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Put Down What You're Carrying: Disrupting Apologia through Rhetorical Tactics of Change

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Abstract:

This article traces the nimble reorganization efforts, from restorative justice to transitional justice, employed by a single victim's advocacy group, the Justice for Magdalenes (JFM) campaign, as they participated in a coalition of like-minded organizations to bring about an official apology and enduring justice for the women of the Magdalen Laundries. Offered as an obstacle that was pivotal in spurring transition, Taoiseach Enda Kenny's apology is analyzed as an example of contemporary apologia. This article will argue Kenny's remarks satisfy the goals of restorative justice, but impede transitional justice as the language of his remarks undermine non-recurrence. Thus, the women of the Magdalen Laundries, in collaboration with advocacy groups such as JFM, employ rhetorical silence and extend rhetorical listening as tactics of change.

Keywords: Apologia, Magdalen Laundries, Rhetorical Listening, Rhetorical Silence, Transitional Justice

The former Magdalene women are among the most economically, politically, socially and culturally vulnerable people in Ireland; yet their testimonies are powerful in their demand on us to witness, to understand how we are inter-related, to comprehend what it is to have a body that can feel pain—our own and that of other sentient beings. We can either acknowledge their pain (that is, bring our senses to their experience), or we can avoid it. In avoiding the pain of the Magdalene women, we insist again that we will never turn towards them in an attentive silence, to listen, to make care response. We must know that whatever choice we make determines how we share and shape the future.

Katherine O'Donnell, "Academics Becoming Activists" (2018a)

1. Introduction

Tracing back to the Middle Ages¹, Magdalen² asylums³ in Europe were initially run by religious orders or philanthropic entities with the purpose of offering refuge to women in need. As their namesake suggests, these institutions were inspired by the life of redeemed prostitute, Mary Magdalene. Thus, some of the women seeking shelter were also prostitutes and it followed that perhaps they too could be forgiven through penance. Within Ireland, the first of these institutions was established in 1767 when Lady Arbella Denny opened the doors of 8 Leeson Street in Dublin as a refuge for women with the stated purpose of delivering them “[...] from Shame, from Reproach, from Disease, from Want, from the base Society that ha[d] either drawn [them] into vice, or prevailed upon [them] to continue in it, to the utmost hazard of [their] eternal happiness” (Widdess 1966, 5). Denny’s refuge was a philanthropic enterprise with unique socio-cultural dimensions⁴. Viewed as a prevalent social and moral vice, prostitution disproportionately impacted women with limited education and economic means⁵. Thus, these sites of shelter offered temporary safety while also striving to maintain standards of a decent society by encouraging women to break from vice as illustrated in religious and moral teachings. Similar institutions existed across the globe with locales in the United States⁶, Canada⁷, England⁸,

¹ Rebecca Lea McCarthy charts the evolution of Magdalene institutions noting that “the forced transition from a pastoral to an agricultural society, undermined traditional Irish Brehon Laws” resulting in a waterfall effect of policies and attitudes that limited women’s rights in Ireland (2010, 3).

² Throughout this article two spellings will appear: Magdalen and Magdalene. The variance in spelling represents how the term appears in the published accounts cited herein.

³ Also referred to as institutions, laundries, and houses.

⁴ “[...] the majority of these institutions [...] were operated exclusively by laywomen with the support of managing committees of male and female trustees. It was not until the 1830s that congregations of female religious began assuming control of the Catholic Magdalen asylums. While the Catholic religious—run institutions would continue to operate into the 1990s, the majority of Protestant lay-managed asylums ceased to operate in the early twentieth century” (Smith 2007, 25). See also Preston (2004); McCormick (2005).

⁵ In *Prostitution and Irish Society, 1800-1940*, Maria Luddy offers an extensive history of prostitution in Ireland from the nineteenth to twentieth centuries. While many women worked in prostitution out of economic necessity, Luddy counters that there is evidence of women actively engaging in forms of resistance – pushing back on a state that endeavored to police and control their bodies and sexuality (2008, 16).

⁶ Founded in 1800, The Magdalen Society of Philadelphia was the first asylum in the United States (Ruggles 1983, 65; Smith 2007, xv). In 1843, the Sisters of the Good Shepherd established their first US-based Magdalene asylum. Between 1843-1899, 37 more Magdalene asylums were established (Jones and Record 2014, 171).

⁷ The first Canadian Magdalen asylum opened in 1848 by the Congregation of the Sisters of Misericorde in Montreal (Currier (1898 [1894]), 595). In 1858, Elizabeth Dunlop and others founded the Toronto Magdalene Laundries with the goal of “eliminating prostitution by rehabilitating prostitutes” (Martel 2014, 56).

⁸ In *Do Penance or Perish: A Study of Magdalen Asylums in Ireland*, Frances Finnegan highlights that England opened its first Magdalen refuge in 1758 at Whitechapel. In the next 140 years the number of institutions swelled to over three hundred (2001, 7-8).

Northern Ireland⁹, Scotland¹⁰, and Australia¹¹ to offer a representative but not exhaustive portrait. Post-famine, four female Catholic religious congregations¹² ran the majority of Ireland's Magdalen laundries; but, until 1919 these institutions were also associated with Protestant organizations. Following independence there were ten Catholic run Magdalen laundries in the Republic of Ireland¹³. Documentation of the existence and purpose of such institutions in Ireland is well noted in the historical record of the nineteenth century¹⁴.

Yet, as the twentieth century dawned, and Ireland's independence was unfolding, these sites of refuge shifted to function in increasingly secretive¹⁵ and punitive ways¹⁶. During this time period population demographics also began to shift when "[...] unmarried mothers began to make up a greater proportion of those who entered these asylums" (Luddy 2008, 117). To this point, Mary Merritt's story reveals the generational impacts of Ireland's Magdalen laundries. Born in a Dublin workhouse, Mary was eventually transferred to the care of the Sisters of Mercy in Ballinasloe, Co. Galway and never met her mother. At the age of 16, Mary was caught stealing apples and was sent to the High Park laundry in Dublin where she stayed for 14 years. During this time, Merritt was raped by a priest and gave birth to a daughter, Carmel. Mary was forced to give her baby up for adoption and was then sent back to work at the High Park laundry. Nearly 40 years after she gave birth, with the assistance of British social workers, Mary's daughter found her ("Ireland's Hidden"). In September 2019, at the invitation of The Little Museum of Dublin, Merritt told her story in an installation titled, *You Can Leave at*

⁹According to Amnesty International UK, "The Good Shepherd Sisters ran a laundry and home [...] in Belfast from the late 19th century until 1977 and 1990 respectively. A Magdalene Asylum and laundry was operated by the Church of Ireland on Belfast's Donegall Pass [...] continuing into the 1960s [...] the Presbyterian Church was associated with the Ulster Female Penitentiary in Belfast. In total, Amnesty International [...] identified twelve Mother and Baby Homes or Magdalene Laundry-type institutions which operated in Northern Ireland in the last century" (2017).

¹⁰Linda Mahood offers, "[...] by the middle of the century [...] reform strategies [...] began to shift. Critics of rescue work [...] argued that rescue workers had to do more than merely provide refuges. They incorporated the penitentiary principle [...] as they adopted a more aggressive style and missionary methods" (1990, 103).

¹¹Adele Chynoweth reveals, "The Good Shepherd Sisters ran eight Magdalene laundries in Australia. Hundreds of young women were incarcerated [...] throughout the twentieth century and forced to work, without pay, in the Sisters' commercial laundries. Many of these young women had not committed a crime and were not afforded a legal trial (2014, 176-179). In 2004, the Senate report, "Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children" was released. The report led to a national apology from Prime Minister Kevin Rudd and opposition leader Malcolm Turnbull in 2009. (Parliament of Australia 2004).

¹²These congregations were the Sisters of Mercy (SM), Sisters of Charity (SC), Sisters of our Lady of Charity of Refuge (SCR), and the Good Shepherd Sisters (GSS).

¹³They were located at Waterford (GSS), New Ross (SC), two in Cork (GSS and SC), Limerick (GSS), Galway (SM), and four in Dublin at Dún Laoghaire (SM), Donnybrook (SC), Drumcondra (SCR) and Gloucester/Seán MacDermott Street (SCR).

¹⁴See Luddy (1989, 1995a, 1995b, 1997, 2001, 2007); Finnegan (2001); McCarthy (2010).

¹⁵James Smith highlights some of the challenges associated with secrecy, "[...] the historical record comes to an abrupt end with the advent of the twentieth century. Because the religious congregations that operated these laundry institutions continue to deny access to records for women entering the asylums after 1900, historians are constrained in what they can say, with authority, about the Magdalen laundries as they developed and continued to operate throughout the past century" (2007, 24).

¹⁶Across the globe harsh conditions existed in Magdalen asylums and while these institutions in Ireland did transition to a more punitive posture, such cruelty was not a uniquely Irish phenomenon (Anon. 1869; Anon. 1878a; Anon. 1878b; Cushing 1944; Campbell J.W. 1948; Mahood 1990; Hoy 1997; De Cunzo 2001; Murray 2004; Smith 2007).

*Any Time*¹⁷. In reflecting on her choice to accept the museum's invitation Merritt declared, "I never received an apology from the church, and I am still angry. I want that apology before I die. And until then, I will continue to speak out" (White 2019).

Also choosing to be vocal, Gabrielle O'Gorman recounts the details of her life in one of Ireland's Magdalen laundries in the documentary, *The Magdalenes*. The film is an educational collaboration between TrueTube and Professor Gordon Lynch; it was produced in association with University College Dublin, the University of Kent, and the Irish Research Council. At the age of 17, O'Gorman details how she was taken to the Sean MacDermott Magdalen Laundry after nuns disapproved of her relationship with a young man. O'Gorman shares how she was able to escape, but was soon found by the Gardaí and was then sent to the Good Shepherd Laundry in Limerick where she was held against her will for two years and a half. O'Gorman outlines the mechanisms of institutionalisation she experienced, such as being forced to wear a uniform and being told her name was now Stella. She recalls being instructed to write letters and feeling unwanted as each went unanswered. Only later did she realise that the nuns never dispatched her correspondence. According to O'Gorman this tactic stripped her of self-control by instilling feelings of isolation and abandonment. In the film, O'Gorman returns to the now derelict building where she was once confined. While wandering the decaying space she denotes how the legacy of institutionalisation "never actually left me" (*The Magdalenes*).

The personal histories of Merritt and O'Gorman serve as important testimony¹⁸ in documenting the lived experiences of the women of the Magdalen Laundries¹⁹. Their retellings also highlight the societal mechanisms that enabled such institutions to operate in the newly independent Ireland. As articulated by Katherine O'Donnell:

The first century of Irish independence was typical of post-colonial states in being marred by endemic poverty, a Border dispute and the assertion of nationalist social and cultural purity projects [...] Women, the working classes and the poor (who ironically had participated greatly in winning independence) suffered inordinately at the hands of those newly established in power [...] Successive Irish governments continued the colonial Victorian apparatus, established post-Famine, which empowered Catholic religious orders to take charge of the welfare of the socio-economically vulnerable. (2018b)

In *Ireland's Magdalen Laundries and the Nation's Architecture of Containment*, James Smith provides a glimpse into the prevailing attitudes that enabled the noxious expansion of such institutions. He articulates, "In a society where even the faintest whiff of scandal threatened the

¹⁷ According to museum director Trevor White (2019), the collaboration developed from a desire to ethically showcase a ledger from the High Park laundry that features clients of the largest Magdalen laundry in Ireland and had recently come into the museum's possession.

¹⁸ For additional testimony of the Women of the Magdalen Laundries see also: *Sex in a Cold Climate* (1998); *Forgotten Maggie's* (2009); Costello, Legg, Croghan *et al.* (2015).

¹⁹ "The Report of the Inter-Departmental Committee to Establish the Facts of State Involvement with the Magdalen Laundries" details the following regarding terminology featured in the report "In referring to the girls and women who were admitted to and worked in the Magdalen Laundries and following consultation with them, historical terms, such as 'inmate' or 'penitent', as well as some modern terms such as 'victim' or 'survivor', were avoided, so as not to cause any offence or distress [...]. To avoid distress to any party and to avoid labelling these women against their wishes, this Report uses the terms 'the women admitted to the Magdalen Laundries' and 'the women of the Magdalen Laundries' throughout, as required by the context. This terminology is not intended to obscure historically used terms, to convey a sense of voluntary residence to all cases, or indeed to convey any particular meaning other than to identify in a respectful way the women to whom this Report refers [...]. There were a number of general imperatives in the choice of terminology [...] the Committee sought to avoid language which might in any way label, stigmatise or demonise those concerned" (Department of Justice and Equality 2013).

respectability of the normative Irish family, the Magdalen asylum existed as a place to contain and punish the threatening embodiment of instability” (2007, xviii). From 1922-1996, at least 10,000 women and girls are believed to have witnessed life inside one of Ireland’s Magdalen laundries, which former Taoiseach, Enda Kenny acknowledged as “a dark chapter of Ireland’s history” (2013), one that is characterized by toxic taciturnity and atrocious cruelty.

This article traces the nimble reorganization efforts, from restorative justice to transitional justice, employed by a single victim’s advocacy group, the Justice for Magdalenes (JFM) campaign, as they participated in a coalition²⁰ of like-minded organizations to bring about an official apology and enduring justice²¹ for the women of the Magdalen Laundries. Offered as a mammoth obstacle that was pivotal in spurring transition, Kenny’s apology²² is analyzed as an example of contemporary apologia. This article will argue Kenny’s remarks satisfy the goals of restorative justice, but impede transitional justice as the language of his apology undermines non-recurrence. Cognizant that Kenny’s contrition represented a vital step along the winding journey of maintaining a just society, JFM reconfigured from a platform of restorative justice and reparations towards transitional justice. Simply stated, JFM recognized that achieving restorative justice was an important cornerstone to their mission, yet stopping there would expose a potential exit route to the most responsible parties. Such a departure would threaten a return to the values that fed into containing women in the first place. Thus, the women of the Magdalen Laundries, in collaboration with advocacy groups such as JFM, employ rhetorical silence and extend rhetorical listening as tactics of change.

2. Justice for Magdalenes and Justice for Magdalenes Research

In 1993, before the formal establishment of the Justice for Magdalenes (JFM) campaign, the three founding members collaborated to restart the Magdalene Memorial Committee (MMC). Initially formed in response to the communal Magdalen grave²³ found in High Park, Dublin on property owned by the Sisters of Our Lady of Charity, the reinvigorated MMC “sought a public funeral for the exhumed women” (O’Loughlin 1993, 4). However, on the morning of 11 September 1993, urns

²⁰ According to O’Donnell, “JFM ran a successful media campaign, building relationships with journalists in trusted national and international publications and broadcast stations which ensured the JFM press releases became news [...]. Gaining public support and trust was further enhanced through strong alliances with four NGOs: Public Interest Law Alliance (PILA), the Irish Council for Civil Liberties (ICCL), Amnesty International-Ireland and in particular the National Women’s Council of Ireland (NWCII)” (2018a, 86). Additional advocacy groups that were pivotal in the justice process include: the Irish Women’s Survivor’s Network, Magdalene Survivors Together, and the Magdalene Names Project.

²¹ In 2011, the United Nations Committee on Torture (UNCAT) published a report that compelled Ireland to conduct thorough investigations into the Magdalen Laundries. In 2013, “The Report of the Inter-Departmental Committee to Establish the Facts of State Involvement with the Magdalen Laundries” was submitted to Dáil Éireann. Often referred to as the McAleese report, in a nod to senator Martin McAleese, who served as Chair for the Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries. This committee’s mandate “[...] was to establish the facts of State involvement with the Magdalen Laundries. These facts are set out in this Report as the Committee has found them. During this fact-finding process, the Committee also gained a deeper and broader understanding of the Magdalen Laundries and the context in which they operated. The Committee has, in this Report, drawn on all available information and sought to record as comprehensive a picture as possible of the operation of the Magdalen Laundries” (Department of Justice and Equality 2013).

²² Kenny’s apology refers to the speech delivered on 19 February 2013.

²³ A report in the *Irish Press* noted that the exhumation “was believed to be the largest single exhumation in the history of the State [...] the mass exhumation of the private graveyard at High Park Convent, Drumcondra [...] is part of a land sale deal the Sisters of Our Lady of Charity in a bid to raise funds to cover convent debts” (O’Connor 1993).

containing the remains of 154 women were privately²⁴ reburied in a common grave in Glasnevin Cemetery, Dublin. MMC member, Margo Kelly expressed anguish over the private interment:

[...] the Catholic Church had an opportunity to begin to make amends [...]. But the same veil of silence that put those women away in the first place was still there. Those of us separated from our mothers feel particular anger and grief [...] we got to Glasnevin too late for the actual service, but we got there in time to see into the grave and to see the urns stacked and to watch the gravedigger fill in the grave. Looking into that grave, the sense of tremendous anger and sadness we had was just incredible, that sense of wasted lives and opportunities. (O'Morain 1993, 10)

While MMC was not able to secure a public burial ceremony at the final resting place in Glasnevin Cemetery, they did hold an open event in Dublin commemorating the women's lives. MMC also campaigned for a memorial bench to be installed in St. Stephen's Green with a plaque²⁵ that was dedicated by President Mary Robinson in 1996 ("Magdalen Women").

Then in 2003, "The Justice for Magdalenes (JFM) campaign was founded [...] by three adoption rights activists, two of whom are the daughters of women incarcerated in Magdalene Laundries for a combined total of approximately 60 years" (O'Rourke 2015, 160). Run entirely by volunteers, JFM was a not-for-profit, victims advocacy group that worked²⁶ on behalf of the women of the Magdalen Laundries. From 2009-2013, JFM was comprised of five core volunteers that included two of the three founding members, Claire McGettrick and Mari Steed as well as James Smith, Maeve O'Rourke, and Katherine O'Donnell. (O'Donnell 2018a, 85).

In May 2013, having achieved their goal of an official apology and a State Redress Scheme, JFM transitioned their energies and focus into Justice for Magdalenes Research²⁷ (JFMR). This shift in purpose is credited in large part to the research of Mary Raftery²⁸. Despite only a brief mention, in a single footnote, within the McAleese report, JFMR attributes their rebirth into an organization focused on research and education to the significance of Raftery's investigations²⁹ into the exhumations at High Park.

²⁴ As documented in the *Irish Times* the reburial was, "[...] attended by about 25 nuns, their chaplain, Father Tony Coote, and a small number of lay people" (O'Kane 1993, 4).

²⁵ The plaque reads "To the women who worked in the Magdalene Laundry institutions and to the children born to some members of those communities—reflect here upon their lives".

²⁶ JFM was awarded the Irish Labour Party's Annual Jim Kemmy "Thirst for Justice Award" (2013) and the Lord Mayor of Dublin's Award (2016).

²⁷ JFMR holds as its mission: "[...] to provide for the advancement of education of the general public by researching the Magdalene Laundries and similar institutions and by providing information and support to the women who spent time in the Magdalene Laundries and their families. We understand that in enabling the public to understand the ideology and contexts that gave rise to such institutions that the Irish people will be more sensitised to contemporary conditions that enable prejudicial discrimination to become established and even part of State apparatus. We have focused on the role of the State involvement in the Magdalene institutions and the human rights abuse that occurred there to make the public aware of how to critique and hold the State accountable even as it seeks to devolve its powers to private organisations" (Justice for Magdalenes).

²⁸ JFMR highlights Raftery's influence on their evolution writing, "In August 2003 the late Mary Raftery published the results of an investigation she had carried out into the exhumations at High Park. Were it not for this investigation our attention would not have been drawn to the additional remains discovered at High Park and the discrepancies in the exhumation applications. In fact, without Mary Raftery, Justice for Magdalenes Research (JFMR) would not exist. Our country is forever in her debt" (Justice for Magdalenes Research).

²⁹ Raftery's research exposed financial and procedural peculiarities central to the sale of land. She explains, "The snag was that the land contained a mass grave. It was full of 'penitents', the label attached to the thousands of women locked up in Ireland's Magdalene laundries [...]. The good sisters did a deal with the developer who bought their land. They split the costs of clearing the mass grave, exhumed and cremated the bodies, and re-buried the ashes in another mass grave. However [...] there were 22 more bodies in the grave than the nuns had listed when applying for permission to exhume. Over one-third of the deaths had never been certified. The nuns did not even appear to know the names of several of the women, listing them as Magdalene of St Cecilia, Magdalene of Lourdes, and so on. The final number so callously disturbed from their resting place was 155. All had died in the service of the nuns, working long hours in their large commercial laundry for no pay, locked away by a patriarchal church and society ruthlessly determined to control women's sexuality" (2011).

3. Restorative Justice

Dating to the 1980s, restorative justice practices have existed across the globe. Countries such as Australia, Austria, Canada, France, Germany, Japan, New Zealand, Norway, the U.K. and U.S.A. all have national restorative justice programmes. According to the Centre for Justice and Reconciliation, restorative justice “emphasizes accountability, making amends”, which represent important steps in affirming wrongdoing and establishing restitution for survivors/victims. Central to these goals is the belief that resolution is best achieved through a cooperative process that includes willing stakeholders to come together. Summarised by three central goals, “repair, encounter, and transformation” and four cornerstone principles, “inclusion of all parties, encountering the other side, making amends for harm, and reintegration of the parties into their communities”, restorative justice functions on the premise that atonement is a crucial element to healing (Centre for Justice and Reconciliation).

In 2000, at the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, called for the “development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties”. Continuing to build on the momentum from the Vienna Declaration, in 2002, the United Nations Economic and Social Council supported *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*, which encouraged the governments of member nations to establish guidelines and standards for the application of restorative justice programmes in their countries³⁰.

Paul McCold observes, “The evolution of restorative justice as a paradigm is more akin to a process of discovery rather than invention” (2000, 359). For Ireland, the process of discovery started with considerations on the applicability of restorative justice as part of the Criminal Justice Bill 2004 that was signed into law in 2006 (Criminal Justice Act). The conversation continued in 2007 when, The Joint Committee on Justice, Equality, Defence and Women’s Rights conducted a review regarding the potential benefits of restorative justice in Ireland. The Rapporteur’s Foreword acknowledged that:

[...] Restorative Justice is not intended as an alternative to existing practices. Restorative Justice is not a panacea and is not appropriate for all offenders or for all victims. However...there is gathering international and domestic evidence to suggest that, when a Restorative Justice approach is adopted as part of a broader response to crime, victims and the general public are typically more satisfied with the process and outcome. (Committee Reports)

Further, the report denoted common restorative justice methodologies³¹ as well as how other countries instituted aspects of restorative justice as part of their criminal justice protocol.

While restorative justice is steeped in powerful theory, and often yields meaningful results, it is not without limits. Paul McCold and Ted Wachtel caution against oversimplified assertions that denote a practice is restorative or not. Rather, they suggest examining restorativeness on a spectrum of “fully restorative”, “mostly restorative”, or “partially restorative” as determined by factors such as participation of the victim, agreed upon outcomes and reparations, and offenders voluntary assumption of responsibility and remorse (2002, 117, 119, 120, 138). When restorative justice is evaluated across a range of possible outcomes a level of hybridity emerges.

³⁰ See the United Nations Office on Drugs and Crime (2006).

³¹ The report highlighted the following as common restorative justice methodologies: Victim/Offender Mediation (VOM), Conferencing, Sentencing Circles, and Typical Sanctions (traditionally restitution and community reparation).

For marginalised populations a hybrid approach to healing is integral as the journey to justice is dynamically recursive. Thus, JFM was adroit in utilizing restorative justice to accomplish targeted elements of their campaign, while recognizing that in order to foster enduring advocacy a transferal of methodology was imperative – particularly in light of Kenny’s apology as an example of contemporary apologia.

4. *Rhetorical Genre of Apologia*

Dating back to the Greek period and still utilized today, apologia is considered by some as the “most enduring of rhetorical genres” (Ware and Linkugel 1973, 274). Apologetic discourses, particularly those appropriated by persons in public positions, are often characterised by self-defense. Yet within the genre of apologia there is myriad of applications and motivations – in other words apologia is more complex than saying “I’m sorry”. Sharon Downey contends, “[...] apologia has undergone significant changes in form because its function has changed throughout history. Specifically, shifts in function produce five ‘subgenres’ of apologia: self-exoneration, self-absolution, self-sacrifice, self-service, and self-deception” (1993, 42). In her analysis of the subgenres, Downey highlights, “Coincidentally, the discourses clustered in four groups of time [...] the classical, medieval, modern, and contemporary periods³². While the labels denoting these periods roughly correspond to accepted historical periods, they serve primarily to identify expanses of time and do not necessarily reflect events which might have transpired in them” (46). Utilizing Downey’s framework, this section interrogates Kenny’s apology as an example of contemporary apologia that represents one of the obstacles facing minority groups in Ireland. More specifically, the text and delivery of Kenny’s remarks are the exigency that spurred the shift to transitional justice. Relatedly, rhetorical silence and rhetorical listening empower marginalised populations to recast obstacles and leverage them into tactics of change.

Before interrogating Kenny’s apology it is instructive to situate the event within the context of other apologies and redress schemes. In 1999, Taoiseach Bertie Ahern offered one of the first apologies made on behalf of the State to its citizens. Ahern accepted the State’s complicity in the abuse and neglect of children in Ireland’s industrial and reformatory schools when he affirmed, “On behalf of the State and of all citizens of the State, the Government wishes to make a sincere and long overdue apology to the victims of childhood abuse for our collective failure to intervene, to detect their pain, to come to their rescue” (“Taoiseach Apologises”). Ahern pledged redress for survivors and the following year the Commission to Inquire into Child Abuse Act³³, 2000 (CICA) was passed. From 2000-2009, the Irish Government launched the Residential Institutions Redress Act 2002 and the Commission to Inquire into Child Abuse (Amendment) Act 2005³⁴. Ahern’s apologetic discourse is instructive in that he navigates dual

³² Downey offers more specificity regarding the proposed historical periods by revealing, “This classification scheme is designed for ease of reading and organizing the analysis. The classical period encompasses approximately 1200 B.C. to 1 B.C., although the speeches analyzed in this period cover from 430 B.C. to 330 B.C. The medieval period encompasses approximately 1000 to 1700, although the speeches analyzed in this period cover from 1500 to 1670. The modern period encompasses approximately 1700 to 1900, although the speeches analyzed in this period cover from 1780 to 1880. The contemporary period encompasses approximately 1900 to the present, although the speeches analyzed in this period cover from 1950 to the present” (1993, 63).

³³ Also referred to as the Ryan Commission and the findings published in 2009 are often called the Ryan Report after Justice Seán Ryan who served as the chair.

³⁴ Minister Mary Hanafin explained, “The Bill amends the Commission to Inquire into Child Abuse Act 2000 and the Residential Institutions Redress Act 2002 and establishes a statutory body to administer a €12.7 million

exigencies. The first exigency is the State's negligence of children in its care; the second exigency is the State's response (apology and redress). Ahern's posturing³⁵ across both exigencies maintains a stance of absolution, which enables restorative and transitional justice processes to develop.

In other instances a posture of justification was assumed where a redress scheme was established without an official apology. On 10 November 2014 the Surgical Symphysiotomy Ex-gratia Payment Scheme³⁶ was established and Judge Maureen Harding Clark, was appointed as the independent assessor and author of the final report³⁷. The Minister for Health, Simon Harris, stated that he was hopeful the payments, totaling €34 million, would offer closure to the women involved, but the government fell short of actually apologising. Without an apology to accompany the report, the findings present as clinical and devoid of concern for the women who endured abuse at the direction of health services. Sinn Féin's deputy leader, Mary Lou McDonald avowed that the report showcased a range of grave injustices while essentially re-traumatising the women who came forward with characterisations that their claims were fraudulent. Demonstrating the severity of failing to apologise, Deputy Eamon Ryan stated, "We have not given what we should have given, an upfront apology, a recognition that what went on was wrong and recompense for the huge damage, loss and pain that occurred over their lives... More than anything else... let us respect, honour and apologise to those women" (2017). Marie O'Connor, spokesperson for Survivors of Symphysiotomy (SoS) asserted, "The payment scheme is an ex-gratia scheme, which does not meet international human rights standards³⁸ because it is based on no admission of wrongdoing" (Morgan and Thompson 2015). Thus, when redress is established without the existence of an apology the chasm between justice and deflection expands.

5 February 2013, on the heels of the publication of the McAleese report, Kenny was presented with an opportunity to demonstrate the breadth of his humanity. However, in stunning fashion the opportunity was bungled with a non-apology³⁹. Hallmarks of a non-apology include

education fund for former residents of institutions and their families" (2005).

³⁵ Ware and Linkugel offer four rhetorical postures within the genre of apologia: "absolution, vindication, explanation, or justification [...] the postures [...] are not completely distinct classifications void of intermediate cases" (1973, 282).

³⁶ Between 1940-1985, it is estimated that 1,500 women in Ireland were subjected to this archaic medical procedure.

³⁷ The Dáil Éireann debate (Vol. 936 No. 2) on Thursday, 26 Jan 2017 featured statements on symphysiotomy. Comments from Deputy Bill Kelleher regarding his role as convenor of the Oireachtas support group and remarks from Deputy McDonald regarding the UN Human Rights Committee's examination of symphysiotomy are particularly relevant in this context (Kelleher 2017; McDonald 2017).

³⁸ SoS first submitted a report to the United Nations Committee Against Torture during the second periodic review of Ireland during "The Convention Against Torture, Cruel, Inhuman or Degrading Treatment or Punishment" (Survivors of Symphysiotomy 2017a). In 2017, SoS submitted documentation to the United Nations Human Rights Committee regarding Ireland's fourth periodic report under the International Covenant on Civil and Political Rights. In both reports references were made to the "Failure of the State to provide appropriate restitution (Art 14) [...] The sole remedy offered [...] was an ex gratia payment scheme, which failed to provide an effective remedy to survivors, because it was introduced without an admission of, or an apology for, wrongdoing (see O'Keefe v. Ireland) [...] as the Council of Europe Human Rights Commissioner observed: 'the voices of the surviving victims are not sufficiently heard or respected', and their testimonies 'were reportedly not given a similar weight to written or medical records'" (Survivors of Symphysiotomy 2017b).

³⁹ As noted in the report on "Apologies & Institutional Child Abuse", there are various examples across the Republic of Ireland and Northern Ireland of non-apologetic rhetoric. Examples offered include the criticisms of An Garda Síochána from the Report of the Commission of Investigation into the Catholic Archdiocese of Dublin (i.e. the Murphy Report) and the "Time to Listen" report from 2003 (Catterall, McEvoy, McAlinden *et al.* 2018, 6).

the use of passive and/or vague language that acts to trivialise the offense and deflect responsibility. Articulating the scope of Kenny's failure, JFM avowed, "The Taoiseach's statement falls far short of the full and sincere apology deserved by the women who were incarcerated against their will in Ireland's Magdalene Laundries" (Collins 2013). McDonald questioned Kenny about the publication of the report by asking, "When does the Taoiseach propose to offer – on all our behalves and that of the State – a full apology to these women?" (Lord 2013a). In this moment, Kenny faced a propitious invitation to proceed with compassion and honesty. Certainly he would be incredulous to posture that McDonald's query was a surprise – it was blatantly obvious that the nation was eager to know the answer to this principal question. Yet, Kenny blundered his chance at *kairos* as he embodied the shock of an unprepared defense attorney who just realised he had lost the case in spectacular fashion. Kenny pivoted to a posture of justification suggesting that the abuses published in the McAleese report are part of Ireland that was marked by "a very hostile and far-off environment in the past" (Lord, 2013a). He continued to marginalise by stating, "To those residents who went into the Magdalene laundries from a variety of ways, 26 per cent from State involvement, I'm sorry for those people that they lived in that kind of environment" (Collins 2013). Kenny's remarks squarely situate him on the offensive; his vague references to "those people" and "that kind of environment" fail to acknowledge the precise and chilling experiences offered by the 118 women⁴⁰ who spoke with the Department of Justice and Equality and whose testimony is included in the McAleese report (Department of Justice and Equality 2013, 929). To this point, Trudy Govier and Wilhelm Verwoerd insist, "For one who has been humiliated or treated as worthless [...] acknowledgement of dignity and human worth is profoundly significant" (2002, 70). In this way Kenny's non-apology obstructs reconciliation and justice as he fails to recognize individuals who were impacted with his indifference. Thus, utterance does not equate an apology as the non-explicit nature of his remarks serves to minimise the severity of the offences.

Furthermore, the distance and lack of humanity evidenced by Kenny's use of "those people" and "that kind of place", particularly as an offensive ploy, situates the testimony given by the women of the Magdalen Laundries as mere recollections from a marginal sample size. The potential fallibility of memory, the historical stigma⁴¹ associated with the ethos of the women of the Magdalen Laundries, and the natural passage of time, all present as convenient foils for Kenny specifically as they relate to contemporary apologia. In contrast, Smith contends, "The exercise of memory allows those who were previously excluded, marginalized, and forgotten to tell their own histories and to assert their own identities" (2007, 90). Thus, despite his attempt at playing offense, for many people, 1996, the year that marked the last Magdalen laundry being closed is not "far-off" and tangibly resides in their memory and reality. More importantly the

⁴⁰ According to the Department of Justice and Equality, "The women who shared their stories with the Committee included: – 31 women represented by the Irish Women's Survivor's Network (UK); – 15 women represented by Magdalene Survivors Together; – 7 women introduced to the Committee by the Advocacy Group Justice for Magdalenes; – 7 women who made contact directly, on their own behalf, with the Committee; and – 58 women currently living in nursing homes or sheltered accommodation under the care of the Religious Orders [...]. The Committee is fully aware that there are many other women who have not felt able to share their experience of the Magdalen Laundries with it, or indeed with anyone" (2013, 929-930).

⁴¹ In reference to the findings published in the McAleese report, Kenny acknowledged, "That the stigma, that the branding together of the residents, all 10,000 needs to be removed and should have been removed long before this and I'm really sorry that that never happened, and I regret that never happened [...] I'm sorry that this release of pressure and understanding of so many of those women was not done before this, because they were branded as being the fallen women, as they were referred to in this State" (O'Regan 2013).

distance from the occurrence does not absolve wrongdoing – a fact that disrupts an apologist’s attempt to negate wrongdoing or elevate their image. Accordingly, an offensive positionality, one that attempts to excuse institutional abuses as an episode of a time long gone, fails to offer justice at all.

Moreover, the McAleese report received criticism⁴² from organisations including JFM for reporting inaccuracies and for situating the findings within a prejudicial context that hints to qualitative research as prone to inconsistencies. After a thorough investigation of some key findings in the McAleese report, Claire McGettrick conducted research that compared headstones with electoral registers across a single decade to cross reference the median length of stay, which was denoted as seven months. However, McGettrick found that within the decade sampled from 1954-1964, most women at the High Park Laundry were there for a minimum of eight years and that “[...] at least 46% of these women never got out. It tells a completely different story than the McAleese report and the way the figures are presented is frankly misleading and is not respectful of the lived experience of these women” (“Ireland’s Hidden Bodies” 2014). This discrepancy is one of many⁴³ and further depicts the significant limitations of Kenny’s apology as predicated on a report that has shaky ethos and utilizes questionable research ethics.

Kenny’s first attempt at publicly acknowledging the State’s involvement in the Magdalen Laundries categorically congeals with contemporary examples of apologia which are “Concerned principally with clearing their names, contemporary apologists utilized the posture of absolution by retaining the classical pattern of categorical denial and engaging in an in-depth ‘particularization of the charges at hand’” (Ware and Linkugel 1973, 278). To the point of particularisation, Kenny exclaimed, “The women were not subject to sexual abuse. Or physical abuse” which denote a sloppy attempt to particularise and parse out “positives to consider” (Lord 2013a). However, when placed in conversation with the lucid details offered by Merritt and O’Gorman (among many others as well), the opacity of Kenny’s claims amplifies their falsehood despite his attempt to show a less troubling side of the laundries.

Further, Kenny utilized contemporary apologia as a stall technique “[...] contemporary apologia may well have functioned as delay or postponement tactic[s] – a view intimating that time heals, distorts, forgives, and forgets [...]. Contemporary apologia *functioned as self-deception*” (Downey 1993, 58). Given that there was to be a Dáil debate in just a few weeks’ time, Kenny was able to test the waters – and tentatively audit the public’s reception of his narrative – a version of events predicated on the cliché of time as the ultimate healer, which lucidly emphasizes the obstacles that advocacy groups were challenged with overcoming. He suggested “the House should absorb the report and reflect on its findings” (O’Regan 2013). Yet this tactic was assailed by advocates who declared, “We cannot let this lie. There will be a

⁴² Within the McAleese report, Chapter 19, Sections 20 and 21, articulate the underlying prejudice towards experiential knowledge within the context of qualitative research. Section 20 claims: “Because the total number of women who provided direct information to the Committee was limited to a small proportion of all those who spent time in a Magdalen Laundry and as the sample was not randomly selected, it cannot be considered representative. Given passage of time, it is also clear that the sample is biased towards more modern years – the 1940s was the earliest period for which the Committee had access to the direct experience of women who spent time in the Magdalen Laundries” (Department of Justice and Equality 2013, 930). Section 21 states: “The Committee would also note that it did not have the power to make findings of fact in relation to individual cases. Nonetheless, the following stories and experiences are included in the Report, as they were told to the Committee and as the people concerned remember them” (*ibidem*).

⁴³ Mary Raftery’s research counters findings and illuminates gaps left by the McAleese report. (Justice for Magdalenes Research).

Dáil debate in two weeks' time which will provide the elected representatives of this State with yet another opportunity to do the right thing, to recognise the abuse, the suffering and the misery and to put it right" (O'Rourke 2013). Deputy McDonald also refused Kenny's brushoff stating she was, "[...] very alarmed by what you have had to say in the Dáil today [...]. We all understand that the report will have to be studied carefully, but let us not forget that a huge amount of information and testimony, historically verified, was already in the public domain prior to the McAleese committee" (O'Regan 2013). Interestingly, the testimonies referenced are not esoteric documents that never saw the light of day. Rather, the reports were compiled by renowned organisations such as UNCAT and their existence was widely known. Published two years prior to the release of the McAleese report and Kenny's apology, UNCAT's findings⁴⁴ articulate a pattern of abuse and offer protocol for investigation and redress.

By the time the Dáil reconvened on 19 February 2013, Kenny devised a different approach at offering an apology⁴⁵. However according to Downey, post-1960 a couple of "[...] contradictory themes emerged in speeches [...]. On the one hand, rhetors accepted full responsibility for the events in question [...]. On the other hand, ironically, all speakers shifted blame for their circumstances [...]. While these themes are internally incompatible, they suggest a contextual redefinition made more palatable by the morally expected assumption of responsibility" (56-57). To animate Kenny's use of contemporary apologia it is vital to acknowledge that while the public nature of his remarks offer visibility of the State's involvement in the Magdalen Laundries (the rhetor accepts responsibility), his avowal that the State will carry the narrative henceforth undermines the agency of those receiving the apology (shifting blame):

What we discuss today is your story. What we address today is how you took this country's terrible 'secret' and made it your own. Burying it carrying it in your hearts here at home, or with you to England and to Canada, America and Australia on behalf of Ireland and the Irish people [...]. But from this moment on you need carry it no more. *Because today we take it back.* Today we acknowledge the role of the State in your ordeal. (Kenny 2013; emphasis added)

An additional complexity is that by seizing the "story" of the women who were admitted to the Magdalen Laundries, Kenny's apology serves as a rhetorical blockade. By invoking apologia, Kenny vis-à-vis the State, essentially makes a land grab, claiming ownership over the narrative by determining who will carry the story – and who will dictate the terms of the healing and justice processes. In essence, the subtext broadcasts that an apology was rendered and now the "ordeal" is over. Yet such top down directives undermine non-recurrence as necessary to transitional justice because the apology's purpose is skewed to function in the capacity of putting

⁴⁴ "[...] the Committee expressed grave concern at 'the failure by the State party to protect girls and women who were involuntarily confined between 1922 and 1996 in Magdalene Laundries'. The Committee recommended prompt, independent and thorough investigations into allegations of torture and other cruel, inhuman and degrading treatment or punishment in Magdalene Laundries; in appropriate cases, prosecution and punishment of perpetrators; and that the State ensure that all victims obtain redress and have an enforceable right to compensation" (Justice for Magdalenes Research).

⁴⁵ According to RTÉ, advocacy groups such as JFM and Magdalene Survivors Together welcomed the apology as did some of the women of the Magdalen Laundries. However, welcoming the apology did not signal the cessation of seeking justice. JFM noted it, "[...] looks forward to the intent of the apology being made evident by the introduction of a system of redress that is prompt, open, fair, and transparent [...] Justice John Quirke [...] must be given statutory powers [...] there must [...] be an independent appeals system [...] Justice Quirke must be properly resourced. The system must be non-adversarial and transparent. It can be private but not secret" ("Taoiseach Enda Kenny Apologises to Magdalene Laundries Survivors" 2013).

the event behind the rhetor, who in this instance is representing the State – which was a key actor in facilitating institutional abuse. An analysis of Kenny’s apology demonstrates how contemporary apologia obstructs the advancement of justice when the rhetor’s purpose is situated in justification and paramnesia. As Smith asserts, “It is important to tell this story because the Magdalen laundries are part of Ireland’s present, not just Ireland past [...]. Telling the story of the Magdalen laundries defies the elision of this history” (2007, xviii-xix). Undeterred in the face of mammoth obstacles, the women of the Magdalen Laundries and groups such as JFM resist usurpation, reclaim the narrative, and reconfigure top down power moves into bottom up advocacy. Such maneuvers disrupt rhetorical devices and rhetors that act to distort or erase. The following sections offer rhetorical silence and rhetorical listening as vital tactics of change employed by resisters such as the women of the Magdalen Laundries and JFM.

5. *Transitional Justice*

Building on the primary goals of restorative justice, namely accountability and redress, transitional justice expands its focus to emphasize human dignity, acknowledgement of violations, and commitment to non-recurrence. Further, transitional justice endeavors to ensure “[...] citizens are safe in their own countries [...] from the abuses of their own authorities and [...] protected from violations by others [...]. Finding legitimate responses to massive violations under these real constraints of scale and societal fragility is what defines transitional justice and distinguishes it from human rights promotion and defense in general” (The International Center for Transitional Justice). Relatedly in 2018, Boston College hosted⁴⁶ a conference titled, *Towards Transitional Justice: Recognition, Truth-telling, and Institutional Abuse in Ireland* (TTJC). The conference highlighted transitional justice as “a more ‘holistic,’ survivor/victim-focused, approach to historic injustice, in part because it combines the four key elements of justice, reparation, truth-telling, and guarantees of non-recurrence” (2018). Ireland’s Minister for Children and Youth Affairs, Katherine Zappone⁴⁷, opened the conference with a talk titled, “Love’s Pursuit” in which she traced instances where both personally and politically she has turned to the goal of creating “a republic of love”. Quoting Marcel Proust, she read, “Love in this way produces real geological upheavals of thought”, a sentiment that reveals the type of radical readjustment required when strategically traversing from restorative to transitional justice. TTJC encouraged speakers and participants to return to the question, “what are we transitioning from?” Zappone answered by articulating, “we are recovering from a gendered history that has existed since formation of the Free State [...] much of the architecture of past oppression is yet to be dismantled [...] patterns of gender injustice cannot be undone or changed if such injustices are not acknowledged [...] thus, starting from love requires us to image the possible” (Zappone 2018).

⁴⁶TTJC was organised by three of the five key volunteers from JFM, James Smith, Katherine O’Donnell, and Maeve O’Rourke in collaboration with Megan Crotty.

⁴⁷Zappone stated that there is a need “for a truth-telling process for victims and survivors of institutional abuse” (Zappone 2018). However, since those remarks in 2018, she has received criticism from groups such as the Tuam Home Survivors Network which claim Zappone, “[...] has been responsible for [...] a dishonest exercise in respect of the Tuam pit, which has prolonged the agony of survivors and those whose relatives may be buried there, by standing in the way of an exhumation” (Tuam Home Survivors Network 2018). Further polarizing, in 2019, Zappone announced that adopted people would not have automatic access to birth records as birth parents’ constitutional right to privacy needed protection (Libreri 2019).

Witnessing the testimony and truth telling shared by speakers and participants alike, the motifs of listening, believing, and imagining continually surfaced. As a participant, it became clear that the abstract and nebulous qualities of charting a path to healing are best acknowledged in that experiential knowledge and lived experiences are unique—the survivor/victim/resistor experience and thus related discourse communities are not homogenous. Therefore a uniform solution presents obstacles such as enhanced marginalisation and recurrence of stigmatisation. To bolster against such undesirable outcomes, rhetorical silence and rhetorical listening are offered as foundational tactics to fostering justice from a bottom up positionality—a stance that maintains a survivor/victim-focused approach to transitional justice, especially for marginalised populations.

6. *Rhetorical Silence*

The mantra of “see something, say something” is splashed across posters and broadcast over loud speakers in public transit stations, airports, and hospitals. The subtext suggests that utterance equates security, wellbeing, truth telling, and believability. The assumption follows that the mere act of speaking is robust enough to safeguard entire societies; in essence the extrovert’s platitudes are celebrated with diadems. Yet there is also meaning in what is not said – a claim that is examined by Cheryl Glenn who denotes that, “Few documented accounts explicitly demonstrate the usefulness and sensibility of silence, particularly in our talkative Western culture, where speech is synonymous with civilization itself and where silence-as-obedience is frequently rewarded” (2004, xi). Of import, when JFM’s campaign for restorative justice began there were frequent calls from the general public to politicians demanding that the women of the Magdalen Laundries step forward, reveal themselves, and *tell* their story – the refrain that bellowed was tinged with disbelief as people questioned, who exactly are these women?

The decision to speak or remain silent is informed by the knowledge that not all voices are heard, not all truths are believed, and not all silences are equal. Smith articulates:

The majority of these women, as is their right, remain silent about this aspect of their past. Unlike survivors of the industrial and reformatory schools, comparatively few Magdalen women choose to come forward to provide testimony. This suggests that the stigma traditionally associated with these institutions, a stigma rooted in the perception of the Magdalen asylums as a corrective to prostitution, still operates in Irish society today. (2007, xviii)

Across the multitude of ways silence can be exercised, the distinction between choosing silence or being silenced is worthy of exploration. When considering interpretations of silence descriptors such as meditative or introspective often circulate. Yet, the concept of silence as specifically related to women is often misunderstood. Glenn interrogates such mischaracterizations and contends that, “Not surprisingly, silence has long been considered a lamentable essence of femininity, a trope for oppression, passivity, emptiness, stupidity, or obedience” (2004, 2). Glenn suggests that there are complexities within conceptions of silence especially in what she refers to as “imposed and tactical silences” (xi) where the latter possesses an expressive power. To this point and within the context of advocacy, silence is a carefully constructed rhetorical position – one that enables the survivor/victim-focused framework of transitional justice to flourish.

Accordingly it follows that the women of the Magdalen Laundries, and organisations such as JFM/JFMR, enact inventive strategies to broadcast their voices – strategies that require rhetorical savvy as many leverage silence in the place of vocalization – their story cannot be carried

by Kenny, the State, or any other entity (despite repeated attempts to do so). Thus, by dictating silence on their own terms they are able to enact a bottom up approach to justice. Such a strategy is vital when facing obstacles such as the sheer force of dominant voices and discourses, which includes those with access to economic capital and those that may leverage their privileged social standing or profession to amplify their version of events. To maintain control, dominant discourses rely on coercion, fear, shame, and isolation. Glenn observes, “For the past 2500 years in Western Culture, the ideal woman has been disciplined by cultural codes [...] a closed mouth (silence), a closed body (chastity), and an enclosed life (domestic confinement)” (1994, 181). So while consistent pressure from the press, the government, and society at large, pressured the women of the Magdalen Laundries to speak – a relentless demand predicated on deconstructing the noisier rhetoric of the dominant discourse to prove their truth – rhetorical silence emerges as a powerful tactic of change that empowers individuals to retain ownership of their personal history. The urge to resituate silence as a potent rhetorical act is explored by Glenn who queries, “[...] when asked to list the three most important components of rhetoric, Demosthenes is said to have replied: ‘Delivery, delivery, delivery’ [...] what if the delivery is silence, silence, silence? How does the delivery of silence unsettle, resist, transform, and enrich our idea of a rhetorical delivery, or the tradition itself?” (2004, 150). Within the bounds of transitional justice, specifically honoring the survivor/victim-focused framework, silence *unsettles* as utterance is sought to soothe actors and bystanders; silence *resists* by reclaiming authorship of experiential knowledge and buffering against dominant entities seeking to co-opt the truth; silence *transforms* calls for reconciliation⁴⁸ into interventions predicated on dignity and healing; silence *enriches* inclusive forms of justice by placing the desires and needs of survivors/victims above all other actions.

To illustrate this point, the first page of the TTJC program features a poem titled, “My People” by Connie Roberts. Roberts’ poetry draws on her experiences growing up in an industrial school in Ireland and she shares, “One way of healing yourself from childhood trauma is to own your own story” (2016). Part of that ownership derives from the autonomy of dictating silence or speech on your own terms. Offering a glimpse into that process, Roberts’ poem is “after Patrick Kavanagh’s ‘My People’ & in response to Caranua⁴⁹ CEO Mary Higgins’ remarks in the *Irish Times* and on *RTE’s Liveline*” (2018). The poem revolves around an unfolding of *cara nua* – Irish for new friend – as it is arranged around a dialogue between people who are recently acquainted. *My People* eloquently tugs on the tension that often accompanies inchoate relationships, but cleverly replaces wonder with distrust – representing a primary obstacle within obtaining transitional justice as the focus shifts away from the needs of survivors/victims. More directly, rather than approaching *cara nua* with receptivity, the stranger is instantly resistive and circumspect – bristling at the presence of deliberate silence – seemingly resentful of the way silence is unpredictable and inconvenient to them. Unique to the context, the poem begins with the stranger’s⁵⁰ uncouth demand to know more about “these people” at once othering the

⁴⁸ Native scholar, Otis Halfmoon, interrogates reconciliation as an inept intervention for marginalised populations. He notes, “You are going to hear the word reconciliation. Reconciliation between our families—of our peoples [...] I am here to say to you that reconciliation is a good word, but if you dissect that word—look into what that word really means [...] in accounting terms for instance, that means the books are balanced [...] But for too many Indian people the books will never be balanced [...] so I introduce another word [...] heal. To heal. That is a simple word, but a very powerful word” (2006).

⁴⁹ “Caranua is an independent State Body set up to help people who, as children, experienced abuse in residential institutions in Ireland and have received settlements, Redress Board or Court awards” (Caranua).

⁵⁰ Roberts noted that she is the poet and Higgins is the stranger. Also, the text attributed to the “stranger” is verbatim from Higgins’ aforementioned remarks.

poet and violating the intentional acts of rhetorical silence previously exercised by marginalised populations. Roberts writes:

“My People”

Stranger: Tell me about these people,
these damaged people.
Is it true that the hole in
them cannot be filled,
that the damage is so
deep it doesn't matter
what anyone does,
it's never going to be enough
to satisfy them, make them feel
cared for, loved, honoured?

Poet: I'll tell you about my people.
They are the bravest people I know.
For 50, 60, 70 years, their bones
have carried the stones of their past.
So, every now and again, they buckle
from the belt of ago.
Can you blame them for wanting
wrongs righted?

Stranger: Ah, now, my new friend,
fair is fair,
don't these people's grievances
suit a narrative,
of the big, bad State?
Of the big, bad, religious?

Poet: O, stranger,
it takes a storm
to raise a
sunken forest,
for the shin-high, petrified
pine stumps to emerge.
It's the winter squall that gifts
the red deer antlers,
the black-mud horse skull
and the wattled walkway. (2)

Roberts demonstrates the unique linguistic power of poetry by highlighting the opposing tensions of the genre. Poetry inhabits a public and performative space, while simultaneously harnessing unspeakable, silent moments, such as a brief pause for breath or the prolonged stillness of meditative reflection. Silence is powerful when enacted on the terms of those previously marginalised. For instance, the silence that the stranger fractures at the opening of the poem represents the willfulness of dominant voices in their desire to control the narrative through demanding answers and accelerating resolution. But rhetorical silence resists by drawing dom-

inant voices closer to the source – requiring them to bend and contort their bodies in an effort to hear – to make meaning – to witness and honor silence as dictated by marginalised voices. By allowing the discomfort of silence to exist as a rhetoric, to nurture its desire to unfurl in the muted rhythms of poetry, and with an absence of cacophonous, explanatory narratives imbued in apologia, the capacity for transitional justice expands through the actualisation of rhetorical listening which performs as a complimentary tactic of change.

7. *Rhetorical Listening*

Situated within a post-apology context, Kenny's declaration that the women of the Magdalen Laundries are free to put down what they are carrying, by surrendering their stories, maintains a persistent pattern of not listening to marginalised populations. Further, this attempted usurpation amplifies the exigency to foster transitional justice, as listening is a desideratum. Feminist rhetorician, Jacqueline Jones Royster, demonstrates a need for speakers, especially whose voices have been marginalised, to be "well-heard" (1996, 38). To achieve this positionality Royster questions, "How do we listen? How do we demonstrate that we honor and respect the person talking and what that person is saying [...]? How do we translate listening into language and action, into the creation of an appropriate response?" (*ibidem*). The answer to these questions provides the scaffolding necessary to build processes that enable justice to flourish – processes that encourage the exchange of ideas across disparate viewpoints, that facilitate meaning making, and eventually establish understanding and collaboration.

A pivotal shift towards a position of being well-heard occurred on 6 June 2018, when the women of the Magdalen Laundries met for a listening session⁵¹ at Dublin's Mansion House Round Room. The event circulated around three questions, "What should we know about the Magdalene Laundries?", "What lessons should we learn from what happened there?" and "How should we remember what happened?" (O'Donnell 2018b). The listening exercise maintained the survivor/victim-centered approach of transitional justice in that participant responses were situated to inform next steps. To this end, Krista Ratcliffe's framework of rhetorical listening highlights how marginalised groups may utilise a bottom up approach to ensure they are well-heard, especially when confronting significant obstacles. Ratcliffe offers that rhetorical listening "signifies a stance of openness that a person may choose to assume in relation to *any* person, text, or culture" (2005, 17). While there are critiques⁵² of rhetorical listening, it is evident that minority and marginalised populations are capable of situating rhetorical listening as a tactic of change – a strategy that accentuates how strategic resistance is calculated and centered on the dignity and immanent value of individuals. Such strategising occurs when events like the listening session create space for marginalised voices to tell their stories, on their own terms, which enables rhetorical listening to happen. Ratcliffe explains, "[...] identifications, especially cross-cultural identifications, are sometimes difficult to achieve. Such identifications may be troubled by history, uneven power dynamics, and ignorance" (1). Thus, when the women of the Magdalen Laundries, or aligned advocacy groups, initiate opportunities for rhetorical listening they disrupt the obstacles that inhibit being heard.

⁵¹ "The gathering of the women fulfills key parts of the Magdalene Restorative Justice Scheme [...] which recommended that women who wished to meet other survivors be facilitated and that survivors of the Magdalene institutions be publicly commemorated" (O'Donnell 2018b).

⁵² Romeo García offers a critique of rhetorical listening, "There is already a tendency [...] to characterize minoritized and racialized communities as communities/sites of resistance simply in terms of resistance. When [...] seen through this lens, their rhetoric is oversimplified and cast as reactionary [...]" (2018, 12). García continues, "It matters how we listen. Ratcliffe is correct, 'resistance is slippery'" (137).

More specifically, the genre of apologia, particularly in a contemporary context, ushers in notions of closure and resolution on the schedule of the rhetor – not the recipient, which denotes an obstruction of transitional justice. To underscore the extent to which the apology was situated in apologia and absent of rhetorical listening a keyword search proves instructive. The entirety of Kenny’s apology is 2,086 words. Derivatives of listen appear only twice (listen and listened). The word understand, or any of its derivatives, is expunged from the text – it never appears; the same is true for gender, communication, and communicate. Of note, story is used twice and stories five times, but truth appears only once. The use of story/stories is quite calculated when juxtaposed by TTJC’s use of truth telling – there is an inherent dilution of veracity in the way Kenny presents the testimony of the women of the Magdalen Laundries. To counter a dominant, dismissive stance rhetorical listening requires that:

[U]nderstanding means listening to discourses not *for* intent but *with* intent—with the intent to understand not just the claims but the rhetorical negotiations of understanding as well [...] [R]hetorical listeners might best invert the term *understanding* and define it as *standing under*, that is, consciously acknowledging all our particular—and very fluid—standpoints. Standing under discourses means letting discourses wash over, through, and around us and then letting them lie there to inform our politics and ethics. (Ratcliffe 2005, 28)

Rather than search for a solution, it is perhaps more fruitful to seek understanding, or more specifically engage in the process of standing under. Within the bounds of transitional justice, rhetorical listening presents as a powerful mechanism for survivor/victim self-directed agency; inherent in the shift between forms of justice is the emergence of survivor/victim-focused action. O’Donnell observes, “Listening to Magdalene survivors is a small but historically significant step in the transitional justice movement towards establishing governance [...] founded on recognising the dignity and value of (even) the most economically and socially vulnerable [...] We have much to learn from those who managed to survive the Magdalene institutions” (2018b). That is to say, when the needs of discourse communities collide, those who are not directly impacted, such as politicians or the general public, must endure through silences that are uncomfortable as it is through this process that they may begin to listen with intent. Thus, when Kenny called for the women of the Magdalen Laundries to surrender their story he entangled himself in a rhetoric that fails to listen.

But stories are not easily usurped as Judy Rohrer avows, “We are the set of stories we tell ourselves, the stories that tell us, the stories others tell about us” (2016, 189). Rather than attempt to sever the story from those who lived it – rhetorical listening disentangles the lived experience and truth-telling inherent in transitional justice from the self-serving aspects of contemporary apologia. To this end, in her TTJC presentation titled, “Digital Tools for Responding to Institutional Abuse”, Emilie Pine offered innovative strategies for expanding the purview of analysing government documents, while simultaneously fostering a survivor/victim centered approach. Pine’s research intersects meaningfully with rhetorical listening as related to the *Echoes from the Past: Listening to Survivors of Childhood Abuse*⁵³ walking tour of the Goldenbridge area.

⁵³ *Echoes from the Past* is an audio and walking tour app, which aims to give users some insight into children’s experience of the Irish Industrial school system. It is a verbatim project based entirely on the 2009 Report of the Commission to Inquire into Child Abuse and funded by the Irish Research Council New Horizons project *Industrial Memories*, based in the School of English, Drama and Film at UCD (*Echoes from the Past: Listening to Survivors of Childhood Abuse*).

Referring to that tour, Pine emphasizes, “The onus of responsibility is on the listener. This isn’t a silent event – survivors have given testimony. This project requires the listener to work harder to listen as they need to hear the audio track and imagine what the area must have looked like” (2018). Such instances are rhetorically potent and serve to maintain non-recurrence as the act of listening with intent compels participants to embody the experience being shared. To do this work, listening must be embraced as a rhetorical act, one that unlocks the potential for marginalised voices to be well-heard as per Royster’s call.

8. *Future Directions: Transformative Justice*

In contemplating the future of maintaining justice, it is instructive to consider how the shift from restorative to transitional justice acts as a blueprint for consistent evolution. In her lecture at TTJC, Rosemary Nagy shared that some scholars are “rethinking the term historical trauma as it is something that is ongoing in many instances” (2018); thus the generational impacts⁵⁴ as articulated by Merritt and O’Gorman (among many others) necessitate the espousal of responsive justice processes. Such adaptations begin with considerations rooted in transformative justice, which builds on foundational elements of restorative and transitional justice, but pivots towards schematic upheavals predicated on action. To this end, Fionnuala Ní Aoláin underscores how transformative justice is an appropriate step in the evolution of marginalised groups exercising tactics of change as there is “an absence of gender in truth processes – gender has been substantially missing in transitional justice [...] the experience of women has been persistently ignored” (2018). Thus, in the spirit of nimble responsiveness, the women of the Magdalen Laundries and advocacy groups will continue to monitor the pulse of justice by maintaining momentum as they consider innovative strategies for amplifying marginalised voices.

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⁵⁴ According to McCarthy, “[...] approximately 25 percent of the children in the industrial school system were children of Magdalenes, and many of these female children were made into Magdalenes themselves” (2010, 4).

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