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War in Words: The Tricycle Theatre's Re-voicing of the Bloody Sunday Inquiry

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Abstract: The tribunal plays produced at the Tricycle theatre in Kilburn, North London have come to represent under many respects the hallmark of the new spate of documentary work on the British stage, often designated as “verbatim drama” in contemporary critical parlance. Expressly envisaged as theatrical interventions into the public sphere, these dramatizations of official public inquiries turn theatrical space into legal space, grounding their claims to veracity in the exact reproduction of the actually spoken. While crucial to their ontological authority, the self-imposed orthodoxy whereby the playwright is the mere editor of words recorded in inquiry transcripts has been put under considerable strain by the very topic that has played a central role in triggering and shaping the format, that of contemporary conflict. A considerable share of recent verbatim work deals with the war on terror, a war increasingly fought outside legal jurisdiction and hence a subject that has thrown into sharp relief the epistemological limits of a form of drama that is entirely dependent on the existence and availability of legal records. This essay looks at the strategies of “re-voicing” whereby Richard Norton-Taylor negotiates the strictures of the code in his tribunal play *Bloody Sunday: Scenes from the Saville Inquiry* (2005). By turning the spotlight on testimony as a conflicted practice, Norton-Taylor’s editorial perspective provides a scorching critique of the long-overdue official review of the tragic events in Derry on 30 January 1972, and at the same time manages to indirectly address some highly topical issues of legitimacy and legality raised by the intervention in Iraq.

Keywords: Richard Norton-Taylor, Nicolas Kent, Bloody Sunday, Saville Inquiry, Northern Ireland Troubles, Iraq war, tribunal plays, verbatim drama, testimonial theatre

1 The politics of “giving voice” on the verbatim stage

Documentary theatre practice is historically rooted in the notion of “giving voice” to those that are seldom present in official public discourse, in the act

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of retrieving and re-presenting on stage their otherwise unrecorded testimony. The more recent revival of documentary drama on the British stage, which goes by the name of “verbatim,” places even stronger emphasis on the exact reproduction of the actually spoken: the authors, or rather self-styled editors, of this new dramaturgy of the real draw on a variety of documentary sources – from more official ones, like legal records or the public pronouncements of politicians, to other forms of testimony such as private letters, interviews and diaries – but they all share the same reliance on “found” words as signs of the real. While the current use of the term to denote a genre, rather than a method as in its original application, has raised well-founded critical perplexities,¹ the designation “verbatim” aptly captures the twofold predicate that underpins the latest incarnation of the documentary mode, in that it gives equal importance to the origin of the text spoken on stage (the utterances of real people) and to speaking as opposed to showing, to the replacement of visual recreation with verbal recollection.

The tribunal plays produced at London’s Tricycle Theatre have come to represent under many respects the hallmark of the new spate of documentary work in Britain. Most of them have resulted from the partnership between Nicolas Kent, the Tricycle’s artistic director until 2012, and Richard Norton-Taylor, a very well-known political journalist and commentator on current

¹ The phrase “verbatim theatre” was originally coined by Derek Paget in 1987 to describe what he then saw as the “latest manifestation of documentary theatre,” that is to say the work of theatre practitioners during the 1970s and 80s who followed the method first devised in the mid-60s by Peter Cheeseman in his community plays at the Victoria Theatre in Stoke-on-Trent: see Derek Paget, “Verbatim Theatre: Oral History and Documentary Techniques,” *New Theatre Quarterly* 3.12 (1987): 317–336. Reacting to the loose application of the term to a broad variety of documentary or quasi-documentary forms in the context of the present-day revival, practitioners and researchers alike have advocated a more clear-cut demarcation between “documentary” and “verbatim,” in order to account for substantial differences in the kind of traces of the real they draw upon: see for instance Stephen Bottoms, “Putting the Document into Documentary: An Unwelcome Corrective?,” *TDR: The Drama Review* 50.3 (2006): 56–68. Others have pointed to the unhelpful co-opting of a technique to denote a form or genre, which ends up turning “verbatim” into an umbrella term of impoverished critical value (Will Hammond and Dan Steward, “Introduction,” in *Verbatim Verbatim: Contemporary Documentary Theatre*, ed. William Hammond and Dan Steward (London: Oberon Books, 2008), 7–13, 9) and one which, moreover, “needlessly ups the ante on the promise of documentary” by placing it within a narrow orthodoxy of word-for-word authenticity that “inevitably falls short of technical truth” (Janelle Reinelt, “The Promise of Documentary,” in *Get Real: Documentary Theatre Past and Present*, ed. Alison Forsyth and Chris Megson (Basingstoke: Palgrave Macmillan, 2009), 6–23, 13–14).

affairs. The verbatim projects that they have collaboratively developed over the last decade or so are entirely based on the transcripts of judicial proceedings and expressly envisaged as theatrical interventions into the public sphere. As they explain, these plays are borne out of a “sense of obligation”² to investigate complex events of crucial public import and thereby compensate for the failure of the mainstream news media to live up to their public role: the Tricycle documentaries have been consistently presented as a response to the BBC’s questionable decision not to televise the major public inquiries they deal with, but also as a more reliable, fair and intellectually honest alternative to journalism in the age of infotainment.³

The high civic aspirations driving the tribunal plays help explain the thematic predominance, within the format, of the war on terror and of the burning political, legal and humanitarian questions it has raised. Of the seven theatre texts edited so far by Richard Norton-Taylor for the Tricycle stage, two focus on Britain’s involvement in the Iraq war (*Justifying War: Scenes from the Hutton Enquiry*, 2003, and *Called to Account: The indictment of Anthony Charles Lynton Blair for the crime of aggression against Iraq – a hearing*, 2007), while a third one dramatizes the inquiry into the death of an Iraqi hotel worker who died while in British Army custody in Basra in September 2003 (*Tactical Questioning: Scenes from the Baha Mousa Inquiry*, 2011); as I will argue, Norton-Taylor’s critical interrogation of the Bloody Sunday inquiry is also legible as an oblique political commentary on the Iraqi campaign.⁴

The frequency with which the tribunal playwrights have turned to the period around the Iraq war is not surprising given the extent to which this particular historical juncture has thrown light on an ever-widening rift between the citizens of Western democracies and their elected governments. The patent disregard of constitutional principles and international law by world leaders, the fabrication of evidence to manipulate parliaments and public opinion and, to top it all, a massive anti-war protest that went practically unheeded were seen by many as patent symptoms of the seizure of political agency from the public arena. With their commitment to retrieve information of crucial public import that may have been obscured or distorted and subject it to collective scrutiny, the Tricycle’s

2 Hammond and Steward, *Verbatim Verbatim*, 135.

3 Richard Norton-Taylor quoted in Hammond and Steward, *Verbatim Verbatim*, 122.

4 Other tribunal plays devised by Norton-Taylor and Kent include *Half the Picture* (a dramatic re-enactment of the Scott Arms-to-Iraq Inquiry, produced in 1994), *Nuremberg: The War Crimes Trial* (1997) and the highly acclaimed *The Colour of Justice* (1999), a rendering of the public inquiry concerning the attempt by the British police force to derail investigations into the murder of a 17-year-old black boy, Stephen Lawrence, by a group of white racist thugs.

verbatim projects are in themselves an attempt at redressing this perceived democratic deficit.

It is however clear that by insisting on being approached as an accurate source of information, the tribunal plays enter into a contract of trust with the audience that automatically binds them to a different jurisdiction from that of drama. The tribunal playwrights' pledge to provide a forum for democratic debate is in turn responsible for their very tight set of self-appointed rules. Kent and Norton-Taylor have developed a rigorous editing protocol in which truthfulness becomes equated with the unadulterated presentation of that which has actually been spoken in an official public context, in the exact way in which it has been spoken.⁵ This strict orthodoxy plays a crucial role in turning theatrical space into legal space and in validating drama's alternative voice, but at the same time it puts serious constraints on the playwrights' intervention capacity. Perhaps paradoxically, these constraints have been made particularly evident by the central topic of the war on terror: a war increasingly fought outside legal jurisdiction, in states and spaces of exception,⁶ and which has therefore thrown into sharp relief the epistemological limits of a form of drama that is entirely dependent on the existence and availability of legal records.

This study centers on a particularly successful attempt at negotiating the strictures of the code through a strategic "re-voicing" of the official public inquiry into the tragic events which took place in Derry/Londonderry on 30 January 1972. Attilio Favorini adopts the term "voicings," which he borrows from Walter Ong, to indicate documentary plays in which "the voice predominates" and the reality effect is based more on the orality of the source material than on the documental status of written texts.⁷ My modified version of Favorini's definition, "re-voicings," is meant to further underscore the citational quality of verbatim drama, as well as the possibility for "speaking double" that it may afford. A tribunal play is to all effects "a meta performance, a performance about a performance:"⁸ an original act of witnessing performed in the live space of the courtroom that is subsequently reproduced by actors in the live space of theatre. In legal discourse, moreover, testimony

⁵ For a detailed illustration of their self-imposed rules, see Nicolas Kent in Hammond and Steward, *Verbatim Verbatim*, 152–153.

⁶ I am clearly referring to Giorgio Agamben's widely influential analysis of the worrying totalitarian drift within Western democracies in *State of Exception* [2003], trans. Kevin Attell (Chicago and London: University of Chicago Press, 2005).

⁷ Attilio Favorini, "Representation and Reality: The Case of Documentary Theatre," *Theatre Survey* 35.2 (1994): 31–42, 40.

⁸ Nicole Rogers, "The Play of Law: Comparing Performances in Law and Theatre," *QUTLJJ* 8.2 (2008): 429–443, 438.

is a two-fold act involving the “recording and recollection” of events as perceived by the witness, that is to say the storage of personal memory and its subsequent retrieval in the live context of a trial.⁹ The same dualism inheres verbatim theatre practice, which uses the edited verbal evidence collected through interviews or recorded in inquiry transcripts as a pretext for the live act of testimony before an audience. Richard Norton-Taylor’s dramatization of the Saville Inquiry in *Bloody Sunday* acknowledges this latent split between testimony as ephemeral, subjective performance and testimony as permanent, objective knowledge stored in archival records, and turns it into the focus itself of the play. As I will show, the Bloody Sunday Inquiry is reconfigured in the Tricycle Play as a conflict between the live voice and the archival trace in a legal and political battle over truth and legitimacy which was triggered by a historically-distant act of war but becomes imbued with contemporary relevance in the context of the Iraqi intervention.

2 *Bloody Sunday* and the war on the testimonial voice

The judicial process dramatized in *Bloody Sunday: Scenes from the Saville Inquiry* was launched in 1998 with the aim of establishing the truth about the killing and wounding of unarmed civilians by British soldiers during a civil rights march in Derry on 30 January 1972. The Bloody Sunday Inquiry ran for more than a decade and involved the hearing of evidence from almost 1,000 witnesses. The Tricycle’s tribunal play was staged in the time lapse between the conclusion of the hearings, in November 2004, and the Inquiry’s final report, which at the time of the play’s debut, in April 2005, was expected to be made public later that year or some time in early 2006. In fact, Lord Saville’s report was only released after the general election, in June 2010, and it rested with the new prime minister, David Cameron, to issue a formal state apology for the British soldiers’ “unjustified and unjustifiable”¹⁰ violence against civilians whose innocence had been unequivocally established.

⁹ Philip Auslander, *Liveness: Performance in a Mediatized Culture* [1999] (London and New York: Routledge, 2008), 144.

¹⁰ Statement by David Cameron to the House of Commons following the publication of the Saville Report (15 June 2010), accessed December 3, 2013, <http://cain.ulst.ac.uk/issues/politics/docs/pmo/dc150610.htm>.

The Tricycle play distils well over twenty million spoken words into a two-hour theatre performance.¹¹ Norton-Taylor's recreation of the Bloody Sunday inquiry begins with the opening speech in which the counsel to the inquiry, Christopher Clarke, vibrantly announced the commitment to the truth of the new judicial investigation and its determination to redress past injustice in a changed political climate that would, at last, allow for the necessary objectivity:

Whatever happened, whatever the truth of the matter, was a tragedy, the pain of which many have endured down the passage of years. The tribunal's task is to discover as far as humanly possible in the circumstances, the truth. Not the truth as people would like it to be, but the truth, pure and simple, painful or unacceptable to whoever that truth may be. The truth has a light of its own. Although it may be the first casualty of hostility, it has formidable powers of recovery, even after a long interval.¹²

The counsel's rhetoric of justice and reconciliation grounded the pursuit of the truth about the tragic events occurred in Derry's Bogside on 30 January 1972 in the act of retrieving the permanent traces they had left in the witnesses' memory; yet as it did so, it also concomitantly raised the question of the limitations of human memory and the potentially disabling factor of temporal distance. Norton-Taylor's drastic editorial selection¹³ immediately sets the tone for the play's sustained focus on primary witnessing. While the series of cross-examinations that make up the Tricycle's "scenes from the Saville Inquiry" all revolve around the crucial politico-legal issue of whether British soldiers on Bloody Sunday were shooting at rioters handling weapons or at unarmed civil rights marchers, the topic that actually weaves the individual hearings into a coherent narrative and provides the main source of dramatic tension in the play is that of the authenticating function of live testimony in determining historical truth.

While not departing from the sequence of events in the actual proceedings, Norton-Taylor's pruning of the judicial proceedings results in a markedly bipartite structure which accentuates the demarcation line between two separate

11 The Inquiry's official website provides this description of the scale of information dealt with by the Tribunal: "Approximately 2,500 witness statements were received by the Inquiry and 33 bundles of evidence comprising about 160 volumes, including 13 volumes of photographs, were sent to representatives of the interested parties. It is estimated that these bundles contain 20–30 million words. In addition, the bundles contain 121 audiotapes and 110 videotapes." Accessed March 26, 2013, <http://archive.is/VQ7S>.

12 Richard Norton-Taylor ed., *Bloody Sunday: Scenes from the Saville Inquiry* (London: Oberon Books, 2005), 7. All of the verbatim texts produced by Norton-Taylor for the Tricycle Theatre, with the sole exception of *Half the Picture*, credit the writer as the editor, not the author, of the "found" spoken evidence that the actors then re-voice on stage. Further references in the text, abbreviated as *BS*.

13 Clarke's opening statement was the longest ever in British legal history, lasting 42 days.

and opposed categories of witnesses: the first half of the play presents the testimony of civilian witnesses to the shootings, whose version of the truth is being heard officially for the first time, whereas in the second half the floor is allocated to the representatives of the British Armed Forces, from the high-ranking officials who planned and conducted the calamitous security operations during the march in Derry, down to the soldiers who fired on the victims. With a final twist, the military perspective is complemented by a lone voice from the nationalist side, Reg Tester, who gave evidence in the final stages of the inquiry in response to Lord Saville's appeal to former IRA members to come forward and clarify their role on Bloody Sunday.

The play's exclusive focus on first-hand testimony reflects, on one level, the decisive role of eyewitnesses in triggering the new inquiry after long years of campaigning by survivors and by families of the dead and the injured. In the climate of political negotiations surrounding the Good Friday Agreement, Tony Blair's decision to reopen the case in 1998 was prompted by a detailed dossier of evidence submitted by relatives of the victims to the UK government. The dossier included new ballistic and medical reports, but most importantly a sizeable corpus of previously neglected eyewitness statements. The campaigners' demands for a fresh independent inquiry were backed by a detailed assessment of the new material by the Irish government which brought into definitive disrepute the hasty conclusions reached by the Tribunal of Inquiry set up by Prime Minister Heath in 1972 and chaired by Lord Widgery.¹⁴ In this respect, the partition of the play into two distinct testimonial factions mirrors the twin (and only partially overlapping) actions which the people of Derry expected from the inquiry: on the one hand, the formal acknowledgement of the innocence of the victims, by allowing their stories to be officially heard at last; and on the other, a public admission of military and governmental accountability for committing or condoning the cold-blooded murder of civilians.¹⁵

14 The terms of reference of the new inquiry explicitly mentioned "taking account of any new information relevant to events on that day," and Lord Saville's opening address accordingly urged "those who consider that they have material evidence to give (or who know of people they consider are likely to be able to give such evidence) [...] to contact the Inquiry Secretary as soon as possible." Lord Saville, "Opening Statement of Bloody Sunday Inquiry," April 3, 1998; accessed December 23, 2013, <http://cain.ulst.ac.uk/events/bsunday/ms030498.htm>. For a thorough review of the Widgery Report and its shortcomings, see Dermot Walsh, *Bloody Sunday and the Rule of Law in Northern Ireland* (Basingstoke: Palgrave Macmillan, 2000).

15 The two other goals that the families had been long campaigning for, namely, the direct repudiation of Lord Widgery's conclusions and the prosecution of those responsible for the killings and the woundings, fell outside the inquiry's terms of reference, as Lord Saville made clear in his opening statement.

On the dramaturgical level, the spotlighting of the primary witnesses is precisely that which enables the verbatim editor to reconfigure the testimonial act as a prime site and mode of conflict. For those who had witnessed the shootings first-hand, the truth about the actions on 30 January 1972 could hardly be a matter of contention: as Eamonn McCann scathingly puts it in his review of the Derry performances of *Bloody Sunday*, “the killings unfolded over a period of perhaps 17 minutes in a built-up area in broad daylight” and “every killing and wounding was witnessed, some at very close quarters, from the windows of flats and maisonettes or the nooks and crannies where local people had huddled.”¹⁶ The people of Derry had not campaigned for a new inquiry because they needed to be told the truth, but because they wanted their truth to be officially told and publicly acknowledged; their choral act of testimony thus implied a challenge to and a calling into account of the voice of power. Their marginalized voices functioned, that is, simultaneously as a source of legitimacy for the new inquiry, which they had been instrumental in triggering, and as a menace to the official discourse of law in its inherent entanglement with the state’s interests. Therefore, as the voices of the victims entered the legal arena seeking acknowledgement, they were brought under the reach of repressive mechanisms of control that are mercilessly exposed and probingly critiqued in the Tricycle play.¹⁷

Unlike other legal processes, a public inquiry ought to be strictly inquisitorial; it should aim at ascertaining the truth about a controversial subject by seeking all the relevant evidence, analyzing the collected data and reporting

16 Eamonn McCann, “Why isn’t this shown on the BBC?,” (London) *Guardian* (September 19, 2005): electronic edition. Tom Herron and John Lynch further note that while it became entangled in multiple and conflicting narratives, “on the face of it, Bloody Sunday was not an ungraspably complex event,” but rather one that was “captured comprehensively in multiple media formats” and on the whole well documented. See Tom Herron and John Lynch, *After Bloody Sunday: Representation, Ethics, Justice* (Cork: Cork University Press, 2007), 4.

17 Strong reservations about public inquiries as state-sponsored and state-managed truth-seeking processes have been expressed, among others, by Stephen Sedley “Public Inquiries: A Cure or a Disease?,” *Modern Law Review* 52.4 (1989): 469–79, Dominic Elliott and Martina McGuinness, “Public Inquiry: Panacea or Placebo?,” *Journal of Contingencies and Crisis Management* 10.1 (2002): 14–25 and, with specific reference to the Saville Inquiry, by Bill Rolston “Assembling the Jigsaw: Truth, Justice and Transition in the North of Ireland,” *Race & Class* 44 (2002): 87–105, Angela Hegarty “Truth, Law and Official Denial: The Case of Bloody Sunday,” *Criminal Law Forum* 15 (2004): 199–246 and Bill Rolston and Phil Scraton “In the Full Glare of English Politics: Ireland, Inquiries and the British State,” *British Journal of Criminology* 45.4 (2005): 547–564. For this bibliography I am indebted to Elizabeth Ball’s highly informed article, “Truth, Power and Inquiry” (Quest 4 (2007), available at <http://www.qub.ac.uk/sites/QUEST/JournalIssues/>), also dealing at length with the Bloody Sunday Inquiry.

about its findings. The *Scenes* reproduced on the Tricycle stage, however, belie the professed truth-seeking stance of the Bloody Sunday tribunal by bringing to the fore an essentially adversarial quality to the proceedings which is highly questionable not only on legal, but also on ethical and political grounds. In refashioning the Saville courtroom as an outright battlefield, Norton-Taylor shows very clearly that the war being waged there is only superficially one between conflicting versions of the truth, between the victims' and the perpetrators' mutually incompatible accounts, as apparently reflected in the play's bipartite structure; rather bewilderingly, the fiercest opponents of the traumatized eyewitnesses turn out to be the very representatives of the law who are purportedly intent on redressing the historical injustice suffered by the people of Derry and restoring their faith in the rule of law.

As he sets about extracting the truth from witnesses on behalf of the tribunal, the counsel to the inquiry, Christopher Clarke conducts the hearings as outright interrogations in which the main issue at stake seems to be, rather than the "material evidence" about the events on Bloody Sunday which might be gathered from their first-hand accounts, the credibility of their performance and its authenticating function in determining historical truth. The method adopted by the inquiry's legal team appears to be far more inquisitorial than inquisitorial, and indeed the prime target of their attacks on the civilian eyewitnesses is their memory and the live performance of recalling which is the very essence of legal testimony.¹⁸ As pointed out above, the inquiry explicitly grounded the possibility of a fair and thorough review of an historically distant episode in the broader and more balanced evidence base that might be still afforded by the archival capacity of human memory. In the Tricycle play, however, the retrospective look is mercilessly exposed as an opportunity for manipulation, a repressive counter-measure aimed at gagging the testimonial voice. Clarke and his assistants systematically question the accuracy of the witnesses' memory by comparing and contrasting their present recollection of events with details recorded in statements given thirty years earlier and generally ignored by the first public inquiry conducted by Lord Widgery. Their past accounts, unheeded at the time but now objectified into

18 In *Liveness*, his groundbreaking inquiry into the status of live performance in contemporary culture, Philip Auslander devotes a chapter ("Legally Live") to the continued centrality of live performance in legal procedure. In comparison to other social domains, the critic notes, the law has offered a striking resistance to the cultural dominance of mediatization by unremittingly holding on to the notion whereby a trial is "an ontologically live event." In Auslander's view, "this respect for liveness is ideological and [...] rooted in an unexamined belief that live confrontation can somehow give rise to truth in ways that recorded representations cannot; the essence of testimony is not the information recalled but the performance of recalling it in the courtroom, before the accused and the jury." See Auslander, *Liveness*, 129, 144–145.

“hard” documentary evidence, are used by the inquiry to challenge the truth-claims of their performance of witnessing in the present. If the law roots the authority of testimony in the presence of the witness, the *Scenes* reproduced on the Tricycle stage are marked by a relentless attempt to undermine that presence by subjugating the live voice to the archival trace, the contingencies of performance to the permanence of texts.

Amongst the “large number of different incidents involving various people who were dead or injured” (*BS*, 40) that she reported, Alice Doherty saw a soldier fire into an army vehicle where three civilian victims lay dead or dying. Even before she is asked to repeat and confirm her account of this particular episode, Clarke’s assistant, Alan Roxburgh, confronts the eyewitness with the challenging endeavour of reconstructing the exact chronology of the various events described in her more recent statement to the Saville Inquiry and in those made back in 1972. Unsurprisingly, Mrs. Doherty is brought to admit that in thirty years’ time her recollections may have become “blurred” (*BS*, 40). The factual accuracy of her subsequent performance of memory retrieval is effectively pre-empted and this gives weight to the possibility, insinuated in the following cross-examination by the soldiers’ barrister, that she may have “added to her memory unconsciously some images you have seen” (*BS*, 43). By drawing attention to the counsels’ recurrent reference to time as a factor undermining the reliability of testimonial evidence, the Tricycle’s recreation of the inquiry provides critical insight into the glaring political paradox implied in the truth-seeking method of the tribunal: after being denied official public hearing for almost thirty years, their voices drowned by the paratroopers’ state-sanctioned chorus of lies, the witnesses now stand accused for their flawed performances of memory retrieval, as if the blame for the outrageous delay with which the case was reopened rested with the victims, rather than the government.

Kent and Norton-Taylor’s probing scrutiny of the inquiry’s ambivalent treatment of the civilian eyewitnesses is further sustained through the play’s focus on an outright punitive side to the legal process. On the day of the shootings, William Patrick McDonagh looked on impotently at the paratroopers’ cold-blooded violence in the Rossville car park from the relative safety of his girlfriend’s flat. For him, as for the other eyewitnesses, the act of recollection stirs painful memories, and he nearly breaks down before the tribunal when he is pressed to recall the cries and groans coming from the Army tank where soldiers had thrown the bodies of dying civilians. Public inquiries addressing human rights abuses are by definition based on the retrieval of traumatic memories and they inherently involve the possibility of further traumatization for those who have come to seek justice. The perspective afforded by the Tricycle’s take on the proceedings, though, leaves the audience wondering whether a method that

entails the close questioning of a visibly traumatized eyewitness followed by cross-examination at the hands of the legal representative of the perpetrators may not be ultimately designed to stymie, rather than facilitate, the live performance of memory retrieval.

In Geraldine McBride's hearing, the procedure followed to extract testimonial information goes beyond the inappropriate or inconsiderate to border on calculated sadism. Mrs. McBride was amongst the dismayed onlookers of the British Army tanks' trespass into the Bogside and the ensuing killing of unarmed and unwarned civilians posing no actual threat to the soldiers. Like the witnesses who have preceded her, the woman is asked to confirm the account given to the inquiry prior to her hearing in court, but she is overcome with emotion and bursts into tears when Christopher Clarke repeats to her the description of Barney McGuigan's head literally exploding when he was shot from the back while waving a white handkerchief and going to the rescue of the dying Patrick Doherty.¹⁹ The forced recollection of this horrifying detail about McGuigan's killing appears totally gratuitous since it is irrelevant to the specific fact that the counsel is trying to ascertain, namely, whether the victim was hit by the first or the second shot fired by the soldier. The testimonial act is shown to entail not only prosecution but also persecution, the possibility of memory being inflicted on the witness as a form of torture in a perverse dynamic that is both intimidating and retaliatory.

By recasting the Saville inquiry as "yet another episode in the war on the people seeking justice in this country" (*BS*, 31), as according to Bernadette McAliskey's words quoted in the play,²⁰ the documentarians not only provide a scorching critique of the power struggle embedded in the "truth and reconciliation" rhetoric surrounding the long-overdue official review of the tragic events on Bloody Sunday; they also manage to indirectly address some highly topical issues of legitimacy and legality connected to Britain's involvement in Iraq. In an interview given on the eve of the premiere, Nicolas Kent explained that he had been waiting to dramatize the Saville Inquiry since its very inception but that in 2005 the time felt perfect because of the way the new judicial proceedings resonated with the current political climate. He went on to specify that the

¹⁹ Geraldine McBride's breakdown is not noted in the stage directions; unless otherwise specified, my descriptions of the Tricycle production are based on the video recording of the 6 October 2005 evening performance, held in the National Video Archive of Sound and Performance at the V&A Museum.

²⁰ Bernadette McAliskey (née Devlin) was a speaker at the anti-internment march on Bloody Sunday and later, as an MP for Mid-Ulster, she was persistently denied the floor in Westminster and prevented from reporting about the Derry incidents. In her hearing before the Saville Inquiry she is scathingly outspoken about the irregularity of an investigation generating from and run by representatives the main accused party.

central issue raised by the Bloody Sunday affair, of how the military is controlled in a democratic society, had gained enhanced topicality following the incoming evidence of lawless behaviour and civilian killings by UK troops deployed in Iraq, in the Basra area.²¹ Though Kent did not pursue the analogy further, the contemporary relevance of the Saville Inquiry also included its possible political serviceability to the Labour government in the post-Iraq scenario. Back in 1998, the chief political mandate of the inquiry launched by Tony Blair had been to address past wrongs in order to “close a painful chapter once and for all” and turn a fresh page in British-Irish relations. In his statement to the House of Commons, however, the Prime Minister had also invested the inquiry with a broader impact on Britain’s democratic credentials. Bloody Sunday, he had explained, stood out as a special case in the long history of sectarian violence in Northern Ireland because it involved “the State’s own authorities”; hence, the new judicial inquiry would have a crucial bearing on the future credibility and relevance of justice for UK citizens.²²

By the time *Bloody Sunday* was devised and staged, in April 2005, this second aspect had gained unexpected prominence. Following the disclosure of the illegal machinations surrounding the involvement in Iraq, and amidst mounting public outrage over the UK’s connivance with the systematic violation of human rights and international law in the US-led war on terror, the Saville Inquiry could offer a much-needed public demonstration of the Labour government’s commitment to the rule of law. It is this particular discourse of public confidence in British democracy that the Tricycle play seems intent on undermining with its critical interrogation of the Bloody Sunday Inquiry. Norton-Taylor’s editorial choices elicit this contemporary parallel while at the same time revealing its more disturbing – and far less politically expendable – aspects.

²¹ McCann, “Why isn’t this shown.”

²² “There have been many victims of violence in Northern Ireland before and since Bloody Sunday. More than 3,000 people, civilians as well as soldiers, policemen and prison officers, have lost their lives in the last 26 years. It may be asked why we should pay such attention to one event.

Madam Speaker, we do not forget or ignore all the other attacks, all the innocent deaths, all the victims of bloody terrorism [...]. But Bloody Sunday was different because, where the State’s own authorities are concerned, we must be as sure as we can of the truth, precisely because we do pride ourselves on our democracy and our respect for the law, and on the professionalism and dedication of our security forces. [...] We believe that the only course which will lead to there being public confidence in the results of any further investigation is for a full-scale judicial inquiry into Bloody Sunday to be set up.” See “Statement by Tony Blair on new Bloody Sunday Inquiry, 29 January 1998,” accessed September 18, 2013, <http://cain.ulst.ac.uk/events/bsunday/tb29198.htm>.

This contextual reading of the power struggle underpinning the legal process is corroborated and reinforced by the narrative that emerges from the hearings presented in the second half of the play – or “the military cover-up,”²³ in Nicolas Kent’s apposite summary. Summoned to give evidence before the Saville tribunal, the members of the British Army join in a collective performance of amnesia, claiming to be unable to recall even the broadest outlines of the actions they have committed, ordered or witnessed on Bloody Sunday. From the perspective of the power struggle informing the legal proceedings, this concerted show of memory loss is patently an attempt to continue to secure the protection of the official discourse of law. As they insist on having no recollection of the events under scrutiny, the uniformed representatives of the state invariably cling to statements made in the distant past as the only memorial trace left of those events, while at the same time disowning accountability for the apparent contradictions and falsehoods they contain since their inability to access those memories exonerates them from the onus and the consequences of testimony in the present.²⁴

As he defiantly holds on to the arrant lie that the man he shot dead was handling a gun, Soldier F does not seek validation in a live performance of recollection but in the account given at the time of the Widgery Inquiry and now permanently fixed in an official transcript, a de-authored and disembodied discursive act whose meaning is no longer bound to the original speaker in his present appearance before the tribunal. When he is questioned about the “change of gear” in the methods used to restore law and order in Derry, and the possible repercussions of the “shoot-to-kill” policy on the safety of the civilian population that the British army was there to protect, General Ford similarly claims to having “no recollection of this at all, of course” (BS, 55). His obliviousness also extends to the dynamics of the shootings on Bloody Sunday: the Commander of Land Forces who set the strategy to oversee the civil rights march confirms that he has “absolutely no independent memory” of the operations and that the account he has been summoned to give before the present tribunal will therefore be “relying entirely on the documents that have been provided” (BS, 55). He is echoed by Colonel Wilford, the commander of the 1st Battalion of the Parachute Regiment, whose only present recollection of alleged sniper fire and of personally seeing “a man with an M1 carbine on the balcony of

²³ Quoted in Liz Hoggard, “Out of crises, a drama,” (London) *Observer* (March 27, 2005): electronic edition.

²⁴ A similar interpretation of the willful amnesia of the military witnesses at the inquiry is put forward in G.D. White, “‘Quite a Profound Day’: The Public Performance of Memory by Military Witnesses at the Bloody Sunday Tribunal,” *Theatre Research International* 31.2 (2006): 174–187.

a flat” (*BS*, 74), as he stated in a radio interview shortly after Bloody Sunday, comes from having just re-read his earlier evidence to the Widgery Inquiry. Thanks to the official sanction of the Widgery report, the fraudulent account recorded in their statements has so far performatively worked as the truth about Bloody Sunday, and the refusal to perform the act of recollection in the present is a way to continue to harness the authority emanating from the voice of power – for Wilford as well as for all those who have historically benefited from this mechanism.

Of course, this display of not-witnessing still qualifies as an observable performative behaviour that ultimately exposes the members of the armed forces to the judgment of their legal and theatrical audiences, often to self-incriminating effect. More than for its doubtful efficacy, the common line of defence adopted by the military side is eloquent in its attempt to surrogate the document for the witness, the objectivity of the written record for the subjectivity of the embodied voice. In this respect, Norton-Taylor’s editorial framing underscores the similarities between this strategy and the one deployed by the counsel to the inquiry in the hearings of the civilian eyewitnesses, just as the common narrative that emerges from the military hearings complements and enhances the contemporary relevance of the offensive on the civilian witnesses in the first half of the play. In 2005, the appeal to amply discredited official evidence by those responsible for the violence on Bloody Sunday offered a powerful analogue for the decisive role played by the Blair government’s September dossier in leading the UK into another bloody and unlawful conflict. The Widgery report, resulting from an inquiry launched by a British Prime Minister back in 1972, had condoned the massacre of Derry civilians by granting evidentiary status to verbal fictions about the threat posed by supposed terrorists wielding firearms and throwing nail bombs at soldiers. Three decades later, another British Prime Minister promoted unverified intelligence to the rank of documented fact in a dossier that was instrumental in obtaining parliamentary approval for the invasion of Iraq by certifying the major threat posed by Saddam Hussein’s weapons of mass destruction. Once again, an official “truth” based on fabricated evidence was used to justify illegal state violence in a colonial situation – though preventively, this time.

3 Extending the code

By playing on the in-built duplicity of testimony and its potential for signifying conflict, the Tricycle documentarians manage to intervene into the political

controversy surrounding the war on Iraq through the eyewitnesses' voices recorded in the Saville proceedings. Kent and Norton-Taylor recast the official investigation about the epitomic episode in the Northern-Irish Troubles as an instance of arrant memory warfare in which documentary evidence and live testimony, recorded and recalled knowledge are pitted against each other to serve the interests of a particular political agenda; by so doing, they successfully seize on the revelatory potential of the Bloody Sunday Inquiry to engage with yet another "painful chapter" in the history of UK democracy. The strategic import of his strategy of re-voicing is best appreciated through a comparison with the two verbatim plays about Iraq that preceded and followed *Bloody Sunday* on the Tricycle stage. *Justifying War*, staged in October 2003, dealt with Lord Hutton's inquiry into the death of Dr. David Kelly, the respected weapons expert and chief government adviser on Iraq who allegedly committed suicide shortly after his exposure as the source of a BBC leak that accused the Blair government of having "sexed up" the September dossier, most notably through the inclusion of the 45-minute-from-doom claim,²⁵ in order to push the case for war. *Justifying War* closed with the emotionally-charged hearing of the wife of the deceased. In an accurate reproduction of the actual manner in which Mrs. Kelly testified at the original inquiry, the audience only heard the actress's voice from a fluctuating phone link, while a still picture of the witness appeared on the courtroom monitors. As Jenny Hughes suggests, the drifting in and out of Mrs. Kelly's disembodied voice provided a powerful indication of "the failure of the forensic voice in a time of crisis."²⁶ While offering strong evidence that the Ministry of Defence outed Kelly as the source of Andrew Gilligan's broadcast for the BBC, the inquiry's narrow terms of reference prevented Hutton from delving into the burning issue of the government's fabrication of an evidence base for going to war. *Justifying War* is therefore unable to reveal the truth about the sexing up of the September dossier; indeed, the one troubling fact that the documentarians are able to put their finger on is a worrying dearth of official records when it comes to top-level decision-making procedures. As Hughes again observes, "It is this uncertainty in the textual and vocal record of war that constitutes the central drama of *Justifying War*."²⁷ On stage, Mrs. Kelly's fading voice functioned

²⁵ The claim made in the September dossier about Saddam Hussein being able to deploy weapons of mass destruction within 45 minutes of an order to use them was readily picked up, and further sensationalized, by the popular press and the mass media.

²⁶ Jenny Hughes, *Performance in a Time of Terror: Critical mimesis and the age of uncertainty* (Manchester and NY: Manchester University Press, 2011), 104.

²⁷ Hughes, *Performance*, 103.

as an apt reminder of this disturbing democratic deficit but also, self-reflexively, of the epistemological limitations of the tribunal play.

With *Called to Account*, staged in 2007, the tribunal playwrights' efforts to sidestep the shortcomings denounced by the faltering testimonial voice in *Justifying War* entailed a substantial breach in the contract of trust with the audience. This time, the terms of reference pursued by the inquiry were much broader, allowing for a thorough and direct investigation into Tony Blair's manipulation of intelligence, law and Parliament in the build-up to war: as announced in the prosecution's opening statement, the court was called upon to establish whether the evidence presented by the prosecution provided legal ground for the indictment of the former Prime Minister for "the crime of aggression against Iraq."²⁸ The hearings take place in a realistic courtroom setting where evidence is extracted in accordance with strict judicial procedures and duly cross-examined by four attorneys, two for the prosecution and two for the defence. Marking a sharp departure from the preceding tribunal plays, though, *Called to Account* offers an accurate verbatim reproduction of a *fictional* legal case: the official Iraq Inquiry had not even been announced when the play premiered in London.²⁹ The Tricycle team filled in a legal gap by launching their own independent investigation into the unlawfulness of Britain's military involvement in Iraq;³⁰ by going extra-judicial, however, they arguably detracted from the authority of their theatrical tribunal. Like the other public inquiry plays, *Called to Account* predicates its epistemological authority upon the truthful and accurate reporting of a court case, but since the case only actually exists in the alternative jurisdiction of theatre, as the dramatic re-presentation of a simulated trial, its truth-claims become far more slippery. Hence, Kent's dramatization of a

28 Richard Norton-Taylor, *Called to Account: The indictment of Anthony Charles Lynton Blair for the crime of aggression against Iraq – a hearing* (London: Oberon Books, 2007), 9.

29 The official Iraq Inquiry was launched on 30 July 2009. It was entrusted to a committee of five Privy Counsellors chosen by Prime Minister Gordon Brown and chaired by Sir John Chilcot. The hearings were only partially held in public and ended in February 2011; as of May 2015, the committee's final report has yet to be delivered; earlier in January, Chilcot's announcement that the publication would be delayed until after the general election sparked a public outcry. A process of declassification is currently underway but not all the evidence given will be made public due to national security reasons.

30 An important precedent in this respect is Victoria Brittain and Gillian Slovo's verbatim project about the legal black hole of Guantánamo Bay prison, *Guantanamo: "Honor bound to defend freedom,"* also commissioned and staged by the Tricycle Theatre in 2004. In this case, however, the audience were not presented with the re-enactment of an official legal process, but with a collage of spoken evidence collected through informal interviews with the relatives and lawyers of British detainees and with two of the prisoners released earlier that year.

mock Iraq Inquiry inevitably shows a deficit in authoritativeness, and also authenticity, compared to its more orthodox predecessors on the Tricycle stage.

When measured against these two attempts at tackling the thorny issues surrounding the Iraq war, the course followed in *Bloody Sunday* shows undeniable advantages. Through their re-voicing of the Saville Inquiry, the Tricycle documentarians manage to overcome the limitations of the tribunal play, while at the same time continuing to harness the authority inscribed within official legal discourse. The words that we hear in *Bloody Sunday* are the words spoken by real witnesses before a real tribunal of inquiry; through their verbatim reproduction in a theatrical courtroom, they also become an authoritative surrogate voice for speaking truth to power in a political situation where no such legal voice is yet available.

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