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Voice, Agency and Blame: Victimhood and the Imagined Community in Northern Ireland

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INTRODUCTION

This research project entitled 'Voice, Agency and Blame: Victimhood and the Imagined Community in Northern Ireland' is funded by the Arts and Humanities Research Council (AH/N001451/1). The project is staffed by academics at Queen's University Belfast and led by Dr. Cheryl Lawther, Professor Kieran McEvoy and Dr. Lauren Dempster. The period of funding is May 2016 - September 2018.¹

The project was conceived by Lawther and McEvoy against the backdrop of the long and protracted debate on 'dealing with the past'² and the increasing politicisation of the construction and definition of victimhood in Northern Ireland.³

¹ For further detail on the project, please see the project website: <http://www.victimsandthepast.org> or contact the Principal Investigator Dr. Cheryl Lawther via email – c.lawther@qub.ac.uk

² See generally: Bell, C. (2003). 'Dealing with the Past in Northern Ireland', *Fordham International Law Journal*, 26, 4: 1095–1147; Lundy, P. and McGovern, M. (2008). 'Truth, Justice and Dealing with the Legacy of the Past in Northern Ireland', *Ethnopolitics*, 7, 1: 177-193; McEvoy, K. (2013). *Dealing with the Past? An Overview of Legal and Political Approaches Relating to the Conflict in and about Northern Ireland*. Belfast: Healing Through Remembering; McEvoy, K. and Bryson, A. (2016). 'Justice, Truth and Oral History: Legislating the Past', *Northern Ireland Legal Quarterly*, 67, 1: 67-90.

³ See: Lawther, C. (2014). 'The Construction and Politicisation of Victimhood'. In: Lynch, O. and Argomaniz, J. (eds). *Victims of Terrorism: A Comparative and Interdisciplinary Study*. London: Routledge. 10-30; Brewer, J. and Hayes, B. (2011). 'Victims as moral beacons: victims and perpetrators in Northern Ireland', *Contemporary Social Science*, 6, 1: 73-88; Brewer, J. and Hayes, B. (2015). 'Victimisation and attitudes towards former political prisoners in Northern Ireland', *Terrorism and Political Violence*, 27, 4: 741-761; Jamieson, R. (2016). 'Framing Blame and Victimhood in Post-conflict Northern Ireland'. In: McGarry, R. and Walklate, S. (eds). *The Palgrave Handbook of Criminology and War*. Palgrave: Basingstoke. 169-188.

Several key points are worth highlighting briefly at this juncture. On the past, it is instructive to note that alongside a ‘piecemeal’ approach to the past composed of, for example, the Historical Enquiries Team/Legacy Investigations Branch, Office of the Police Ombudsman for Northern Ireland, public inquiries and a range of local community and civil society led initiatives, there have been 5, as yet, unsuccessful attempts to establish overarching legacy bodies. Those efforts are:

- 1). Healing Through Remembering. (2006). Making Peace with the Past: Options for Truth Recovery regarding the Conflict in and about Northern Ireland.
- 2). Consultative Group on the Past. (2009). Report of the Consultative Group on the Past.
- 3). Haass-O’Sullivan. (2013). An Agreement among the Parties of the Northern Ireland Executive on Parades, Select Commemorations and Related Protests; Flags and Emblems; and Contending with the Past.
- 4). The Stormont House Agreement. (2014).
- 5). A Fresh Start: The Stormont Agreement and Implementation Plan. (2015).

At the time of writing, a consultation on the legacy proposals contained in the Stormont House Agreement (SHA) is pending. The Agreement makes provision for four distinct legacy bodies:

- 1). Historical Investigations Unit - ‘an independent body to take forward investigations into outstanding Troubles-related deaths’.
- 2). Independent Commission on Information Retrieval - ‘to enable victims and survivors to seek and privately receive information about the deaths of their next of kin’.
- 3). Oral History Archive – ‘to provide a central place for people from all backgrounds to share experiences and narratives related to the Troubles’.
- 4). Implementation and Reconciliation Group – ‘to oversee themes, archives and information recovery’.

In addition, the Agreement contains recommendations on increased services for victims and survivors, the funding of legacy inquests and the making of statements of acknowledgement.

In respect to the politics of victimhood, much of the debate has coalesced around the statutory definition of a victim contained in the Victims and Survivors (Northern Ireland) Order 2006.⁴ Providing an ‘inclusive’ definition of victimhood, the Order has been perceived by some to blur the lines between ‘innocence’ and ‘guilt’ and create ‘moral equivalence’ between members of the security forces and former members of paramilitary organisations.⁵ Such contestation has manifested in several attempts to change the legislative definition of a victim (including the proposed adoption of the European Framework Decision (2001/2002/JHA) on the standing of victims), has had ramifications for a number of past facing proposals including the ‘Recognition Payment’ proposed by the Consultative Group on the Past⁶, the pension for those seriously injured as a result of the conflict⁷ and the creation of the Special Advisors Act (2013)⁸, and has led to a range of bitter and divisive attempts to use victimhood for social and political gain. These factors are layered on top of an expansive ‘victims sector’, composed of approximately 55 victim and survivor groups⁹ and the creation of the statutory body tasked with overseeing issues relating to victims and survivors – the Commission for Victims and Survivors Northern Ireland in 2012.

With this backdrop in mind, this project sought to explore how victimhood has been – and continues to be – constructed, reproduced and contested in Northern Ireland. Using the theoretical framework of voice, agency and blame¹⁰, the project

⁴ <https://www.legislation.gov.uk/nisi/2006/2953/contents>

⁵ See: Lawther, C. (2014). *Truth, Denial and Transition: Northern Ireland and the Contested Past*. London: Routledge.

⁶ The traditional unionist newspaper the Newsletter suggested that ‘*Twisted Logic Flaws Report on Troubles*’ and carried a range of reports condemning the recommendation as an ‘insult to victims’, *Newsletter*, January 29th 2009.

⁷ Moffett, L. (2018). ‘A pension for seriously injured victims of the Troubles – a human rights issue’. Available at: <http://rightsni.org/2018/03/a-pension-for-seriously-injured-victims-of-the-troubles-a-human-rights-issue/>

⁸ The Civil Service (Special Advisors) Act (Northern Ireland) 2013, available at: <http://www.legislation.gov.uk/nia/2013/8/contents>
For an excellent discussion see: Hearty, K. (2016). ‘Legislating Hierarchies of Victimhood and Perpetrators: The Civil Service (Special Advisors) Act (Northern Ireland) 2013 and the Meta-Conflict’, *Social and Legal Studies*, 25, 3: 333-353.

⁹ The Victims and Survivors Service funded 55 groups in 2016-17. See: <http://www.victimsservice.org/support-for-organisations/about-support-for-organisations/>

¹⁰ McEvoy, K. and McConnachie, K. (2012). ‘Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy’, *European Journal of Criminology*, 9, 5: 527-538; McEvoy, K. and McConnachie, K. (2013). ‘Victims and Transitional Justice: Voice, Agency and Blame’, *Social and Legal Studies*, 22, 4: 489-513.

has asked questions concerning the extent to which victims' voices are shaped, amplified or usurped by those involved in speaking on behalf of victims; the extent to which victims are central to what Barker¹¹ has termed 'self-legitimation' for those who work with or claim to represent victims' voices; and whether the 'urge to blame' is predicated on reproducing partial and polarised constructions of 'innocent' victims and 'guilty' perpetrators. Detailed in full below, the project is built around qualitative interviews with over 60 victims and survivors of the Northern Ireland conflict. Where possible in this paper, we have allowed their voices to speak.

In this policy briefing paper, and mindful of the upcoming consultation of the legacy aspects of the Stormont House Agreement, we outline our findings on the three themes of voice, agency and blame. In particular, we have sought to emphasise how they relate to the politics and construction of victimhood in ways that may be particularly sharply felt during the period of consultation and in the design and lifecycle of the legacy bodies themselves. While we acknowledge and of course respect the range of opinions amongst victims and survivors on dealing with the past¹², we repeatedly found interviewees calls for truth, justice and acknowledgement and associated narratives of loss, trauma, sacrifice and courage compelling and in urgent need of response. The following two quotations exemplify these points:

'The real tragedy of all this is that the true voice, of the silent majority is being absolutely lost and we do not have a victim centred process anymore'.

'Currently now we have a witch hunt going on, apparently. Which is wholly offensive. To call anybody's search for truth or justice a witch hunt, do you know what, if you want to call it a witch hunt then give me a broom and give me a hat because I am involved in this witch hunt and I will continue, regardless of what offensive label they put on it. If seeking justice for an 11-year-old child that was gunned down on the street is making me into a witch hunt then so be it. ... The politicians do themselves no favour, they come across as bitter and entrenched and looking after their own. It's not about looking after your own, it's about what's right....' (6/3/2017).

METHODOLOGY

This research project employed an entirely qualitative methodology. Indeed, given the desire to hear victims' voices, it is difficult to conceive of an alternative approach. A thematic research instrument was developed, corresponding to the themes outlined above and those identified in the academic literature on victimhood post-conflict and 60 in-depth semi-structured interviews conducted. A purposeful sampling methodology was used and interviewees approached on the basis of their relevance to the research questions. Those interviewed were selected on a range of criteria including membership or experience of working with victims' organisations; knowledge and experience of relevant policy debates; direct involvement in the delivery of victims' services, or involvement in local debates on dealing with the past; and professional seniority and expertise. Interviewees also included groups and individuals involved in different forms of campaigning and mobilisation work, as well as as broad as possible a cross section in terms of positions adopted, political allegiances (if any) and whether individuals had suffered at the hands of state or non-state actors (or both). Data collection ended at the point of saturation. Participants including representatives and members of victims' groups; ex-combatants; lawyers; NGO activists; representatives of the statutory sector; and print and broadcast journalists involved in reporting victim issues. While the research did not seek to be geographically or socio-economically representative, participants came from a range of socio-economic backgrounds and geographical locations throughout Northern Ireland. Approximately one third of interviewees (21 individuals) were women.

¹¹ Barker, R. (2001). *Legitimizing Identities: The Self-Presentations of Rulers and Subjects*. Cambridge: Cambridge University Press.

¹² See generally: Brewer, J. and Hayes, B. (2014). 'Victimhood and Attitudes Towards Dealing with the Legacy of a Violent Past: Northern Ireland as a Case Study', *British Journal of Politics and International Relations*, 17, 3: 512-530. Alternative perspectives on victims' 'right to resent' and the 'moral legitimacy' of victims' anger can be found in Amery, J. (1980). *At the Mind's Limits. Contemplations by a Survivor on Auschwitz and its Realities*. Bloomington Indiana University Press and Muldoon, P. (2008). 'The Moral Legitimacy of Anger,' *European Journal of Social Theory*, 11, 3: 299-314 respectively.

To ensure ethical best practice, the project team partnered with Adrian McNamee, Head of Policy and Research at the Commission for Victims and Survivors Northern Ireland (CVSNI), latterly Neil Foster (Research Officer), in the guise of a ‘critical friend’. That role has involved providing advice and assistance on research ethics, engagement with victims and victim groups, sampling and access to interviewees. This latter point was particularly valuable. With the assistance of the CVSNI we were able to access a wide range of interviewees with whom contact would otherwise not have been possible, allowing us to fulfil our aim of reaching and listening to a plurality of victims’ voices. Work is currently ongoing in relation to research outputs.

RESEARCH FINDINGS

VOICE

The first theme which we wish to address is that of victimhood and voice. Work on victimhood and voice is beginning to emerge in the transitional justice field and incorporates a number of themes.¹³ Those themes include the complexity and multiplicity of voices post-conflict, the importance of hearing and acknowledging the voice of victims and the role that voice can play in broadening our understanding of the past. The fieldwork for this project directly correlated with these themes. For example, on the existence of different voices one interviewee made the following point:

‘...whenever you’re dealing with, especially the larger atrocities, you’re dealing with probably potentially 100 different voices and personalities and egos. But even within one family you can have people who want to bury their head and don’t want to be told information and don’t want to come outside their house and can’t deal with it because there’s wee triggers that would go off and they’re not fit for it, mentally to deal with it’ (3/5/2017).

On the importance of listening to and acknowledging victims’ experiences, another commented:

‘...the vast majority of people just want the world to stop for 30 seconds, for somebody in officialdom to actually listen to [how] the incident of the Troubles impacted on their family and how it has continued to impact them. They want to tell their story. They’re not out quite often for revenge or what’s put into their mouths called truth or justice, whatever that means. They’re out simply to say stop, I lost my husband, this is what it meant to me trying to bring up my family, I would like recognition for that just for the record to be made so that I can, in prosperity, perhaps say to my grandchildren well, there is an official archive account of what your dad meant to us and everybody else because in a lot of families those sorts of things were suppressed, granny didn’t want to talk about it, the children now come along and ask questions and there is nothing there, as I say’ (21/12/2016).

A third interviewee reflected on their own personal experience of how listening to other victims’ voices expanded their own understanding of the past and the legacy of the conflict:

‘...you come to sort of understand their hurt more, I know I did. It was fascinating really just to sort of listen, I suppose being injured myself and just seeing how other people had come through some dreadful, dreadful stuff. I’m glad I did it’ (23/1/2017).

That said, and not without some irony on the part of two interviewees who were themselves victims of the conflict, participants did acknowledge that with the passage of time and repeated failures to respond to legacy issues, a sense weariness about the past and the exercise of victims’ voices has set in:

‘Do you think there is a sense here that the wider public is getting tired of hearing about victims?’

H: Of course they are.

¹³ See for example: McEvoy, K. and McConnachie, K. (2012). ‘Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy’, *European Journal of Criminology*, 9, 5” 527-538; McEvoy, K. and McConnachie, K. (2013). ‘Victims and Transitional Justice: Voice, Agency and Blame’, *Social and Legal Studies*, 22, 4: 489-513.

P: *Oh, there's a big sense of that. Who wouldn't be tired of hearing about it? I'm tired of hearing about it' (2/3/2017).*

There are however a number of challenges associated with voice and its relationship to truth recovery/dealing with the past more broadly. As has been seen in a range of transitional jurisdictions and also in the domestic criminal justice context, victims' voices are at risk of being managed, co-opted and instrumentalised for political ends.¹⁴ This capturing of victimhood is part of the political currency of victimhood and for some commentators, amounts to a form of 'victim prostitution' whereby vulnerable voices are 'stolen' and projected into the political sphere, often for expressly political ends.¹⁵ Decisions about power, choice and capital regarding the strategic inclusion or exclusion of certain victims' voices are inevitably made. Victim involvement in political debates around the release of paramilitary prisoners, the reform of the Royal Ulster Constabulary, the 'Recognition Payment' proposed by the Consultative Group on the Past all constitute 'political spectacles' of this kind in Northern Ireland.¹⁶ Such practices risk re-silencing victims, negating their potential for agency and can reproduce a sense of powerlessness. They also do little to advance healing or the resolution of victims' issues –

'It [victimhood] also makes a good football. It's also good for point scoring within the parties which is shameful, it absolutely is shameful and when you see them kicking it down the road, they kind of kick it forever' (6/3/2017).

Relatedly, some interviewees expressed concerns regarding the volume at which some voices are exercised - *'it's kind of like the loudest voice, the sharpest elbows, the biggest who pushes their way to the top of the queue' (15/11/2016)*. Speaking to issues of selectivity and visibility, as the following quotation demonstrates, the importance of encouraging voice and broadening out the narration of stories is essential –

'I think sometimes it's those who shout loudest that will be heard. I love whenever I hear other victims of terrorist violence speaking up because you know that you don't want to be, there was a time whenever it was like every morning you were getting a phone call from the radio station or whatever and you just go well no, there are lots of other people besides me out there. But I do think that there are cases within Northern Ireland which have become sexy cases, if you want to put it like that and it's actually hurtful, it's very, very hurtful to other victims because they do think well, what about my own, what about my loved one. We never get anything or nobody listens to us. I've always encouraged victims to speak up and tell their stories, share their stories because I think if you don't share them people will never learn. And it's not just about what happened that day, it's about the consequences after that day' (15/11/16).

The contrast is the silencing of 'uncomfortable' voices. 'Uncomfortable' voices may, for example, challenge privileged notions of innocence and blame, or contradict legitimizing narratives and imagined communities of victimhood. While the following quotation refers to members of the republican community who have been victims of republican violence, the same is also true of victims of state violence in the unionist/loyalist community -

'One group of victims whose voices have never been adequately heard are those people from the nationalist and republican community who are victims of republican paramilitaries and they are to some extent a group of people whose voices are basically silent and silenced in this process'.

As this statement demonstrates, there is a need to critically interrogate what uncomfortable victimhood means and how such voices are silenced in a post-conflict society.

¹⁴ Christie, N. (1977). 'Conflicts as property', *British Journal of Criminology*, 17, 1: 1–14.

¹⁵ Walklate, S. (2007). *Imagining the Victim of Crime*. New York, NY: McGraw-Hill.

¹⁶ Edelman, M. (1988). *Constructing the Political Spectacle*. Chicago: University of Chicago Press.

AGENCY

Closely related to the theme of voice is that of agency. While we are aware that there are those victims and survivors who need and indeed welcome help and support from those with the skills and resources to do so, we are also cognisant of the critique that as the victims' sector in Northern Ireland has expanded, it has not always been met with a parallel commitment to advance the voice and agency of victims. As with the other themes discussed in this policy briefing paper, this critique is not unique to Northern Ireland. Rather, as Barker has pointed out, victims and the claim to victimhood are central to 'self-legitimation' for those who work with or claim to represent victims' voices.¹⁷ However, what is problematic is when victims' groups, in the words of one interviewee '*become more about the group than about the victim*' or appear at least to have little intrinsic or moral interest in responding to victims' needs:

'But for the man who works 30 or 40 years and then retires on a big pension, is a bit bored and thinks well can we start a wee gentleman's club and jumps on the back of victims because jumping on the back of victims seems to be the trend now here at the minute' (2/3/2017).

For some interviewees and others involved in working with victims and survivors, this expansion of services and personnel has facilitated the creation of a 'victims' industry'. It was not discussed in positive terms. For example, Omagh bomb victim and campaigner Michael Gallagher has long critiqued '*the lot of little groups looking for grants who are like vultures feeding on the dead and injured*'.¹⁸ Likewise, the former Victims Commissioner Sir Kenneth Bloomfield has gone on the public record to state:

'My own wish would be that as many people as possible should be able to remove the word 'victim' from their foreheads. There are people who were not injured themselves who are almost making a lifelong career of all of this and it would be a great thing if one could wean some people away from that attitude'.¹⁹

That said, other interviewees offered a ready acknowledgment of the sense of ownership and empowerment that comes from engagement and cultivating agency -

'I know that it's bandied about sometimes that you hear celebrity victims, I don't hold any truck with that because if people are using whatever means possible to get their campaign raised to such a level that people know about it then I say more power to them. I'm also cognisant that other campaign groups would be better at how they present themselves and I think it's fantastic, regardless of their background or creed, if they are managing to get heard and if they're managing to have their campaign raised in whatever form, whether it's the media or Stormont or whatever; I think it's fantastic' (3/5/2017).

In light of the upcoming consultation on the legacy aspects of the Belfast Agreement, we would argue that a careful balance needs to be struck between representing and advocating for victims and survivors and denying individuals of their agency.

BLAME

The final theme we wish to discuss in this briefing paper is the relationship between victimhood and blame. There is a rich literature on blame in the fields of philosophy, sociology, political science, criminology and socio-legal studies and as captured by one interviewee, Northern Ireland is not immune to playing the 'blame game' –

¹⁷ Barker, V. (2007). 'The politics of pain: A political institutionalist analysis of crime victims' moral protests', *Law and Society Review*, 41, 3: 619–664.

¹⁸ The Sunday Times, 2004.

¹⁹ Sir Kenneth Bloomfield, 2008.

'I can blame you and you can blame me and that's what's happening on both sides. Once somebody brings a subject up, ah but, what about...and then the blame jumps from that table to this table and back again and then the blame game. They made a comedy programme out of that, The Blame Game, and so that sums up Northern Ireland. There is your understanding of blame, they turned it into a comic show' (2/8/2017).

Given the hurt and pain that results from violent conflict, the 'urge to blame' is understandable.²⁰ Particular care does however need to be exercised regarding the relationship between blame allocation and the existence of a formal process of truth recovery. Truth commissions have, for example, been described by one academic as designed 'to draw a line between worthy and unworthy citizens'.²¹ In a context where victimhood remains sharply polarised and the nature of the conflict unresolved, we would like to caution against the prospect of legacy debates and legacy bodies themselves becoming a forum for the institutionalisation of blame and 'whataboutery'.

'Whataboutery' refers to the long-standing tradition in Northern Ireland of using past sins visited by either community (or the British or Irish state) upon each other to avoid uncomfortable questions about one's own past or contemporary responsibilities for making peace.²² In terms of dealing with the past, 'whataboutery' is premised on the denial of the truths of the 'other' as a way to highlight the innocence and moral integrity of one's own experiences. Multiple examples can be identified where one 'truth' is traded for a 'better' or more 'true' account of the past. Just as there is a considerable debate over the existence of hierarchies of victimhood, the underpinning dynamics of competition over 'innocent' victimhood and responsibility and justification for past actions can readily tip over into the creation of hierarchies of truth.²³

There are three key consequences. One, truth or the recovery of truth is used to fight 'the war' by other means. 'Headline' cases or certain voices are therefore at risk of being picked out and re-appropriated to suit particular causes. Second, truth recovery becomes individualised, focusing only on those who took up arms and failing to offer a full examination of the broader context, causes and consequences of the past. Third, reverting to practices of blaming means it is impossible to create the space for political generosity that is required to push the peace process and political landscape forward. Instead, victimhood and the victim identity remain at risk of further stagnation and reification. Ultimately, such practices do little to foster a true unpicking of the past or further our capacity to respond to victims' needs.

CONCLUSION

This briefing paper can only offer a snapshot of the interview data captured by this project. However, it has sought to highlight some of the most salient issues emerging from that research in relation to the project themes of voice, agency, and blame. We consider these issues to be influential with regards the upcoming consultation on the legacy aspects of the Stormont House Agreement and ultimately, the establishment and lifecycle of those bodies. As this paper has made clear, and as is reiterated in countless policy documents, newspaper articles and other sources, there is a profound need on the part of victims and survivors in Northern Ireland to be provided with the means to deal with the past. Such a process offers the potential for some measure of truth, justice, acknowledgement and support towards physical and mental health needs amongst other variables. In a context where the definition of a victim remains contested and there is little agreement over the nature of the conflict, it is also challenging - but not impossible. Focusing on the themes of victim voice, the exercise of agency and the calibration of blame, this paper contributes to that ongoing debate.

²⁰ McEvoy, K. and McConnachie, K. (2013). 'Victims and Transitional Justice: Voice, Agency and Blame', *Social and Legal Studies*, 22, 4: 489-513.

²¹ Tilly, C. (2008). *Credit and Blame*. Princeton, NJ: Princeton University Press, 11.

²² According to Fealty (2005), 'Evasion may not be the intention but it is the obvious effect. It occurs when individuals are confronted with a difficult or uncomfortable question. The respondent retrenches his/her position and rejigs the question, being careful to pick open a sore point on the part of the questioner's 'tribe'. He/she then fires the original query back at the inquirer. Historical subjects can be the worst. Rational perspective disappears and opponents are forced to assume moral responsibility for their community's past sins. The substance of the issue is foregone for an emotional power play that comprises the solipsistic concerns of the participants, with little regard for fact or quality of argument'. https://sluggerotoole.com/2005/02/09/glossary_what_is_whataboutery/

²³ Lawther, C. (2014). *Truth, Denial and Transition: Northern Ireland and the Contested Past*. London: Routledge.

