Summary Report on Ethical Dilemmas of Belfast Project”

RCE Salisbury

July 31, 2023

This report delves into the ethical dilemmas surrounding the Boston College Oral History Archive, commonly known as the Belfast Project, and explores its significant impact on the pursuit of justice and closure for victims. The project's main objective was to document the oral histories of former IRA and Loyalist members involved in crimes during "The Troubles" in Northern Ireland. The primary focus of this report is to address the ethical dilemmas that have arisen concerning the rights of victims. It examines the challenges in safeguarding victims' rights to justice, considering the sensitive nature of the captured oral histories and the complexities they pose in ensuring justice, transparency, and the preservation of human rights. In conclusion, the report emphasizes the necessity of careful management and ethical oversight to promote a just and accountable society.

1. BACKGROUND

The Boston College Oral History Archive, also known as the Belfast Project, was initiated in 2001 with the goal of capturing the oral histories of former IRA and Loyalist members involved in criminal activity during "The Troubles" in Northern Ireland. Under the guidance of project directors Ed Moloney and Anthony McIntyre, interviewers Wilson McArthur and Anthony McIntyre conducted candid interviews that revealed the participants' involvement in various attacks, including murders. While the researchers assured absolute confidentiality to the interviewees, critical legal oversights, such as the failure to collect signed consent forms from IRA members, resulted in legal and ethical consequences in later years. After the deaths of some participants and the publication of Ed Moloney's book "Voices from the Grave," the Police Service of Northern Ireland (PSNI) sought access to the archive, leading to protracted legal battles and the eventual release of tapes containing sensitive information about the murder of Jean McConville in 1972. Despite the efforts of Moloney and McIntyre to prevent the release of these tapes to the PSNI, a Boston judge ruled that Boston College must comply if the interviews contained potential confessions of violence. This decision had far-reaching implications, including the prosecution of loyalist Winston "Winkie" Rea and former IRA commander Ivor Bell, though the latter was eventually cleared due to doubts about the tapes' reliability. The archive also revealed former IRA commander Brendan Hughes' implication of Gerry Adams in the murder of Jean McConville.

In the aftermath, while some former paramilitaries received their interviews back from Boston College, Anthony McIntyre battled in court to safeguard his personal interviews from PSNI access, and the British government issued a subpoena to Boston College seeking copies of McIntyre's interviews. Additionally, Ed Moloney, the Boston archive manager, took a stand to prevent the tapes from being handed over to the police, citing concerns about endangering lives, undermining truth recovery efforts, and compromising academic research. The Belfast Project served as a complex and contentious undertaking, weaving together legal challenges, ethical dilemmas, and historical revelations that left a lasting impact on all involved parties.

1. ETHICAL DILEMMAS FOR VICTIMS

Academic Integrity

Academic integrity is a critical aspect of the ethical dilemmas presented by the Belfast Project. The lack of transparency and accountability in these research projects raises concerns about the credibility of the obtained information and the underlying motives behind conducting this kind of research. It is imperative that Universities prioritize academic integrity and ethical considerations when engaging in sensitive research, especially when it involves criminal activities and potential harm to victims. While academic freedom and the protection of research subjects are vital, they should not compromise justice and accountability for victims of heinous crimes. Striking a balance between these ethical considerations is crucial, emphasizing the responsibility of universities and researchers to prioritize victims' rights and well-being while upholding academic integrity and ethical research practices.

The ethical implications of ongoing investigations and confidential confessions obtained through research projects are profound. The Boston College tapes encountered serious challenges due to a conflict of interest in the selection of interviewers, Ed Moloney and Anthony McIntyre, who were journalists with strong anti-Sinn Fein agendas. The choice of interviewers lacked academic objectivity as they exclusively interviewed individuals sharing similar opinions, specifically critics of Sinn Fein leader Gerry Adams. Additionally, employing ex-paramilitary members to conduct interviews with their former comrades posed a significant conflict of interest. The personal connections or biases of the interviewers could have influenced participants' responses, raising concerns about the validity and accuracy of the gathered information. This conflict of interest undermined the research's integrity and called into question the reliability of any confessions made during the interviews. Consequently, the promise of confidentiality to participants raised ethical questions regarding the delicate balance between protecting research subjects and ensuring justice for the victims involved. Addressing these ethical dilemmas is crucial to upholding the project's integrity and adherence to ethical principles, thereby fostering impartiality, and promoting credibility in future research endeavors.

Victims’ Right to Justice

The Belfast Project’s tapes have given rise to ethical dilemmas that profoundly impact victims and their families right to justice. While crucial information, including confessions of perpetrators, exists within confidential research projects, victims are denied access to it, leading to feelings of powerlessness and injustice. The inability to know the truth and seek accountability for crimes committed against their loved ones adds to the emotional burden carried by victims and survivors. One such poignant example is the case of Jean McConville, a widow and mother of ten children, who was kidnapped and killed by the IRA in 1972, with her remains discovered on a County Louth beach in 2003. Her daughter, Helen McKendry, has been seeking answers for four decades, hoping that the tapes might finally reveal the truth about her mother's fate. However, releasing the tapes raises concerns about potentially harming the fragile peace in Northern Ireland. While McKendry seeks closure and justice through access to the tapes, others worry about their impact on the region's delicate peace. The ethical concerns surrounding the tapes also extend to victims' rights to justice. The interviews contain candid admissions of involvement in violent acts, including serious human rights violations, leaving many victims' families seeking closure and accountability. Balancing the legitimate demands of victims for justice and truth with the need to respect the confidentiality promised to interviewees poses a complex moral dilemma. The release of information that may implicate individuals in past crimes creates challenges in upholding both the rights of victims and the assurances given to participants in the research. Striking the right balance to address these ethical dilemmas is essential to ensure that the pursuit of justice is upheld while safeguarding the promises made during the research process.

Ongoing investigations

Ethical dilemmas of the project have additionally impacted ongoing investigations. Richard O’Rawe, a former IRA member, argues that the tapes may not be admissible in court under UK law, casting doubt on the police's ability to secure convictions based solely on this evidence. Legal battles over the confidentiality of the tapes and similar research projects have proven to be expensive and emotionally taxing for all parties involved. This pursuit of justice for victims becomes more complex when researchers assert confidentiality rights for their data, hindering law enforcement agencies' access to crucial information related to ongoing investigations. As a result, victims' quest for closure and accountability for the crimes committed during the Troubles is further prolonged.

The release of the tapes has led to their use in the prosecution of individuals like Winston "Winkie" Rea, but victims express concerns about the reliability of the interviews and their potential impact on legal outcomes. Doubts regarding the credibility of the interviews raise questions about the admissibility and reliability of the evidence presented in court, potentially affecting the success of legal proceedings and hindering victims' efforts to hold perpetrators accountable. The release of the Boston College tapes has presented challenges to ongoing investigations and legal proceedings, necessitating careful handling of the sensitive information contained in the interviews. Ethical considerations demand that these revelations be managed with extreme care to avoid any interference with existing investigations and to uphold the rights of all parties involved in the legal process.

Morally Unjust Precedent

The Boston College tapes have raised significant ethical concerns, particularly regarding a potential loophole that undermines accountability and justice for victims of the Troubles. The idea of individuals admitting to heinous crimes under the guise of research confidentiality raises troubling questions about protecting perpetrators at the expense of victims' rights to justice, fundamentally challenging principles of accountability and retribution. By granting wrongdoers a shield of confidentiality, a dangerous precedent is established, prioritizing their protection over pursuing justice for those who suffered during the Troubles. This approach undermines core principles of accountability and the responsibility to redress wrongs inflicted upon victims. These ethical concerns intersect with international human rights laws, such as the Universal Declaration of Human Rights (UDHR), which emphasizes victims' rights to justice, truth, and accountability. Providing a shield of confidentiality to perpetrators, enabling them to avoid accountability, contradicts the spirit of human rights laws and denies victims their right to justice and reparation. Concealing information that could shed light on past atrocities impedes the pursuit of justice and hinders truth and reconciliation. Striking a balance between access to information and protecting confidential sources through clear ethical guidelines, informed consent procedures, and independent oversight is vital to upholding human rights principles while addressing the ethical dilemmas posed by the Belfast Project and similar projects.

1. CONCLUSION

The Belfast Project should prompt a reevaluation of ethical guidelines for social research and the need for stronger protections for victims of historical conflicts seeking justice and closure. The ethical dilemmas raised have impacted victims' right to justice, as crucial information remains confidential, hindering their access to truth and accountability. The ongoing investigations face complexities due to confidentiality rights, prolonging victims' quest for closure. Upholding academic integrity is vital, necessitating transparency, ethical considerations, and a delicate balance between protecting research subjects and upholding victims' rights. Addressing these challenges is imperative to uphold justice, ensure transparency, and respect human rights while preserving the promises made during the research process. Moving forward, careful management, ethical oversight, and a commitment to a just and accountable society are essential.

Bibliography

Boston tapes: Q&A on secret Troubles confessions. (2014). *BBC News*. https://www.bbc.com/news/uk-northern-ireland-27238797

Moloney, E. (2019) How The Irish Times Banned My Response To The Boston Tapes Case. *The Broken Elbow*. https://thebrokenelbow.com/2019/10/27/how-the-irish-times-banned-my-response-to-the-boston-tapes-case/

McDonald, H. (2014, May 6). Boston College tapes fiasco harms search for truth in Troubles. *The Guardian*. https://www.theguardian.com/politics/2014/may/06/boston-college-tapes-fiasco-northern-ireland-troubles

O’Dowd, N. (2015). *“60 Minutes” exposes shameful Boston College IRA tapes project.* IrishCentral.com. http://www.irishcentral.com/opinion/niallodowd/60-minutes-exposes-shameful-Boston-College-IRA-tapes-project.html

Shiffman, N. R., Ken. (2012, May 25). *Tapes hold N. Ireland murder secrets*. CNN. https://www.cnn.com/2012/05/25/world/europe/wus-n-ireland-secrets/index.html

Ulatowski, J., & Walker, R. (2021). Missing in action: Exposing the moral failures of universities that desert researchers facing court-ordered disclosure of confidential information. *Educational Philosophy and Theory*, *53*(5), 536–547. https://doi.org/10.1080/00131857.2020.1830061

Where blame lies over lost Boston tape names. (2013, August 5). *BelfastTelegraph.Co.Uk*. https://www.belfasttelegraph.co.uk/opinion/columnists/where-blame-lies-over-lost-boston-tape-names/29472204.html