Heroes and Hierarchies: The Celebration and Censure of Victimhood in Transitional Justice

Published in:
The International Journal of Human Rights

Document Version:
Publisher's PDF, also known as Version of record

Queen's University Belfast - Research Portal:
Link to publication record in Queen's University Belfast Research Portal

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Published online: 22 Jul 2021.

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Heroes and hierarchies: the celebration and censure of victimhood in transitional justice

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ABSTRACT

Victims of past abuses are often the subject of transitional celebration, with previously marginalised and disrespected identities afforded recognition and support. Yet, the celebration of certain variants of victimhood and the censure of others readily lends itself to the creation of hierarchies of victimhood where those who consider themselves or are considered by others to be 'good' or 'innocent' victims dispute the 'deservingness' of other 'bad' or 'impure' victims. Based on fieldwork in Northern Ireland, this article deconstructs the creation of hierarchies of victimhood within a transitional context. It draws on three overlapping themes – hierarchies of 'good' and 'bad' victims; hierarchies and heroes for the cause; and hierarchies and 'the silence of social opprobrium'. The overlapping connections between these three strands illustrates that the idea of a hierarchy of victimhood is in fact much more problematic than a simple division along communal lines. Rather, hierarchies of victimhood are predicated on highlighting the victimhood of one's own heroes while silencing the uncomfortable aspects of one's past. The result is not only a partial representation of who 'counts' as a victim, but the failure to recognise the victimhood of the vast majority of those affected by the conflict – members of the civilian population.

Introduction

Victims of past abuses are often the subject of transitional celebration: their recognition after a transition 'upwardly revalues the disrespected identities of those who were victimised by a previous regime',[1] elevated from deviants to 'moral beacons' and now treated with dignity rather than contempt.[2] For some, victims are now said to be the 'primary subject of the transitional justice enterprise' as participants, advocates and rights holders.[3] Indeed, the 'right to truth', the 'right to reparations' and the 'right to justice' are widely accepted as central pillars of transitional justice scholarship, policy and practice. All is not, however, equal in terms of *how* victimhood is defined, *who* defines victimhood and *which* victimized communities feature in transitional justice and efforts to deal

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with the legacy of a violent past. Deciding *how*, *who* and *which* involves a complex interplay between political, legal and social choices regarding which categories of suffering and which types of cruelty are recognized as worthy of 'victim' classification. As Garcia-Godos explains, these choices 'determine who deserves praise and who deserves condemnation, who deserves reparation and who deserves prison, and who enters the history books and remains forgotten'.[4] Moreover, and as is the focus of this article, these classifications have readily lent themselves to the creation of exclusionary hierarchies of victimhood where those who consider themselves or are considered by others to be 'innocent' victims dispute the 'deservingness' of other 'bad' or 'impure' victims.[5]

This article problematizes how victimhood is celebrated and censured in transitional justice and how this translates into the construction of hierarchies of victimhood.[6] Drawing on the themes of celebration and censure in particular, its goal is to provide a richer and more complex account of such hierarchies. According to Sumner, social censure is how dominant groups attempt to maintain hegemonic control through the censure of some behaviours rather than others.[7] Behaviours that are censured become 'negative ideological categories' and function to 'signify, denounce and regulate' those whose actions and practices are considered to run counter to the perceived moral-political orthodoxy of the dominant regime, and where the cumulative effect is to 'mark off the deviant, the pathological, the dangerous and the criminal from the normal and the good'.[8] However, as Brogden argues, to prevent censure becoming too lopsided and losing some of its exegetic potential, social censure needs to be balanced by social celebration.[9] According to Brogden, 'The concept of celebration complements the idea of censure by illuminating how, that at the same time that governments and powerful agencies demonize their opponents, they also celebrate their own harmony and normality.'[10]

In this article, I argue that the interplay between celebration and censure offers a new lens through which to understand the construction of hierarchies of victimhood in transitional justice. At first glance, a hierarchy of victimhood is predicated on distinctions between what Madlingozi has termed 'good' victims and 'bad' victims and the question of who can or should be considered a 'victim'.[11] According to this demarcation, 'good' victims are 'innocent' and blameless, while 'bad' victims are associated with guilt, culpability and responsibility for violence.[12] The dynamics of celebration – of the 'good' victim, and censure – of the 'bad' victim, are therefore immediately at play, with victimhood and the creation of hierarchies of victimhood *contested*, *policed* and *performed* by competing political and social interests. Such selectivity is part of the process of 'control by opening, control by closing' competing social memories of the past.[13] Yet, the creation of hierarchies of victimhood frequently runs deeper than the demarcation of 'good' and 'bad' victims. Rather, I argue that in the transitional politics of praise and denunciation, a 'net widening' and 'mesh thinning' of the classification of victimhood has been used in the attempt to 'secure the past'.[14] While the 'net' of social control is often widened in domestic contexts to afford control over ever-increasing categories of deviance, in transitional contexts where the past remains contested, I argue that the net is tightly calibrated to highlight and celebrate the actions of those victims considered 'heroes' within each community and simultaneously exclude – or censure – less comfortable variants of victimhood. The vast majority of victims – 'good' or 'bad', deceased, bereaved, injured or traumatized – therefore fail to have their plight acknowledged. Rather, in the struggle

over the 'ownership of the past', transitional hierarchies of celebration and censure act as a form of social control, shaping memories and narratives of the past in the most acute and politically expedient of ways.

To explore the intersection between celebration, censure and hierarchies of victimhood, this article draws on the case study of Northern Ireland. In Northern Ireland, the themes of celebration and censure have become heavily ingrained in the construction of selective and one-dimensional collective memories of the conflict.[15] As is detailed throughout this article, contests concerning 'who' is a victim of the conflict have been a prominent feature of the post-conflict landscape, with much of the debate on addressing victims' needs and dealing with the legacy of the past marked by heated debates over 'innocent' and 'guilty' victims and discussions on the existence of a politically calibrated hierarchy of victimhood.[16] The article draws on over 60 semi-structured interviews with victims and survivors of the Northern Ireland conflict. Interviews took place between 2016 and 2018.[17] Interviewees included victims of loyalist and republican paramilitary violence and British state forces. Approximately one-third were women. All interviews were anonymized. Purposeful and snowball sampling methods were used. With interviewees' permission, interviews were audio recorded and professionally transcribed in full. An inductive approach was then adopted, with the transcribed data being thematically coded and analysed using NVivo software.

This article is structured by three overlapping themes – hierarchies of 'good' and 'bad' victims; hierarchies and heroes for the cause; and hierarchies and 'the silence of social opprobrium'. 'Good' and 'bad' victims refers to subjective decisions as to the existence of victims who were 'deserving' and or 'non-deserving' of their fate.[18] 'Hierarchies and heroes' refers to the elevation of particular categories of victims within one's own community, typically those victims defined as 'heroes for the cause'. On the other hand, the 'silence of social opprobrium', a phrase made by an interviewee, refers to the silencing of certain experiences of victimhood and their placing at the bottom or beyond any hierarchy of victimhood. Each is explored in turn. The overlapping connections between these three strands illustrates that the idea of a hierarchy of victimhood is in fact much more problematic than a division between 'good' and 'bad' victims that is frequently made along communal lines. Rather, as the case study of Northern Ireland demonstrates, hierarchies of victimhood are predicated on highlighting the victimhood of one's own heroes while silencing the uncomfortable aspects of own's own past. The result is not only a partial representation of who 'counts' as a victim, but the failure to recognize the victimhood of the vast majority of those affected by the conflict – members of the civilian population.

Northern Ireland and the contest over victimhood

By way of background, a brief overview of scale of victimization in Northern Ireland and the use of the term 'hierarchy of victimhood' is useful at this juncture. Approximately 3,700 individuals were killed as a result of the Northern Ireland conflict, with a further 40,000–50,000 injured and tens of thousands displaced due to intimidation and political violence.[19] Research by the Commission for Victims and Survivors Northern Ireland (CVSNI) notes that today, over one-third of Northern Ireland's population could be legally classified as a victim or survivor of the conflict.[20]

The question of precisely *who* is a victim of the Northern Ireland conflict and whether there is or should be a hierarchy of victimhood has been a site of considerable political and social contest. A key site of contention is the legal definition of a victim, contained in the Victims and Survivors (Northern Ireland) Order 2006. Under this legislation, a victim is

(a) someone who is or has been physically or psychologically injured as a result of or in consequence of a conflict-related incident;
(b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a); or
(c) someone who has been bereaved as a result of or in consequence of a conflict-related event.[21]

This is an inclusive definition of victimhood and incorporates all those affected by the conflict: civilians, members of the security forces, former members of paramilitary organizations and their families. The Order does not imply that all members of society experienced victimhood equally, or what Meyers terms 'blame all-around-ism' – that all parties to the conflict are equally to blame for its causes and consequences.[22] Rather, it is need focused and takes the individual experience of suffering as its starting point.

While the Order passed into law in 2006 with little political opposition, it has since become a focal point for debates over so-called innocent and guilty victims and the existence of a 'hierarchy of victimhood'.[23] In broad terms, the definition of a victim contained in the Victims and Survivors (Northern Ireland) Order 2006 has been rejected by unionist political parties and unionist aligned victims' groups. Under a unionist conceptualization of victimhood, only 'innocent' or 'undeserving' victims are considered 'true' victims of the conflict, while members of paramilitary organizations killed or injured during the course of the conflict are considered 'guilty' victims and beyond the boundaries of support or recognition of their needs. In contrast, victims' groups working primarily in the nationalist and republican community and their political representatives have advocated for greater inclusivity in respect to who can be considered victims of the conflict.[24] Both constituencies have rejected what they term distinctions between 'deserving' and 'non-deserving' victims and the suggestion of a hierarchy of victimhood and have advocated for recognition of the wide-reaching and complex nature of the conflict.[25] The resulting struggles concerning the celebration and censure of certain variants of victimhood within and across the two communities in Northern Ireland are unpicked throughout the remainder of this article.

Hierarchies of 'good' and 'bad' victims

Within the transitional justice field increasing academic and practitioner attention has been paid to complicating binary divisions between victims and perpetrators. As Borer points out, 'not all victims are the same, nor are all perpetrators the same, and some victims are also perpetrators'.[26] However, and while space does not permit an exhaustive overview of the international context, as illustrated in contexts as diverse as Israel, Spain and Nepal, victims of violent conflict or authoritarianism continue to be classified as 'good' or 'bad' along politically polarized lines and where value judgements of blame and responsibility act to determine one's recognition as a victim or not. In Northern

Ireland, unionist victims' groups and political parties have long claimed ownership of the 'real' and 'innocent' victims of the Northern Ireland conflict.[27] As Meyers argues, everyday understandings about victims are predicated on a broad presumption of innocence in the event of aggression.[28] Of course, many victims of violence and human rights abuses are 'innocent' victims, both in respect to the non-combatant status of the victim as defined in international law and the Geneva Conventions and where individuals and communities have had violence visited upon them without any morally or politically justifiable reason.[29] Indeed, a much discussed phenomenon of so-called 'new wars' is the deliberate targeting of civilians for political, economic or ethnic reasons.[30] The wrongness of such actions and the absolute entitlement of those wronged to identify themselves as victims or survivors (if they so wish) is a given.[31] Moreover, the emphasis on innocence is a natural and expected reaction to traumatic loss – as Enns argues, 'we seem devoted to upholding the absolute innocence of victims' and the defence of victims' stories and images is often a duty of memory.[32]

Undoubtedly, many members of the unionist and loyalist community were innocent victims of the Northern Ireland conflict. Yet, as Walklate argues, claiming innocence can also speak to an exclusive and politically calibrated notion of suffering and legitimacy.[33] Moreover, as McEvoy and McConnachie note, 'those who consider themselves or are considered by others to be innocent victims dispute the 'deservingness' of other 'bad' or 'impure' victims.[34] Innocence also provides 'an easy shorthand for blaming those deemed responsible for past horrors as well as absolving those deemed blameless'.[35] This conceptualization of innocent victimhood can be found within unionist victims' groups and unionist political parties. As detailed above, the dominant framing of victimhood within unionism is predicated on 'an unassailable, unidimensional imprimatur of innocence'[36] and on the need for a hierarchy of victimhood. This conceptualization of victimhood closely meshes with Nils Christie's idea of the 'ideal victim' – a 'blameless', faultless innocent who has had crime visited upon them by a 'wicked' perpetrator.[37] Thus, unionist victims' groups have advocated for a strict division between 'victims' and 'perpetrators' and have argued that only 'innocent' or 'undeserving' victims are the 'true' victims of the conflict – 'You're talking about good versus evil, and it's as good as that.'[38] This division between 'innocent' and 'guilty' victims does not afford space to consider the harms experienced by those involved in conflict, or the circumstances in which their victimhood occurred. Moreover, members of paramilitary organizations, particularly IRA members – killed in active service (either by the British security forces, other paramilitaries or by their own actions) – are considered 'deserving' of their fate. As a spokesperson for one prominent unionist victims' group which campaigns on behalf of what they term 'innocent victims of terrorism' told the author:

> There is an innocent victim and there is a perpetrator. We are only 1.5 or 1.6 million of a population, why should we be the only place in the whole of the world that has a definition of a victim that has the perpetrator as much a victim as those who were killed? … If you went out and lifted a gun and killed somebody and got shot doing it, tough.[39]

Perhaps most problematic, this lure to innocence provides a means through which 'to draw a line between worthy and unworthy citizens'.[40] The fieldwork on which this article is based revealed a particularly damaging dynamic where, within the unionist framing of victimhood, 'innocence' is only awarded to victims within their 'own'

community, not those within the nationalist and republican community. As such, within unionism it appears that the existence of one narrative of victimhood denies the existence of the other, or, in Jessica Benjamin's terms, creates a context in which 'only one can live'.[41] A number of different examples of this dynamic can be identified whereby the victimhood of objectively innocent members of the nationalist and republican community has not been regarded as 'worthy' of recognition or placed on the same plane as that of unionist victims. One example is the failure to consider the needs and victimhood of families of deceased ex-combatants. The experience of the families of the eight IRA men (and one civilian) who were killed by the Special Air Services, a special forces unit of the British Army, in Loughgall, County Armagh in 1987 is illustrative. Families of the deceased have long complained that they are not considered 'legitimate' victims, but sit outside the unionist hierarchy of victimhood –

> we were also constantly presented in the media as 'IRA relatives' it was like using a dirty word to describe us. They wouldn't see us simply as bereaved relatives – that didn't suit many people, we had to be presented as something more than that, something evil.[42]

Confirmation of this view was provided by one interviewee, who is also a member of the unionist community:

> … when you think of Loughgall, personally I don't feel that the Loughgall families are innocent victims, their loved ones that they lost, wrong or right, whatever way, I think it was a lawful act by the State forces, these guys were going out to murder, they had murder in their mindset, whoever got in front of them they were going to kill. So that's how you distinguish between an innocent victim.[43]

On one level, what Franke calls the 'stickiness of shame' has been attached to the Loughgall families.[44] In part, this conforms to the longstanding critique that victims of state violence are often marginalized and presented as in some way contributing to their own deaths or that their community is responsible for creating the conditions under which their deaths occurred.[45] Yet, on the other hand, family members' association with the IRA, however tenuous, has been used to reinforce the distinction between so-called 'worthy' and 'unworthy' victims and has been used by unionists to deny their role in the conflict and place blame and responsibility elsewhere. In this respect, defining victims as 'innocent' or 'guilty', 'worthy' or 'unworthy' or 'good' and 'bad' may be less about victims' needs and circumstances and more about making a statement on the 'justifiability' of the harms inflicted and the causes and consequences of the conflict within which their victimization occurred.[46]

In contrast, and at least on the surface, nationalist and republican victims' groups and the principal nationalist and republican political parties (Sinn Fein and the Social and Democratic Labour Party) have tended to countenance greater inclusivity with regard to who may be termed victims. Both constituencies have rejected what they term distinctions between 'deserving' and 'non-deserving' victims and the suggestion of a hierarchy of victimhood.[47] Indeed, republicans often speak of an 'equivalence of grief'. This point was made by a bereaved family member during an interview with the author –

> There's always the talk about the hierarchy of victims which I always find offensive. I don't believe that there is a hierarchy of victims … The grief at the graveyard wasn't greater if you

were a policeman or if you were an IRA man or if you were a woman pushing a pram. Grief is grief, everyone experienced it the same.[48]

In the attempt to legitimize the actions of armed republicans and delegitimize those of the British state, this definition of victimhood speaks to the argument that the conflict was political in nature and reflects the long-held view that institutional discrimination under the Stormont regime, oppressive policing and 'occupation' by the British army was a source of victimization for the nationalist and republican community.[49] In part, this argument also reflects growing international recognition of the 'complex political victim' – the victim 'who is no longer chained to characteristics of complete innocence and purity, but remains a victim nonetheless'.[50] As Bouris explains, 'recognizing these perpetrators as victims is quite critical, because if we do not see them as victims, we are unlikely to understand the true horror of [the context]'.[51] The attempt to 'simply try to understand something of the ambiguity, the contradictions, of war, of conflict, of prejudice', is evident in the following example[52]:

> I understand that a man going in to plant a bomb in a fish shop on the Shankill Road and blows himself up, he's a victim as well. He didn't wake up on Saturday morning and decide to murder people, it was part of the environment and the community and the atmosphere that he grew up in and got dragged into the conflict. … If there wasn't a conflict here would we have been involved, would they have blown themselves up? They wouldn't have. So, who (sic) lies the responsibility? The responsibility lies with the State and the community and what we grew up in.[53]

Of course, as Bouris argues, the term victim has become a 'pathway to assistance, sympathy, and the shedding of responsibility for violence'.[54] Claiming victimhood may, for republicans, therefore also provide a way to escape feelings of guilt, shame or responsibility.[55]

However, when probed more deeply, a hierarchy of 'good' and 'bad' victims can be found within republicanism. This is particularly apparent in a number of apologies issued by the Provisional IRA. An 'effective' apology comprises a number of elements. Of particular relevance to this discussion, Thompson argues that to be effective, 'an apology must be, *above all*, a demonstration of respect for the existence, point of view and interests of the other party'.[56] Govier and Verwoerd further argue that a fulsome acknowledgment of wrongdoing should comprise three elements: that the act itself is wrong, that the moral status of the victims as equals must be recognized, and the right of these victims to harbour a sense of resentment must be understood.[57] For Muldoon, 'the critical element to the reparative work of apology is the withdrawal of the moral insult contained in the original offence'.[58] On the contrary, selectivity regarding the nature of the offence or euphemistic or evasive language concerning the responsibility of the one apologizing, is likely to undermine the reception of the apology in the eyes of (some) addressees.[59]

The IRA has offered a number of apologies, including to the families of alleged informers who were killed by the organization but subsequently exonerated after internal organizational enquiries. These apologies can be thought of as an example of how apologies can restore 'the good names and dignity' of victims.[60] The same cannot however be said of all apologies offered to members of the Protestant and unionist community. This is particularly the case where apologies make reference to members of the security forces

who were killed by the IRA. The IRA's apology on the 30th anniversary of Bloody Friday is a case in point.[61] The statement of regret, made on behalf of the collective leadership of the IRA notes that the future would not be found in creating a 'hierarchy of victims in which some are deemed more or less worthy than others' and requests an 'equal acknowledgement of the grief and loss of others'.[62] While the statement offers 'sincere apologies and condolences' to the families of 'non-combatants' killed and injured by the organization, it merely recognizes that 'there have been fatalities among combatants on all sides. We also acknowledge the grief and pain of their relatives.'[63] For these 'combatants' – members of the security forces – there was no direct apology from the IRA.

Constituting what Cohen terms the 'denial of the victim', the IRA's 2002 apology invoked a clear hierarchy of victimhood and placed members of the security forces on its lowest rungs.[64] Distinguishing between different kinds of victim of 'Bloody Friday' and other atrocities, it reaffirmed the IRA's position that members of the security forces were 'legitimate targets' and confirmed the foundational Irish republican belief that its violence was historically necessary, inevitable and justifiable.[65] In Kampf's terms, this is an example of how 'selectivity in apologizing' – that is, apologizing for one component of the transgression – can serve as a tactic for reducing the extent of responsibility and guilt for a misdeed.[66] In Govier and Verwoerd's terms, the Provisional movement has not, therefore, 'unsaid' the 'message of moral worthlessness' that characterized its depiction of members of the security forces as legitimate targets.[67] Moreover, there is no suggestion that the movement 'have come to see their actions differently, or to be more precise, that they have come to see them in the same light as their victims'.[68] Rather, in this instance at least, apologies have formed part of a complex political strategy in which the republican dead are venerated as 'good' or 'undeserving' victims and those of the unionist and security force community are presented as 'bad' victims or 'deserving' of their fate.

Hierarchies and heroes for the cause

Closely intersecting with the demarcation of 'good' and 'bad' victims is the elevation of particular categories of victims within one's own community, typically those victims considered 'heroes for the cause'. The 'hero' is associated with a number of common features. Principally, as Borg argues,

> The acknowledged 'hero' is identified with the values of the collective by having chosen to adhere to such values and defend them, even at the cost of his own life. Death testifies to the absolute commitment of the 'sacrifice' for the homeland and its collective values.[69]

This view is supported by Bayer and Pabst who note that 'heroes' can be understood as moral agents 'who characteristically go beyond the call of duty' in contexts which 'would prevent most people from doing so'.[70] Crucially, as Marschall suggests, 'these heroes' symbolic lives supersede their real lives, historic reality is "sanitised" by foregrounding some aspects and conveniently forgetting others'.[71] The 'celebration of heroes', through the politics of praise and the use of exemplary stories and positive role models is a common means of social control.[72] In transitional contexts this process is often manifested by an effort to reverse traditional social classifications: the pre-transition villain (subversive, terrorist, rebel, criminal) becomes the post-transition hero,

while the hero of the past becomes the villain (war criminal, rights abuser) of the present.[73] Yet, as the Northern Ireland case study demonstrates, when the past remains contested, it is not a reversal of social classifications that is required, but a retrenchment of partisan identities. The framing of some victims as 'heroes' for the cause provides precisely this function.

As noted above, prioritizing the service and sacrifice of the security forces is a key element of the unionist discourse on victimhood. Indeed, the fieldwork on which this article is based suggests that for many unionists, members of the security forces who died during the conflict should sit at the apex of the hierarchy of victimhood in Northern Ireland.[74] In part, this elevation of the security forces reflects the fact that as Loader and Mulcahy argue, through their ability to evoke, affirm, reinforce or undermine many of the prevailing cultural characteristics of particular political communities, police forces may be thought of as 'condensation symbols' of national identity and incubators of national ideals.[75] Where questions about the nature of power, authority, morality, normality and personhood ('ours' and 'theirs') are contested – as they were during the Northern Ireland conflict – the capacity of the police to do so is particularly acute.[76] Equally, that the maintenance of life is one of the most sacred and universal values in human culture is undisputable.[77] In turn, human loss intensifies social beliefs about patriotism, commitment, pride and loyalty towards the in-group and the country.[78]

In Northern Ireland, members of the Royal Ulster Constabulary (RUC), the police force during the conflict, have consistently been presented by their supporters as a 'law-bound, disciplined, visible public service, in order to protect life and property', the 'thin green line … we try and maintain some semblance of order and stability … we are just the umpire holding the ring'.[79] Echoing Borg's point above on the connection between heroism and bodily self-sacrifice, a key element of this legitimation discourse is how peace and security were purportedly secured by way of the willing self-sacrifice and death of members of the RUC.[80] This narrative of sacrifice specifically relates to the 305 police officers murdered during the course of the conflict and those who were injured. As Mulcahy argues – 'By drawing on the flesh and blood costs endured by its officers, the RUC's official discourse cast the force as a long-suffering and heavily victimised organisation.'[81]

Writing on the allocation of credit and blame, Tilly has presented a four-fold schema by which credit is awarded.[82] Comprising competence, responsibility, outcome and reinforcing the us-them boundary, this is a useful way to illustrate the argument that the victimhood of members of the security forces should be given extra 'credit' and placed at the top of the hierarchy of victimhood. First and speaking to the elements of competence and responsibility identified by Tilly, one interviewee, a former member of the security forces and now involved in a local victims' organization, noted:

> I was actually sent here to do a job and I was doing, I was a professional doing a professional's job to the best of my ability and I was committed to the protection of civilians. Does that make people special? I think it does.[83]

Frequently allied to this point during interview was an attempt to highlight the more 'grisly' elements of what being a member of the RUC during the conflict entailed.[84] Recounting tales of how

> just imagine you're out on patrol and you're standing talking to your mate and the next thing you look round, half of him is in the tree and the other half of him is down the road and a few hours later you're back out on patrol again,

interviewees frequently left little to the imagination of this author. With the 'outcome' being the infallible moral claim that officers' sacrifice directly contributed to peace, the 'restraint' of the security forces in the face of adversity was frequently used to bolster their claim to innocent self-sacrifice:

> Now, you're sitting back and you remember the UDR or the RUC and you see one, two, three, four, five of your colleagues murdered and for never even at that stage to have been a human response for them to think do you know what … 'why don't we do this and it will stop' and they didn't because of their absolute abhorrence to their deterrence to violence, that's not the way they were made … it just wasn't in them.[85]

As Tilly argues, 'recognition of the performance sharpens the boundary between worthy insiders and less worthy outsiders. It dramatizes a moral division of the social world.'[86] Accordingly, a juxtapositioning between the role of paramilitary organizations and that of the security forces – 'people didn't sign up to being killed and they certainly didn't sign up to being murdered'[87] – completes the performance narrative and the allocation of credit. It has also allowed the image of willing self-sacrifice to be used to establish an ethical dimension to the activities of the security forces, while the sacrifice of the physical body has been used to embed moral authority and the notion of the 'past perfect'.[88] The meaning of death in this context therefore reinforces partial societal beliefs about conflict, including the delegitimization of the opponent, the legitimization of the self and support for claims to victimhood.[89]

Drawing on Durkheim and Mauss, as a tribute to bodily sacrifice, the return 'gift' is reverence for and memorialization of the injured and deceased.[90] For the security forces, this has found manifestation in the arguments that any legacy process designed to examine the causes, context and consequences of the Northern Ireland conflict should pay due recognition to their sacrifice. Indeed, the Royal Ulster Constabulary George Cross Foundation which seeks to highlight the sacrifice and achievements of the former police force, opens their submission to the Northern Ireland Office consultation on the draft Stormont House Agreement legislation with a copy of the RUC memorial poster which details the names of all officers who died during the conflict and sits under the heading of 'Lest we Forget'.[91] The Foundation have also argued that one of the 'patterns and themes' to be investigated by the proposed Implementation and Reconciliation Group (IRG) should be the sacrifice and achievements of the RUC.[92] Likewise, the Ulster Unionist Party has stated that 'we owe it to those who once defended us – and to future generations – to stand by them now, and not to acquiesce in an imbalanced process that will rewrite the history of the Troubles and minimise or ignore the crimes of the terrorists responsible'.[93] By definition, this approach to the past relies on the co-constitutive processes of 'celebration' and 'censure' whereby RUC narratives seek to remember 'their' suffering and their dead, while simultaneously using the shield of sacrifice and heroic victimhood to censure their past transgressions.

A parallel process of celebration can also be found within republicanism. Again, it demonstrates how collective memories of political violence are premised on carefully chosen presence (that is, martyrs) and carefully chosen absences (that is, their

victims).[94] In this case, it is members of the IRA who died in active service who are the subject of transitional celebration. The privileging of republican paramilitaries in commemorative space and narrative provides a case in point. While commemoration plays a deep and significant role in the shaping of collective memories and narratives of peace and conflict, it is, as Forty and Kuchler note, as much a process of forgetting as it is remembering.[95] In turn, it is both through remembering and forgetting that identity is created.[96] In other words, commemoration is never an objective mirror accurately representing the past: architects of memorialization are motivated and informed by specific political ambitions as they 'imagine the nation'.[97] Consequently, commemoration may deem certain lives 'grievable' and others not.[98]

Republican commemoration today is prolific and manifested in, for example, monuments, murals, dedicated cemetery plots, ceremonies and annual commemorations, parades, wreath laying and graveside orations.[99] Three interlinked narratives have been used to consolidate the place of the IRA in republican collective memory.[100] First, is how the republican dead have been commemorated as normal people called to make extraordinary sacrifices in the protection of their community.[101] Second, is that they were victims of circumstances who resorted to political violence in response to the context they found themselves in. Third, is the argument that these dead volunteers are patriot martyrs who died safeguarding their national community and as such, are a legitimate expression of that national community.[102] As such, and confirmed by a commentator who grew up in a republican community, a hierarchy of victimhood privileging the republican dead does and should exist:

> … the deaths of young men who we believed were fighting against British military occupation and repression were considered by us to be a far greater loss than the deaths of the British soldiers and RUC men enforcing British rule.[103]

'Dead body politics', the posthumous framing of the life of an individual in accordance with cultural and political scripts that attempt to give their life and death a particular meaning has been central to this process of memory-making and (re-)writing the past.[104] As Hearty argues, when viewed from the perspective of the communities that they came from, martyrs boast impeccable 'resumés'.[105] The devastating consequences of their violence are assiduously excised from a narrative that deems their cause, and as a consequence any violence in pursuit of this, morally righteous.[106] The placing of the republican dead at the top of the hierarchy of victimhood is perhaps most obvious in the privileging of paramilitaries over civilians in commemorative space and narrative.[107] In a move that largely sits at odds with republicans' public rejection of a hierarchy of victimhood, during interview, a senior republican offered a nuanced perspective on the need to commemorate and memorialize the dead and their family members: 'in the first instance we have to look after the Republican families of volunteers who died in the conflict, it's our duty to do that and part of the Movement and we do do it'.[108] This perspective was perhaps most controversially played out in the summer of 2020 following the death of the senior republican Bobby Storey, a former member of the IRA and previous northern Chairman of Sinn Fein.

The timing of Storey's death in June 2020 in the middle of the coronavirus pandemic meant that funerals in Northern Ireland faced strict restrictions with only 30 people allowed to gather outdoors and with social distancing measures in place. As detailed

in the Northern Ireland media, Storey's funeral was attended by hundreds of mourners, including Gerry Adams, the current Sinn Fein president Mary Lou McDonald and the party's northern leader and Deputy First Minister Michelle O'Neill. The cremation at Roselawn Cemetery, run by Belfast City Council, also attracted criticism as it was alleged that cemetery staff were allowed to go home early, leaving members of the republican movement largely in control of proceedings. During a subsequent debate in the Northern Ireland Assembly concerning the potential breach of coronavirus restrictions by members of Sinn Fein and its impact on the Northern Ireland Executive's Covid-19 messaging, members of Sinn Fein were criticized by unionist Member of the Legislative Assembly for creating a 'hierarchy of pain' and acquiescing in a 'hierarchy of mourning'.[109] In response, members of Sinn Fein made recourse to what Cohen terms 'a condemnation of the condemners' in an attempt to downplay the controversy over party members' attendance at the funeral and criticized others for their apparent lack of 'compassion':

> In the two days of discussion in the Chamber, there has been little consideration of the pain being experienced by the family of Bobby Storey. There has been very little or no expression of sympathy and no condolences.[110]

Moreover, and corresponding to what Goode describes as the use of 'exemplary' stories and positive role models, Storey's contribution to the peace process rather than his violent past was highlighted: 'What debates such as this do is that they overshadow the contribution that Bobby Storey made to peace in this country.'[111] Scates and Oppenheimer make the point that not caring for veterans who fulfilled their duty can be considered immoral and a form of betrayal.[112] Similarly, the compulsion to remember the dead among their family and friends cannot be denied. Both of these points can be applied to Sinn Fein and supporters of the republican movement. However, in a context where others could not attend the funerals of their loved ones, and the attempt to justify or downplay the circumstances around attendance at Storey's funeral by members of Sinn Fein, this points to a clear hierarchy of victims within republicanism.

At the level of the everyday, a ubiquitous process of appropriation and repudiation takes place through memorialization in the republican community whereby some individuals – the republican dead – are claimed and celebrated and others, typically civilians, are disowned and silenced in death. For example, Brown and Grant note that in the Greater Belfast area, there are 60 permanent or semi-permanent republican memorial sites.[113] In contrast, there are only 21 permanent or semi-permanent memory sites on public display for the civilian dead in the same area.[114] Similarly, a study of republican memory in East Belfast shows that civilian casualties are more likely to be unnamed, even when they were killed by accident or in premature explosions caused by republicans themselves.[115] There is no mention of the pain and death inflicted on 'the other side', intra-group assassinations or civilian deaths caused within the republican community.[116] Indeed, the only instance in which the accidental death of a civilian caused by a paramilitary group pertaining to the 'same side of the divide' has been publicly acknowledged is the plaque in memory of Angela Gallagher, a 17-month-old Catholic toddler caught in Provisional IRA cross-fire in 1971.[117] Here, the celebration and commemoration of 'struggle heroes' is predicated on the censure of more uncomfortable variants of

victimhood, specifically those which challenge or undermine coherence in the republican narrative of struggle, victimization and the relationship to their own community. It is to this theme of censure that this article now turns.

Hierarchies and 'the silence of social opprobrium'

The final theme this article explores is the censure of specific variants of victimhood. As explained by Sumner above, social censure is a mechanism of control, functioning to create 'categories of denunciation and abuse, lodged within very complex, historically loaded practical conflict and moral debates'.[118] The censure and silencing of victims that do not sit comfortably with the prevailing political and social environment is not uncommon. In post-Franco Spain for example, the Pacto del Olvido sought to ensure social peace and political stability, while 'the traumatic memory of a fratricidal conflict' and a fear of a return to totalitarianism offset many victims' demands for truth and the return of the bodies of the disappeared.[119] In other instances, practices of silencing may be the result of unrecognized or repressed victimhood whereby cultural, political and legal processes result in some or all victims having their victimhood hidden from the public sphere.[120] de Waardt for example notes that in Peru, individuals who had been unjustly detained or relatives of the disappeared continue to be silenced and stigmatized for fear of their involvement in subversive activities.[121] Alternatively, censure may be based on practices of social control within the private sphere – a result of shame or dishonour associated with the victim experience for example.[122] Serematikis refers to this kind of silencing as promoting 'hidden historical otherness'.[123] Here, I advance a third dimension of censure – the silencing of victims and experiences of victimization that run contrary to or challenge dominant narratives of conflict, victimization and organizational collective memory. Termed 'the silence of social opprobrium' by one interviewee, the cumulative effect of such censure is to fail to recognize certain experiences of victimization and to put those individuals and groups at the bottom of any hierarchy of victimhood.[124]

During interview a senior republican claimed that

> … when it comes to people who died in our community, broadly speaking, we are empathetic to them and sympathetic too. We cannot visit the sins of a child on their parents or their family, whatever the circumstances of that were. And so therefore, and I think Republicans try their best to be broadly supportive of all the people in the community who have died, irrespective of the circumstances.[125]

This statement is in line with the dominant and public rejection of a hierarchy of victimhood within republicanism. However, as I have sought to demonstrate throughout this article, a hierarchy of victimhood does exist within republicanism, whereby certain victims are defined as 'good' victims and others celebrated for their contribution to the republican cause. Yet, as Brown and Ní Aoláin note, 'Silences are always hidden within ethnonational memory' and the censure of certain victims and experiences of victimization is also a key part of the republican narrative of victimhood and imagined community.[126]

By way of example and conforming to Ní Aoláin and Turner's argument that hierarchies of victimhood exclude those 'whose victimhood may be more complex or

compromised', censure is particularly applicable to two constituencies within the republican community.[127] First are victims of sexual violence that is alleged to have been perpetrated by members of the republican community.[128] Such claims have been downplayed by Sinn Fein and the broader republican movement.[129] Second are members of the republican community who are alleged to have been informers, working on behalf of British state agencies in their struggle against armed groups. For reasons of space, I will concentrate on the example of informers here. Stemming from a long history of antipathy towards informers, to be an informer in republican communities is to be the 'lowest of the low', the antithesis and polar opposite of the venerated IRA 'rebel'.[130] In Goffman's terms, informers are 'the discredited' and subject to stigma as a result of their betrayal of the republican movement and broader community.[131] This depth of feeling against informers is evident in the IRA's treatment of alleged informers during the conflict (executions, disappearances, expulsion from the community). It is also, as Dudai argues, apparent in informers' conspicuous absence from Sinn Fein's discourse and practice of reconciliation and broader efforts around dealing with the past.[132] For example, since the signing of the Belfast Agreement in 1998, there have been numerous high-profile meetings between republicans, loyalists, members of the security forces and victims of these different actors, often under the banner of 'reconciliation', 'acknowledgement' or 'dealing with the past'. Informers have been absent from any such initiatives and, for example, the problem of exiles or larger contextual questions as to why individuals became informers in the first place have not been given public consideration. Gestures towards 'moving on' or 'reconciling' therefore appear welcome and permissible in the context of 'the other' but not as regards the 'enemy within'.[133] Moreover, through a process of 'courtesy stigma', this ostracism has extended to the families of informers who often remain shunned by their communities and have received little recognition of their victimhood or answers regarding the death of their loved one.[134] As McAlinden points out, hierarchies of victimhood cannot easily accommodate 'deviant' victims or 'vulnerable' offenders who lie in the middle ground between the polarities of accepted victim and offender status.[135]

The censure of specific variants of victimhood can also be found within the unionist and loyalist community. On one level and as I have argued elsewhere, the fact that dealing with the past requires asking hard and difficult questions of the British state's conduct in Northern Ireland has created a culture of 'loyalty as silence' within the unionist and loyalist community and whereby criticizing the state is considered a marker of disloyalty.[136] At the same time, these self-imposed markers of loyalty and disloyalty have meant that members of the unionist or loyalist community who have been victims of state violence have sought to silence or downplay their own experience of victimization. Their silence is therefore one of self-censure. One interviewee, an experienced member of staff in a Belfast based victims' group, clearly demonstrated this case:

> I also know that some families would be silent because they would find it disloyal to be highlighting their case, especially if it turns out that there's a hidden hand of the British State and they would feel if we highlight this, this is playing into the Republican narrative. And we're hearing that a lot more often now with the families that we're dealing with and loyalists too saying 'oh, we wouldn't ever have a campaign for … ', say the 5% of internees that happened to be loyalists by the end of 1975, they were put into jail for very specific reasons, you know, it might have been window dressing or they may not have been playing ball at that time and

getting them activated to say, take court cases for their imprisonment at that stage, you know, that would be a big no-no because that would be seen to be disloyal.[137]

As Winter points out, this form of loyalty as silence arises when the 'morally ambiguous chapters of a country's history cannot be faced easily'.[138] A pertinent example of these dynamics was given during interview. The interviewee, a journalist, was reflecting on an interview she completed with a bereaved mother some years previously. The mother's son, a young Protestant man, was killed by loyalist paramilitaries in West Belfast, a predominantly nationalist/republican area. During the Stevens investigation into allegations of collusion between members of the security forces and loyalist paramilitary organizations, collusion was officially acknowledged as having played a role in his death.[139] Yet, her loyalty to the state appeared to override any attempt to seek justice for her son's death. For this mother, his victimhood was too 'uncomfortable' and an active choice to remain silent on the causes of her son's death was made:

> Participant: I think I did publish that interview and it was completely ignored because it didn't suit anybody's view of what people should be thinking, you know, like it's rather shocking.
> Interviewer: So, it's because it's running contrary to an accepted narrative.
> Participant: Yes, she was basically saying look, collusion … I don't even want to know about that. … she said I don't care about the collusion, as far as our family is concerned, we support the security forces, we can't get our son back, that's that, you know.[140]

Writing on the experience of women who had been abducted into the Ugandan Lord's Resistance Army and subsequently returned to their communities following the cessation of hostilities, Baines and Stewart argue that 'silence should not be mistaken as having nothing to say'.[141] Both of the constituencies discussed above arguably have much to say about their experiences of conflict and victimization – the complex and multifaceted reasons why men and women became informers or how the demands of 'being loyal' have curtailed the opportunity to seek truth and justice for example. Yet, in both cases, the 'silence of social opprobrium' has led to their victimhood being discredited or self-censured. Leaving both beyond any hierarchy of victimhood, these practices not only deny these victims their experience and their needs but create silences in the historical narrative.

Conclusion

At a fundamental level, human rights require an acknowledgement of the rights of the 'other'. Yet, our political and legal discourse makes it all but impossible to speak of violations of human rights without labelling some people victims and others perpetrators.[142] While as Govier warns, comparisons aimed at determining which group suffered the most make no sense and 'serve no good purpose', such dynamics are particularly acute in transitional and post-conflict contexts.[143] The resulting hierarchies of victimhood are sometimes underpinned by practical considerations or represent a natural extension of the persistence of fear, anger, hurt and loss that is attached to memories of the past.[144] More often than not however, these hierarchies are thinly veiled ideological constructs designed to legitimize particular interpretations of the past by presenting some

constituencies as 'ideal victims' and others as 'ideal offenders'.[145] Victimhood thus frequently becomes 'the terrain on which the political contests of the past are fought'.[146]

Drawing on the case study of Northern Ireland, in this article I have sought to interrogate how victimhood is celebrated and censured in transitional justice and how this translates into the construction of hierarchies of victimhood. Drawing on Cohen and Dudai, I have demonstrated how victimhood is defined, who defines victimhood and which victimized communities feature in accounts of the past is as much a function of continued claims making as it is a function of social control. Where this article departs from the more established literature on hierarchies of victimhood is its attempt to use the interplay between celebration and censure to offer a new lens through which to understand the construction of hierarchies of victimhood in transitional justice. Advancing beyond (but not neglecting) the demarcation of 'good' victims and 'bad' victims, this article demonstrates how through the politics of praise and denunciation, the net of social control in transitional contexts is often tightly calibrated to celebrate 'heroes' and silence less comfortable variants of victimhood. The result is the creation of hierarchies of victimhood that are politically and morally invidious and represent a denial of visibility, need and dignity for those victims who fall between its layers. It is a somewhat bleak picture.

A striking and alternative perspective was however offered by one interviewee and provides a fitting point to conclude. This interviewee was severely injured during the Northern Ireland conflict. For many of the reasons discussed throughout this article, the prospect that a small number of ex-combatants would receive the pension under the inclusive definition of victimhood contained in the Victims and Survivors (Northern Ireland) Order 2006 has been a cause of significant controversy and protracted debate and delivery. In what is in Northern Ireland a rare expression of political generosity, this interviewee argued:

> I don't have a sectarian outlook on it, I don't, I have more of a humanitarian outlook on it, the ten guys, I don't even want to know what they done, they paid for it. From what I'm told, there's a couple of them are paralysed from the neck down or shot in the neck. That doesn't annoy me, I'm looking at a human being, that man's life is worse off than mine – just give him it.[147]

Within their words is a recognition of responsibility towards the 'other' and to ending political and socially polarizing practices and discourses. As Sikkink argues, this type of responsibility asks not 'who is to blame' but 'what should we do?' and is aimed at accomplishing this effectively, rather than punishing those who are at fault.[148] For Jelin, responsibility means fostering a 'civic commitment centred on active participation in public life as well as symbolic and ethical aspects that confer a sense of belonging, a sense of community'.[149] Inculcating a greater ethic of responsibility therefore contains the potential to offset and neutralize divisive and exclusionary hierarchies of victimhood. It offers the potential to bridge the gap between victims as often the symbolic beneficiaries of transitional justice and 'rights talk' to realizing their place as constitutive actors in processes of transitional justice and post-conflict contexts. Moreover, it is only through a critical interrogation of the relationship between rights, responsibilities

and positionality in transitional justice that the civil, political, economic and social rights of *all* victims can be realized.

Notes

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17. Institutional ethical approval was granted in 2015. Full details of the university's ethics review process can be found here: [details removed for reasons of anonymity during peer review]. The ethical approval process involved the submission of a detailed seven-page memorandum covering managing the risks of trauma-retraumatization; consent; confidentiality and anonymity; data protection; data retention and data sharing; and safety of the researcher. All participants were provided with a participant information sheet in advance of the interview. The information sheet explained the nature of the research; why that individual had been asked to take part; the conduct of the interview (including location); how to withdraw from the project; confidentiality and anonymity; and data storage and retention. On the day of the interview and after discussing the participant information sheet with the interviewer, participants who agreed to take part in the research were then asked to sign a consent form, https://www.qub.ac.uk/Research/Governance-ethics-and-integrity/FileStore/Filetoupload,915687,en.pdf.

18. Madlingozi, 'Good Victims'.

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Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

Notes on contributor

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