documentation as confirmation of this fact. Yet their remains survive as

witness to their presence. There has been a noticeable lack of interest and leadership from the Government and the Church neither wishing to take responsibility for the ways in which women were treated in life and in death. It has been predominantly the arts, the media – television programmes, radio broadcasts etc and lay individuals who have led the way in bringing these events to the attention of the public and in the process seek official redress and accountability.

After childbirth a woman was considered by the church to be in-need of blessing or purification in the form of churching; a ritual which at times was with-held by the Church from women either as a punishment or as a form of control. Folk belief and superstition developed alongside the pre-churched woman to denote her as dangerous, impure and liminal. The importance of churching also determined whether a woman who died in childbirth could be buried in consecrated ground or consigned to a cillíní depending upon how Canon Laws were interpreted, when in history and by whom.

Women were certainly buried within the cillíní. Since 1966 and 2003 only 16 sites have been excavated (Murphy & Donnelly 210-211) throughout Ireland. Evidence is present within these sites, in the human remains excavated and the careful consideration of the biography of each individual cillíní as opposed to grouping these monuments as one. However, it is dependent upon how one chooses to read the evidence unearthed, asking the right questions asked and the final interpretation of that evidence.

As this article has illustrated Ireland over the last two centuries was a patriarchal society governed by Church and State the moral welfare of women's lives and deaths with rules designed to control sexual behaviour, punish when strayed or make invisible when the reality threatens the constructed ideal of Mother Ireland.

The findings presented in this paper clearly establish the fact that mothers and mothers to be were, interred within the cillíní. Historians can perform a societally useful function by exposing such issues and help facilitate reconciliation with the past. There is a sense of joint responsibility to be had on the part of historians to firstly actively acknowledge then reinstate these marginalised women to the official narratives; for archaeology to research cillíní as distinctly individual locales focusing upon interpreting the physical evidence of these women buried within these sites and the Irish Government and the Church to acknowledge their role played.

Communities throughout Ireland have gradually reclaimed the cillíní with focus upon the babies, children and famine victims who were buried here. Perhaps with time these same communities will accept and recognize that the cillíní was also the final resting place of many Irish mothers who were denied burial in consecrated ground and thus start the long journey of acknowledging another aspect of Ireland's painful past.

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