

Book Review: Public Inquiries: Wrong Route on Bloody Sunday by Louis Blom-Cooper

In Public Inquiries: Wrong Route on Bloody Sunday, Sir Louis Blom-Cooper QC argues that for much of the twentieth century public inquiries have been ill-focused and mishandled, with a particular focus on the Bloody Sunday Inquiry, chaired by Lord Saville. While the book's insights are occasionally hampered by the recurrent emphasis placed on the individual influence of Lord Saville, it is impressive when advocating for a more focused role for public inquiries in contemporary Britain, finds Ryan Ross.

Public Inquiries: Wrong Route on Bloody Sunday. Louis Blom-Cooper. Hart Publishing. 2017.

Find this book: 

In recent years, everything from the conduct of the press to institutional child abuse, the Iraq War and the Hillsborough disaster have been the subject of public inquiry. Yet for much of the twentieth century, argues Sir Louis Blom-Cooper QC, public inquiries were ill-focused and often mishandled. Their insistence on replicating the adversarial nature of litigation, and in notifying witnesses in advance of any potential criticisms, made them costly and long-winded. [The Bloody Sunday Inquiry](#), chaired by Lord Saville, epitomised this largesse: created in 1998, its task was to investigate why British soldiers opened fire on 28 civilians at a peaceful protest in Derry, Northern Ireland, in 1972. Lord Saville's report, however, took over twelve years to complete, and at an estimated cost of £200 million. Although the Inquiries Act 2005 has sought to rectify some of these limitations, argues Blom-Cooper, *Public Inquiries: Wrong Route on Bloody Sunday* seeks to show what problems remain inherent to the system of public inquiries and, more broadly, to assert what role they should fulfil in contemporary Britain.

Public Inquiries begins with an overview of the inquiries conducted after the introduction of the Tribunals of Inquiry (Evidence) Act 1921. Blom-Cooper explains how the Act, in moving tribunals beyond the reach of parliamentary partisanship, granted inquiries powers akin to courts-of-law, such as the power to compel evidence and examine witnesses under oath. These powers were used by fifteen separate inquiries established prior to the 1960s, which investigated issues including the loss of the HMS Thetis in 1939 and the leaking of the 1936 Budget, plus various allegations of police misconduct and local government corruption.

Yet growing public concern over government maladministration and national scandal – notably [the Profumo Affair of 1963](#) – encouraged a rethink in how public inquiries should function. To this end, the Royal Commission on Tribunals of Inquiry was established in 1966. Dominated by the legal profession, it promoted procedural changes to public inquiries in accordance with the Commission's Six Cardinal Principles.



LOUIS BLOM-COOPER

PUBLIC INQUIRIES

Wrong Route on Bloody Sunday



The Principles stated that, since an inquiry was by definition inquisitorial and could follow the evidence wherever it led, witnesses were at a disadvantage, and ought therefore to be protected by advance notice of any impending criticism made in the inquiry's final report. Although the Principles were given no legal standing, they were nevertheless held to with 'religious-like observance' for the next 40 years, according to Blom-Cooper, and were 'avidly seized on' by the legal profession (23). As a consequence, inquiries became expensive, time-consuming and frequently adversarial as lawyers sought to protect their clients' reputation.



Image Credit: Bloody Sunday Mural ([murielle29 CC BY SA 2.0](#))

With the [Arms to Iraq Inquiry](#), established in 1992, it looked as if the Principles were to be discarded. But what Blom-Cooper insists should have been the beginning of a new approach to public inquiries became a mere outlier, superseded by the establishment of the Bloody Sunday Inquiry in 1998, chaired by Lord Saville, where the Cardinal Principles were treated as sacrosanct.

Yet the Bloody Sunday Inquiry also illustrates what Blom-Cooper identifies as broader flaws in the composition of public inquiries prior to 2005: for not only did Lord Saville undertake the laborious exercise of granting witnesses advance notice of any criticism, but he also treated the Inquiry as an excessively legal affair. The Inquiry became less about learning lessons than apportioning blame. Lord Saville treated the Inquiry as akin to a court hearing, privileging 'thoroughness' over efficiency whilst attempting to determine culpability. The Inquiry was thus 'unbalanced' in its aims, Blom-Cooper concludes: an intellectually flawed distortion of what a public inquiry should be (36).

One of the arguments developed by Blom-Cooper is that, notwithstanding the passing of the Inquiries Act 2005, public inquiries since have avoided some, but not all, of the problems found in the Bloody Sunday Inquiry. It is here that *Public Inquiries* is at its sharpest and most engaging. The author writes compellingly of the need to maintain a firm demarcation between those who hold judicial office and those who chair inquiries: though members of the judiciary may chair an inquiry, they are not there to apportion blame or find for or against a particular party. Rather, Blom-Cooper asserts, the function of the public inquiry is to learn lessons and inform public policy. Anything else is liable to cause confusion. Indeed, Blom-Cooper asserts that judges should be used sparingly in the chairing of inquiries, especially those that touch on political matters. Read alongside the recent contention over the Grenfell Inquiry – where its chair, Sir Martin Moore-Wick, [was criticised for being too distant from the lives of Grenfell's victims](#) – Blom-Cooper's comments are especially apposite.

With one eye on the forthcoming investigation into historic allegations of child abuse, *Public Inquiries* also advances a number of salient points on the problems of depending too heavily on eyewitness recollections, particularly in respect of events that happened decades ago. Furthermore, and perhaps more contentiously, *Public Inquiries* advocates for the near-removal of legal representatives from inquests. Counsel to inquiries are useful, Blom-Cooper contends (were a chairperson to cross-examine, they may jeopardise their impartiality). But interested parties retaining their own legal counsel is a product of the confused thinking that accompanies public inquiries. The latter would function more expeditiously without the involvement of numerous legal representatives; and, in any event, since inquiries should not apportion blame, interested parties would be assured that no legal consequences, either criminal or civil, would follow the inquiry's final report.

It is clear that Blom-Cooper's discussion has been heavily influenced by his own involvement in various inquiries over the past 30 years, and particularly his role in acting for the Northern Ireland Civil Rights Association before the Bloody Sunday Inquiry. There is much to be said for the insight that such experience can bring, and Blom-Cooper is at his most impressive when advocating for a more focused role for public inquiries in contemporary Britain.

Yet Blom-Cooper's proximity to the Bloody Sunday Inquiry also creates its own set of problems, of the type that occur when an author is too close to their subject matter: for the Saville Report haunts *Public Inquiries*, and in such a way as to undermine the strength of Blom-Cooper's more general commentaries. Indeed, at various points in the development of its argument, it reads as if *Public Inquiries* lacks discipline – is unable, that is, to go too long without returning to Lord Saville.

Otherwise laudable commentaries on the history, purpose or constitution of public inquiries feel marred by non-sequiturs on Bloody Sunday. The fourteen-page chapter on the exactitude of eyewitness recollection makes no mention of the Bloody Sunday Inquiry, but nevertheless concludes with a complaint about Lord Saville's reliance on eyewitness accounts. Similarly, Blom-Cooper's discussion of one inquiry, established in the early twentieth century and focusing on fairly esoteric matters (Welsh education policy), ends with an abrupt jolt as the author ponders whether Lord Saville was right to have left unexamined the lawfulness of British policy in Northern Ireland.

The effect of such detours is jarring, if not even slightly disorientating. They obscure much of the earlier chapters and distract from the clarity of the later commentary on the role of public inquiries. At a time when the latter are more frequent, and their subject matter more complex, the broader importance of *Public Inquiries* risks being lost in Blom-Cooper's narrow focus on Lord Saville.

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Note: This review gives the views of the author, and not the position of the LSE Review of Books blog, or of the London School of Economics.