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"Let me Tell you": Transitional Justice, Victimhood and Dealing with a Contested Past

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'Let Me Tell You': Transitional Justice, Victimhood and Dealing with a Contested Past

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Abstract

This article explores the intersection between the politics and construction of victimhood in transitional societies and the use of truth recovery as a platform for the creation of hierarchies of truth. It explores how, in a context of contested victimhood and an unresolved past, the 'political currency' of victimhood may lead to the domination and embellishment of certain voices and narratives and the concurrent silencing of others. As this article will then demonstrate, when applied to the debate on truth recovery, the capturing of victims' voice and agency can manifest in a damaging 'truth as trumps' dynamic and recourse to 'whataboutery' in which one call for truth or the recovery of truth as significant to one side of the community is countered by that of a more 'significant' or more 'important' truth on the part of the other. The paper argues for the inculcation of a culture political generosity in transitional contexts as a way to begin to ameliorate these challenges.

Keywords

Agency, dealing with the past, politics of victimhood, transitional justice, truth recovery, voice, victims

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Introduction

Increasing academic and practitioner attention has been paid to highlighting the voice and agency of victims in transitional justice processes. The rationale is two-fold. First, it is a response to the argument that transitional justice and efforts to deal with the legacy of a violent past are ‘victim-centred’ processes. The United Nations (UN) (2010) has, for example, discussed ensuring ‘the centrality of victims in the design and implementation of transitional justice processes and mechanisms’, while the Prosecutor of the International Criminal Court (ICC) Fatou Bensouda has claimed that ‘the sole *raison d’être* of the Court’s activities [...] is the victims and the justice they deserve’ (cited in Kendall and Nouwen, 2014: 239). What Walklate (2007) has called the ‘imagined victim’ – the innocent, vulnerable victim who is deserving of justice has hence provided the legitimizing basis for prosecutions, truth commissions, reparations, memorialization, and the plethora of other measures deployed in transitional justice contexts (see for example: Fletcher, 2015; Hayner, 2011; Waterhouse, 2009). Indeed, victims serve a key practical and symbolic role in what Barker (2001: 6) has termed the ‘self-legitimation’ of almost all of those who work in the field of transitional justice (McEvoy and McConnachie, 2012). Second, is a growing body of literature which attests to the use or silencing of victims’ voices in socially discomfiting ways. Such appropriation of victims’ voices may strip victims of their agency, undermine their experience of hurt and harm and reinforce a sense of powerlessness (Weinstein, 2014). In its most problematic variant, victims’ voices may be managed, co-opted and instrumentalized for political ends by those ‘transitional justice entrepreneurs’ claiming to speak ‘on behalf’ of victims (Christie, 1977; Madlingozi, 2010).

This article seeks to develop this nascent body of scholarship to consider the intersection between the politics and construction of victimhood, the exercise or capture of victims’ voice and agency and the use of truth recovery as a platform for the creation of politically calibrated and socially damaging hierarchies of truth. The article draws on the case study of Northern Ireland to explore these dynamics. Indeed, its title draws inspiration from an interview with a victim of the Northern Ireland conflict who, in their opening remarks stated, ‘I’ll start by telling you about my moral authority to speak on this subject this morning . . .’ (Interview, 2 March 2017, interview 1). As is well documented elsewhere, there is a long-standing debate on establishing a formal process of truth recovery in Northern Ireland and critical interrogation of existing methods of truth recovery (see for example: Bell, 2003; Lawther, 2015; McEvoy and Bryson, 2016). Clustered around the binary opposites of ‘innocent’ and ‘guilty’ victims, the politicization of victimhood has dogged efforts to deal with the past. The legal definition of ‘who’ is a victim, proposals for the use of an amnesty or limited immunity from prosecution, a ‘Recognition Payment’ of £12,000 payable to all victims of the conflict, a pension for the injured and the release of funding for legacy inquests in the coroner’s courts have all succumbed to bitter contests over who can, or should, be considered a ‘deserving’ or ‘undeserving’ victim of the conflict. In each instance, the silencing and essentialism of certain voices, the politically expedient use of personal narratives of trauma and atrocity and the attempt to assert a ‘truer’ version of the past has dominated public and political discourse.

The article is based on qualitative research with victims and survivors of the Northern Ireland conflict. Over 60 semi-structured interviews were completed with members and representatives of victims' and survivors' groups, policy makers and statutory providers between 2016 and 2018. Institutional ethical approval was granted in 2015.¹ Interviewees included victims of loyalist and republican paramilitary violence and British state forces. Both purposeful and snowball sampling methods were employed. As such, the sample is not geographically representative of the Northern Ireland population or the impact of the conflict in respect to electoral wards, age, gender and socio-economic background. Rather, potential interviewees were approached on the basis of their relevance to the research questions. Approximately one third of interviewees were women. A blend of voices were sought, capturing those victims and survivors who are more familiar with recounting their experiences and those who are not, but who, in light of the invitation to participate in this project, expressed a desire to do so. Full support for the research, review of the research questions and follow up with individual interviewees, if required, was provided by the Commission for Victims and Survivors Northern Ireland (CVSNI), the statutory body with responsibility for all issues relating victims and survivors of the conflict.²

With interviewees' permission, interviews were audio recorded and professionally transcribed in full. The transcribed data was thematically coded and analysed using Nvivo software. An inductive approach was adopted and a thematic codebook developed (May, 2001). For the purposes of this article, these codes were examined in light of exploring the politics and construction of victimhood, the themes of voice, agency, truth and political generosity. These themes subsequently formed the structure of this article. To illustrate one specific point, in one instance I have also chosen to draw from previously unpublished interview data. Excerpts from the interviews are presented below, allowing, where possible, the voices of interviewees to 'speak'. All interviews were anonymized.

The structure of this article is as follows. By way of background, and drawing from the broader international experience, the first part of the article explores the politics of victimhood in Northern Ireland and in particular, the contest over the legal definition of victimhood contained in the Victims and Survivors (Northern Ireland) Order 2006. The article then turns to the first conceptual theme – Victimhood and Voice. While acknowledging the importance of hearing and acknowledging victims' voices, in this part of the article I argue that in a context of contested victimhood and an unresolved past, the 'political currency' of victimhood may lead to the domination and embellishment of certain voices and narratives and the concurrent silencing of others. Equally, as explored under the heading of Victimhood and Agency, I argue that the fieldwork on which this paper is based revealed a number of instances where local victims' groups and other political actors are perceived to have 'stolen the pain' of victims to advance competing perspectives on the past (Madlingozi, 2010). As this article will then demonstrate, when applied to the debate on truth recovery, the capturing of victims' voice and agency can manifest in a damaging 'truth as trumps' dynamic and recourse to 'whataboutery' in which one call for truth or the recovery of truth as significant to one side of the community is countered by that of a more 'significant' or more 'important' truth on the part of the other. The final part of the article, Victimhood and Political Generosity, argues for

the inculcation of a culture political generosity as a way to ameliorate these challenges. A three-fold schema for political generosity - concerning complicating the past; recognizing the complexity and diversity of the hurt of the past and seeing ourselves as 'ordinary human beings'; and the importance of truth - developed directly from the words of victims and survivors of the Northern Ireland conflict, is presented.

Victimhood and the Politics of Pain

Despite the increasing importance given to victims' rights and interests in transitional societies and settled democracies, politicized binary divisions between victims and victimizers continue to exist (see for example: Borer, 2003, Bouris, 2007). While not to downplay this phenomenon in settled democracies, the politics of victimhood is arguably more acute in transitional contexts given the scale of past abuses, the close relationship to broader ethno-political contests and the political utility of the terms victim and perpetrator. Indeed, it is not unusual to see the term victim linked to notions of innocence, blamelessness and sacrifice, while the term perpetrator is more readily associated with guilt, blame and moral inferiority (Lawther, 2014a, 2014b). 'Victim' then no longer simply signifies someone who has been victimized, but also comes to speak to a set of assumptions about the victimizer and the act of harm itself, becoming a 'pathway to assistance, sympathy, and the shedding of responsibility for violence' (Bouris, 2007: 31; Hearty, 2018). Thus, 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 (Madlingozi, 2007).

The politicization of victimhood has been a prominent feature of the post-conflict landscape in Northern Ireland where issues around victimhood and dealing with the past have been closely related to competing interpretations of the causes and context of the conflict and have been contested through notions of 'guilt' and 'innocence' and discussions over a 'hierarchy of victimhood' (Lawther, 2014a; McEvoy et al., 2017). One of the sharpest manifestations of this debate is that which surrounds the legal definition of a victim or survivor of the conflict. The statutory definition of a victim or survivor is contained in the Victims and Survivors (Northern Ireland) Order 2006. According to Article 3, Paragraph 1 of the Order, this 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.³

As an inclusive definition of victimhood, the Order includes all those affected by the conflict – civilians, members of the security forces, former members of paramilitary organizations and their families. It does not imply that all members of society

experienced victimhood equally, nor does it suggest that all parties to the conflict, or all members of society are equally to blame. Rather, it is need focused and takes the individual experience of suffering as its starting point – ‘we are talking about victims and a victim is someone who has been bereaved’ (Northern Ireland Affairs Committee, 2009: ev.4).

While the Victims and Survivors Order passed into law in 2006 with little political opposition, it has since given rise to a ‘repertoire of contention’ (de Waardt, 2018). For many unionist victims’ groups and political representatives, their narrative of the conflict is sustained by notions of innocent victimhood, the sacrifice of the security forces in the name of peace and the illegitimate and unjustified nature of the republican campaign of armed violence (Dawson, 2007; Lawther, 2014a; Simpson, 2009). State violence was thus presented as ‘law preserving’ violence, a harsh but necessary response to the threat of terrorism, while the violence of non-state armed groups was dismissed as terrorist or ‘criminal’ (Hearty, 2018). Within this hierarchal conceptualization of victimhood, only ‘innocent’ or ‘underserving’ victims are considered ‘true’ victims of the conflict. Conversely, from a unionist perspective, those at the bottom of the hierarchy of victimhood are members of paramilitary organizations – particularly IRA members – killed in active service (either by the British security forces, other paramilitaries or by their own actions) and who are considered ‘deserving’ of their fate (Rolston, 2000). As a spokesperson for one unionist victim’s group rather bluntly told the author: ‘. . . If you went out and lifted a gun and killed somebody and got shot doing it, tough’ (Interview, 5 December 2016). Innocence and guilt are therefore mutually dependent – in the process of political claims making, the positioning of the guilty perpetrator is required to satisfy and exemplify the innocence of the victim. That the Victims and Survivors (Northern Ireland) Order provides an inclusive definition of victimhood has been perceived by unionists to blur these boundaries and create ‘moral equivalence’ between the ‘innocent victim’ and the ‘guilty perpetrator’, ‘spreading culpability among all the parties’ (Lawther, 2014a).

In contrast, nationalist and republican victims’ groups and the principle nationalist and republican political parties (Sinn Féin and the Social and Democratic Labour Party) tend to countenance greater inclusivity with regard to who may be termed victims, while at the same time underlining the particular legal responsibilities of the state. Both constituencies have rejected what they term distinctions between ‘deserving’ and ‘non-deserving’ victims and the suggestion of a hierarchy of victimhood (BBC, 2015; SDLP, 2012). Indeed, Republicans often speak of an ‘equivalence of grief’. A bereaved family member expressed this point 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 (Interview, 6 March 2017).

For Sinn Féin, the political wing of the now disarmed IRA, ‘. . . no distinction should be drawn between the needs of victims and survivors in our society’ (Kearney, 2015). 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 (Hopkins, 2015; Shirlow and McEvoy, 2008).

The battle for ‘public victimhood’ – the contest over the ‘right’ to the status of ‘victim’ has therefore become an arena in which contested notions of past violence and suffering have been constructed and reproduced (Brewer, 2010; McEvoy and McConnachie, 2012). This backdrop has been highly influential in regards to the debate on dealing with the past. It has led to attempts to control the articulation of victims’ voices and the capturing of their agency and a recourse to ‘whataboutery’ in preference to an acknowledgment of the hurt, harm and truths of the ‘other side’. These themes are unpicked throughout the remainder of this article.

Victimhood and Voice

An increasing amount of transitional justice research, policy and practice privileges the voice of victims (see for example: Clarke, 2009; McEvoy and McConnachie, 2013; Mertus, 2009; Meyers, 2016; Ross, 2003). In this, voice is understood to be ‘the ability to establish narrative authority over one’s circumstances and future, and, also, the ability to claim an audience’ (Ross, 2003: 333). Four key themes cut across this field in respect to victim voice and dealing with the past. They are the importance of recognizing the complexity and multiplicity of voices post-conflict (Borer, 2003); the importance of hearing and acknowledging the voice of victims (Boraine, 2000); the role that voice can play in broadening out our understanding of the past (Ni Aolain and Turner, 2007); and while caution is needed regarding simplistic ideas of ‘revealing is healing’, the role that voice can play in the therapeutic process (Hayes, 1998). Indeed, promoting itself as a ‘victim-centred’ space, the SATRC predicated much of its work in terms of giving voice to the voiceless and is perhaps the transitional justice mechanism most prominently associated with the linking of voice (‘relating their own accounts’, ‘testifying’ or ‘telling one’s story’) with the restoration of dignity and the constitution of the subject (Ross, 2003).

Yet, while the exercise of victims’ voices is ostensibly a ‘good thing’, in the context of a profound politicization of victimhood, what Barker (2007) calls the ‘politics of pain’, may lead to the capture or manipulation of victims’ voices by vested social and political interests. One interviewee in Northern Ireland was particularly attuned to this dynamic - ‘It [victimhood] also makes a good football. It’s also good for point scoring within the parties which is shameful, it is absolutely shameful and when you see them kicking it down the road, they kind of kick it forever’ (Interview, 6 March 2017). As Hamber (2006) makes clear, trauma is often exploited in political narratives that purport to defend the interests of the traumatized but in reality, have little such bearing. The ‘imagined victim’ can therefore all too easily become a political tool used to justify and legitimize particular political or policy agendas. Such instrumentalization constitutes a classic version of what Christie (1977) has described as the ‘theft’ of conflict, whereby victims’ voices and campaigning efforts are picked out, appropriated and re-presented to suit the aims of politicians, policy-makers, lawyers, and other elite-level actors.

Speaking directly to Madlingozi's (2010) broader concern with 'transitional justice entrepreneurs' who may (inadvertently) reproduce or speak on behalf of victims in transitional justice processes (and as explored in detail below), the following statement, made in respect to the debate on dealing with the past, speaks directly to this critique – [there are those who] 'are influencing and dictate the direction of victims . . . they're using the voice of victims . . . in order to put a particular point of view across' (Interview, 2 March 2017).

The 'political currency' of victimhood may subsequently lead to the domination and embellishment of certain voices and narratives. Those who are particularly disenfranchised due to their race, gender, or social status may be at particular risk of being overlooked. At a more basic level within victims' groups some victims may downplay their own experiences of harm where other members of the group were more seriously harmed or bereaved. In other cases the downgrading of harm experienced by particular victims is foisted upon them by other victims (Hearty, 2018). The result, as Brewer (2010: 164) argues is that some voices 'tend to dominate the debate . . . affect our perceptions of who the victims are and what experiences they suffered'. In the words of one interviewee, 'it's kind of like the loudest voice, the sharpest elbows, the biggest who pushes their way to the top of the queue' (Interview, 5 June 2017). Conversely, those voices and truth and justice issues which carry less political traction can be easily sidelined in the public debate about the past. What Hearty (2018) terms being a 'victim *of*' as opposed to being a 'victim' has led to resentment and competition among victims within and across the political spectrum as the following statements attest:

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 (Interview, 15 November 2016).

unless it is a high-profile murder/bombing or whatever, all the other victims are forgotten about . . . I could nearly put my boot through the TV whenever I see actually xxx coming on the TV because it has become the case that unless you are one of the larger atrocities, you don't matter (Interview, 22 February 2017).

We are the forgotten victims because if your case isn't high profile enough to attract media attention, they don't want to know (Interview, 22 February 2017).

Parallel to the giving of authority to particular victims' voices or the highlighting of specific atrocities, is the strategic silencing of others. While practical choices will inevitably have to be made regarding, for example, the use of 'window cases' or thematic hearings, as Hamber (2009) argues, subjective decisions regarding 'the quality of voice' are inevitably involved. This affects both the recovery and reception of truth. Truth commissions, particularly the South African Truth and Reconciliation Commission, have been criticized on the grounds of prioritizing those victims' voices which fitted with the demands of the political landscape and the project of national reconciliation. As such, the voice of the 'forgiving' victim was eulogized and large sections of the TRC report were devoted to 'exemplary' accounts of seeking and granting forgiveness (Moon,

2008; Wilson, 2001). In contrast, those who wished to speak ‘truth to’ reconciliation are largely missing from the historical record (Gready, 2011).

The consequences for truth telling and truth recovery are three-fold. First, and often for reasons of political utility, there is a risk that victims (inadvertently) become defined ‘by’ their voice and their identity frozen at that point of trauma. This has led victims to express the concern that the ‘over narration’ of their story results in ‘a worn record’ (interview, 14 February 2017) or ‘begins to sound like you’re telling a story about something which is not particularly emotive anymore’ (Interview, 5 December 2016). It also results in a narrow and reductive space for truth telling. Second, and for reasons of fit with the prevailing political and social environment or ability to reinforce dominant narratives of victimhood, is the silencing of ‘uncomfortable voices’. One such uncomfortable voice within the republican community is that of alleged informers – those individuals who co-operated with state agencies in the agencies’ struggle against armed groups. Informers are conspicuously absent from Sinn Féin’s discourse and practice on reconciliation and broader efforts around dealing with the past (Dudai, 2012). By way of ‘courtesy stigma’, this ostracism has also extended to their families who have received little recognition of their victimhood or answers regarding the death of their loved one (Dudai, 2012; Goffman, 1963). These uncomfortable voices are particularly problematic as their exclusion represents both a denial of victimhood and associated needs but also creates silences in the historical narrative. Third, such silencing has, at times, extended to victims who have used their own personal experiences of trauma to cross communal lines and promote a greater understanding of the past. One well-known victim advocate described having paid ‘A huge price and believe it or not it is within my own community’ for doing so:

I gave the Bloody Sunday lecture in Derry a number of years ago and I think it started round about that time, just the invitations to speak at things started to dry up from that community – I don’t think I have done anything in recent times in the Protestant unionist community. I am asked to speak at a whole pile of things in the nationalist community (Interview, 5 January 2012).

To be considered legitimate, victims therefore need to have suffered in order to qualify as a victim, but not in a way that disrupts politically and socially advantageous understandings of victimhood. These dynamics inevitably impact beliefs and perceptions around the existence of a hierarchy of victimhood and who can speak *as* a victim or *on behalf of* victims. It also conditions how campaigns for truth and justice are received and the resulting outcomes accepted or not. Concentrating on the voice of the ‘ideal victim’, as this discussion has demonstrated, when dealing with the past and confronting uncomfortable truths, the ‘voices in the cracks’ can all too easily be collapsed or silenced (Mazzei, 2009).

Victimhood and Agency

Closely intersecting with the theme of voice is that of agency. Discussions on victims’ agency are frequently taken to refer to the sense in which victims are in control of their

own destiny and are agents in processes to address their needs (Robins, 2017). Agency, for Robins (2017) is an ethical imperative, relating to the autonomy of the subject and its exercise essential to our recognition of other's humanity. Given that victims have often been disempowered, not only because of their victimhood, but in many cases prior to their victimization for reasons of marginalization by poverty, gender or ethnicity, that victims themselves should have voice and agency in the processes designed to address these impacts has come to be a staple of the international rhetoric around transitional justice (Waterhouse, 2009). Indeed, Diane Orentlicher (2007: 19), one of the most influential commentators on transitional justice has acknowledged that in authoring a major UN report on transitional justice, while she recognized 'the primacy of a victims' perspective', she did not 'reflect the emphasis I would now place on victims' agency in defining their own interests and preferences and in participating in national processes aimed at designing policies of transitional justice'.

Mobilization, often through victims' groups and collectives can then be the first step in the 'retrieval of voice' (Das and Kleinman, 2000: 20) and can help victims to 're-inhabit the world' (Das, 2000: 223). The broader fieldwork behind this paper suggests that in Northern Ireland at least, many victims and survivors have found victims groups a vital 'safe space' in which to connect with others and deal with trauma and have gained confidence and a sense of empowerment through the range of social and therapeutic services that are on offer. There are also cases where victims organizations can play a key role in advocating on members behalf. One member of a unionist victim's group in Northern Ireland offered ready praise for the leader of that group in taking on this role:

we victims... can be trampled on very easily... [he] knows all our views... he knows where we all stand... He is wonderful and he can talk off the cuff at any point and knows that he has the backing of all of us... if he has to twist something round at the same time, he's speaking for the victims (Interview, 9 February 2017).

Yet, while the ability to advocate for others can be 'the best possibility' in some contexts, as Alcoff (1991–1992: 24) notes, 'speaking for others' can risk re-silencing victims, negating their potential for agency and reproducing a sense of powerlessness. The fieldwork on which this paper is based revealed a number of practices where certain victims' groups are perceived to have 'stolen the pain' of victims to advance competing or partial perspectives on the past (Madlingozi, 2010). Two inter-related critiques were made: that some victims' groups have become 'more about the group than about the victim' and that there are those who 'are influencing and dictating the direction of victims... they're using the voice of victims... in order to put a particular point of view across' (Interview, 2 March 2017, interview 1). As Barker (2007) argues, victims and the claim to victimhood is central to the 'self-legitimation' of those who work with or claim to represent victims' voices. Such a process of self-legitimation is designed 'to demonstrate, as much to themselves as to others, that they are justified in the pattern of actions that they follow' (Barker, 2001: 30). For those working on behalf of victims and survivors, a crucial task is to 'mobilize empathy' and as Wilson and Brown (2009) point out, empathy is mobilized most effectively when focused on 'individual suffering' rather

than abstract principles or imagined groups. While certainly being the symbolic beneficiaries of such ‘legitimation work’ (Thumala et al., 2011), victims are consequently at risk of becoming a condensation symbol around which identities, roles and political positionality is played out. Speaking to what Tshepo Madlingozi (2010) has called ‘transitional justice entrepreneurs’, one interviewee tacitly acknowledged ‘you could argue there is a vested interest in victims’ groups holding on to victims to keep themselves in work’ (Interview, 7 August 2017).

There are a number of troubling instances in Northern Ireland where victims have been instrumentalized by victims groups and other leaders in the pursuit of larger political goals – ‘they get the names of victims and they use their authority, if you like, to say this is what our victims want’ (Interview, 2 March 2017, interview 1). The use of legacy issues as a battle ground to continue to fight claims to contested victimhood and the as yet unsettled nature of the meta-conflict is a frequent terrain for such instrumentalization. One interviewee, himself an experienced victims’ campaigner was particularly vocal on this point. His comments, reproduced in full below, relate to the launch of the Report of the Consultative Group on the Past (CGP) in 2009. The Consultative Group on the Past was established in June 2007 by the then Secretary of State Peter Hain. Co-chaired by Archbishop Robin Eames, the former Church of Ireland primate, and Denis Bradley, the former vice-chairman of the Northern Ireland Policing Board, its objective was consult on how Northern Ireland could best deal with the legacy of its past.⁴ Following a period of extensive public consultation, the Group published its report and recommendations in January 2009. In a complex and considered document, the CGP outlined 31 recommendations on how Northern Ireland should deal with its past. These included the establishment of a ‘Legacy Commission’ – essentially a bespoke truth commission-like body covering the areas of ‘Review and Investigation’, ‘Information Recovery’ and ‘Thematic Examination’ and, most controversially, an ex-gratia ‘Recognition Payment’ of £12,000 to *all* victims and survivors of the conflict (CGP, 2009).

Having previously briefed the media about the contents of the report, including the proposed payment to all of those defined as victims,⁵ the launch of the report at the Europa hotel in Belfast city centre, attended by the author, was marred by angry protests from different victims’ groups directed against the Consultative Group themselves, prominent Republicans present such as Gerry Adams and other victims – almost all of it directed against the £12,000 payment. Constituting what Murray Edelman (1988) has called a ‘political spectacle’, the above-mentioned interviewee recalled the events of the day:

There are those, I’ll not mention names but I’m sure you’ll know who they are who actually are very vocal when it comes to talking about victims but they play on that emotional route and I find they can wind people up sometimes. They have an incentive in terms of actually keeping them angry, keeping them where they’re not going to want to come together. And if you looked at even the Eames Bradley report that was launched down at the Europa and you had those very ugly scenes between the xxx and representatives of xxx, you know, one accusing the other of not being real victims (Interview, 7 August 2017).

In its most extreme manifestation, the front and centre positioning of competing victims and spokespersons from victims’ groups on this occasion and others throughout

the peace process in Northern Ireland can be thought of as a form of ‘victim prostitution’ (Ashworth, 2000) where vulnerable voices and physical bodies are ‘stolen’ and projected into the public sphere:

I do see a lot of this rolling out, get the campaigns going, hold a rally, make sure you get your photographs taken beside victims and then forget about them. And that’s sad. I wouldn’t like to be that person that behaves like that but that’s politics, it’s the game (Interview, 4 May 2017).

Such practices are not only deeply unethical but can leave victims profoundly traumatized:

And at the end of the day, they put these victims through, I don’t know, torture to be honest, because they end up depleting all their energy, you see them a few years later after being on their roadshows and campaigns, and they’re getting ill. So, there’s no protection there for the victims, well that’s what I believe anyway, there’s not enough awareness. And then they’re not aware because they’re vulnerable and they think well, this man here is helping me, he’s going to help me get truth and justice for my whatever (Interview, 2 March 2017, interview 2).

The implications are three-fold. On one level, and as discussed above, it can encourage victims to become defined by their experiences, prohibiting the possibility for growth and healing – ‘It’s not putting salve on the wound, it’s almost just putting you on the drip forever’ (Interview, 21 November 2016). Second, the capture and use of victims’ voices and their own campaigning efforts constitutes a clear rejection of victim’s agency, positioning victims and survivors as objects to whom truth and justice are *done to*, rather than subjects in their own right. As Kleinman (1997: 319) has argued, ‘this process of appropriation silences the collective authority of their [victims] own voices and denies their agency while redefining their needs away from demand for basic reforms of fundamental rights’. Within the broader transitional justice field, increasing attention is being paid to the fact that true participation in processes and conversations around dealing with the past demands not that participants take part in realizing the agendas of others, but that agendas are themselves determined by those being empowered (Robins, 2013). This is as true of Lisa Laplante’s (2007: 435) work in Peru with victims of Peru’s 20-year internal armed conflict and her finding that it is ‘the change in personal and political status as truth-tellers, and not just the content of this truth’ that makes truth telling important as it is of Waterhouse’s (2009) conclusion that the Federal Republic of Germany’s prioritization of victim engagement in the design and implementation of Holocaust reparations was crucial to the success of the program and victims own repair and restoration. To do otherwise reduces victims to apolitical persons in need of rescue, rather than political beings capable of analysing and responding to their own suffering (Clarke, 2009).

Third, the narrow and reductive framing of victimhood around politically calibrated notions of ‘innocence’ and ‘guilt’ or ‘right’ and ‘wrong’, narrows the space for compassion and a more rounded understanding of victimhood and the complexities of conflict.

Victimization may therefore be used in ways that may inhibit processes of rehumanization and social repair in post-conflict societies (Weinstein, 2014). This is certainly the case in Northern Ireland where the social and political fallout from the launch of the Report of the Consultative Group closed down the possibility for discussion on the remaining 30 recommendations for dealing with the past made by the CGP. Moreover, the visual and emotional legacy of that day and the power of victims' groups and certain political parties to mobilize on platforms of contested victimhood has dogged future efforts at dealing with the past. The resulting failure to assist in meeting the needs of victims or advancing their campaigns for truth and justice was acutely felt by one victims' campaigner who was present that day,

... I remember X (well-known victims' campaigner) got within inches of Gerry Adams' face shouting abuse into his face and I was at the back of the room watching this and I remember thinking this is a really dark day for victims, this should have been a day, had it been handled right, it could have plotted the way forward (Interview, 5 January 2012).

It has also, as explored in full below and built upon genuine pain and suffering, allowed partial hierarchies of victimhood to translate into hierarchies of truth:

... battles are being fought with the victims as the weapons at this stage. I think it's really awful. I think that there's a lot of victim's groups that bring their victims with them like a sort of army, who are there crying in the background as proof that they have suffered the most. It's distasteful (Interview, 28 September 2017).

Victimhood and Hierarchies of Truth

In his work on legitimation, Barker (2001: 45–46) argues that legitimation work and a sense of identity are 'inextricably intermeshed... each is constructed in terms of the others, and each is necessary to make the other comprehensible'. As the above sections have demonstrated, where competition over victimhood prevails, cleaving to politically polarized notions of innocent and guilty victims, howsoever problematically achieved, has been essential to political claims making and the self-legitimization of some of those who work with victims and survivors of violent conflict. Therefore, just as the conceptions of innocence and guilt are mutually dependent, in the absence of a formal process of truth recovery, competing variants of victim voice and agency and their resultant truth claims may in fact be used as a platform for pursuing partial and exclusive understandings of the past and the creation of hierarchies of truth.

In Northern Ireland, competition over victim voice and agency has crystallized in the practice of 'whataboutery'. The term 'whataboutery' is frequently used in relation to the Northern Ireland context to describe the long-standing tradition of using past sins visited by either community (or indeed the British or Irish state) upon each other to avoid uncomfortable questions about one's own past or contemporary responsibilities for making peace.⁶ It is found, for example, when an atrocity of significance to one side of the community gains public prominence and rather than being met with acknowledgement or recognition, is greeted by its political opponents with claims of 'whatabout

[event of significance to that community]'. The implication is that one's own community has suffered 'the most', with the 'other' community's behaviour the more heinous (Brewer, 2015). The 'dull thudding referentiality' with which events are lobbed across the political divide has subsequently enabled selected atrocities and voices to stay at the forefront of politics as 'signature' terms (Agamben, 2009; Rose, 2005: 215). By the same token, other voices and concerns inevitably fall from view.

As is the case with 'whataboutery', 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' (Benjamin, 2016; Little and Rogers, 2017). Whataboutery therefore entails a denial of the victim and the expression of their voice and agency (Cohen, 2001). The following remarks by DUP MP Sir Jeffrey Donaldson in the wake of The Supreme Court ruling that the British government has not yet conducted an effective investigation into the 1989 murder of Belfast solicitor Pat Finucane are illustrative. Speaking on a local radio programme and in response to the question of did he agree that the Finucane family has been 'badly served by the justice system in Northern Ireland', Donaldson refused to recognize the circumstances surrounding Pat Finucane's death, the family's experience of victimhood, their campaign for truth and justice and the State's role in preventing a full examination of this case. Instead and demonstrating what Cohen terms implicatory denial, Donaldson made recourse to 'all of the other deaths', closing down the voice and campaigning efforts of the Finucane family –

In the Troubles in Northern Ireland there were over 3,000 deaths and the vast majority of people feel that they haven't had the opportunity under the legacy process to have those deaths properly investigated or reviewed. Therefore I think we are entitled to say 'What about all of the other deaths? What about all of the people who still haven't had their cases reviewed?' . . . I do not see and I am not convinced and I do not see the argument that says this case should be given special attention over and above any other case.⁷

Moreover, the denial of one victim and the elevation of the other is predicated on a denial of responsibility for past atrocities. For Cohen (2001: 33), this is 'the need to be innocent of a troubling recognition'. In Northern Ireland, this has translated into strategies of blame and deflection in which the 'other community' holds primary responsibility for the conflict and any failures in the peace (Brewer, 2015). For republican's, whataboutery and the denial of responsibility has led to a double discourse whereby on one hand, Sinn Fein has stressed that 'regardless of the stance of others, we should recognize the healing influence of being able to say sorry for the human effects of all actions during the armed struggle' while simultaneously arguing that the British government bears the greatest responsibility for the conflict (Kearney, 2012). The remarks of Sinn Fein MLA Gerry Kelly, speaking at the launch of Sinn Fein's response to the NIO's consultation on the SHA well illustrate this case:

They [British government] were the main protagonists. They are a government. They had 31,000 troops here, they had a standing army of some 150,000. So it is not unreasonable to say that they were the main protagonist, . . . They were set against republicanism and nationalism. There was a conflict on (The Irish Times, 2018).

These examples speak not only to a denial of responsibility, but a fixity of understanding and an attempt to situate the past in historical memory according to one's preferred ethno-national interpretation. On one hand, whataboutery thus becomes a form of 'not letting go', whereby any divergence from practice or any conversation which might allow for a different understanding of experience is met with rage and refusal (Little and Rogers, 2017). On the other, through the very act of setting atrocity against atrocity, whataboutery can act as a semantic gag, preventing a critical questioning and interrogation of the past. Such practices inevitably narrow the space for acknowledgement or a full understanding of the causes, context and consequences of conflict. Rather, it means that in 'the cast of the past', victims continue to be at risk of being pitted against other victims in the ongoing battle over the legitimacy of, and justification for, past actions (Gready, 2011: 116).

As hierarchies of victimhood are based on what Madlingozi (2007) has termed 'good' victims and 'bad' victims, competitive victimhood and whataboutery has translated into hierarchies of truth. This dynamic has found expression in a 'truth as trumps' phenomenon whereby one call for truth or the production of truth is countered by that of a more 'significant' or 'important' truth (Lawther, 2014a). While such calls for truth may speak to the value of sequencing in transitional justice or be part of an attempt to take advantage of a favourable political climate, the evidence suggests a reactionary and competitive quality to such demands. As Dawson (2007: 287) argues, it is evident in

the perception that the extent of *other* side's gain is the extent of *our* side's loss, and its corollary: that the necessary response to the telling of *their* story is not to listen, understand and acknowledge it, but to deny, and then to set the record straight by telling *our* side of the story'. [emphasis in original]

In the words of one victim,

It's like a premier league competition now for victims here. Honestly, it usually arises with sort of the next sitting of a court case or something, people forget about it, people forget about it until something else comes up and then it's Kingsmill or it's Ardoyne. In the past it was Bloody Sunday, you know, it's Omagh or it's Enniskillen. I mean, the list goes on and on and on (Interview, 5 June 2017, interview 1).

Thus, while truth recovery can provide an opportunity to 'narrow the range of permissible lies' as Michael Ignatieff (1996: 113) has argued, in Northern Ireland, the recovery of truth about past atrocities has been used as an opportunity to assert the 'truest' version of the past and who is 'right' about the nature of the meta-conflict.

Victimhood and Political Generosity

Thus far, this article has highlighted the inter-linked challenges of competitive victimhood, the capture of victims' voice and agency and how hierarchies of victimhood can translate into politically and socially divisive hierarchies of truth. In the absence of a formal process of dealing with the past in Northern Ireland and continuing political and

social wrangling over the legal definition of a victim, it is all too easy foresee a future in which pain, trauma and loss continue to be used for political capital and in which the presence of the past continues to loom large (BBC, 2020; Belfast Telegraph, 2019).

The final section of this article responds to this challenge. Here, I argue that inculcating a culture of greater political generosity can be a route to releasing space for the recognition of complex and multiple victimhood and the promotion of the voice and agency of all victims of the conflict. Political generosity does not mean shouldering the 'blame' for the past, diminishing hurt or pain or sanitizing the most heinous of crimes. Rather, its aetiology is drawn from, for example, Schapp's (2005) work on reconciliation, Smith (1976) on sympathy and Gutmann and Thompson (2000) on reciprocity. For Eisikovits (2006: 75), political generosity is composed of three elements: 1), 'the willingness to forego . . . the vindictive dynamics of action'; 2), 'the ability to move one's focus of attention . . . partially, and at least temporarily, from one's self'; and 3), 'the readiness to offer an enemy more . . . than they can minimally expect'. Political generosity therefore means retraining our sight to 'see' and 'hear' the other - not moral absolutisms; to open oneself to who one's neighbour's are, what they have been through and what it is like to be them; and to forgo the moral book-keeping of past transgressions that is so common in cultures of violence (Eisikovits, 2006, 2010). For Bankowski (2002, cited in Schapp, 2005: 131),

It means acknowledging one's implication in wrongdoing as a consequence of one's entanglement in history. In its world-delimiting moment, political responsibility enjoins us to care for and preserve the fragile web of human relationships that constitute the world. But, in its world rupturing moment, political responsibility means engaging with our former enemy in collective action in order to change the circumstances in which we find ourselves. It means assuming the risk of politics in the hope that this world will be disclosed in its commonness.

Of course, discussing political generosity is not without its challenges. For example, for all parties to a conflict, there may be little desire to 'break' with the past and its unpacking, or the prospect of, may signal a 'crisis of memory' (Misztal, 2003: 43). Likewise, for some, engaging with the past in all its complexities may involve 'risking vulnerability' (Cohen, 2001: 4). Alternatively, for victims and survivors, tackling issues of truth and justice can be interpreted as a betrayal of the memory and sacrifice of the deceased, while pressure (real or perceived) to 'deal with' the past can feel like a denial of the 'moral legitimacy' of victim's anger (Amery, 1980; Lawther, 2014a).

That said, political generosity is not unusual in Northern Ireland, and, at times, has moved the peace process forward. Generosity can be found in, for example, Queen's Elizabeth's visit to the Republic of Ireland and acknowledgement of the 'painful legacy' of the relationship between Britain and Ireland in 2011, the handshake between the former Sinn Fein Deputy First Minister Martin McGuinness and the Queen in 2012, and the many small scale and private acts between individuals and groups most directly affected by the conflict. I would argue that developing greater political generosity is also key to dealing with the past. In this part of the paper, I set out a three-fold schema for developing a culture of political generosity. As above, each point is directly traceable to

victims and survivors of the Northern Ireland conflict and as such, is reflective of the views and aspirations of those on the direct receiving end of violence, harm and traumatic bereavement.

The first point in this schema is the importance of *complicating the past*. For one interviewee, recognition of the grey-scale of conflict is crucial –

maybe another responsibility that we have as a society in terms of dealing with the past is . . . – we need to create a space whereby people can really start to listen to the truth of what went on and so we no longer collude in the notion that there were just bad guys (Interview, 5 January 2012).

In this respect, political generosity requires a recognition of the many and varied reasons why individuals become entangled in conflict and a wider recognition of responsibility beyond those groups and individuals most easily identified as ‘perpetrators’. It requires as others have suggested, an exploration of the role of, for example, the churches, media, education and legal profession during the conflict. Such broadening of responsibility for the past has the potential to alleviate binary and polarizing conceptualizations of ‘innocent’ and ‘guilty’ victims, diminish the power of ‘transitional justice entrepreneurs’ and offer space for a plurality of voices on the past to be heard (Madlingozi, 2010).

Second, and relatedly, is the need to *recognize the complexity and diversity of the hurt of the past*. All too often in transitional contexts, the dynamics of celebration – of the ‘good’ victim, and censure – of the ‘bad’ victim are invoked, with victimhood and the creation of hierarchies of victimhood *contested, policed and performed* by competing political and social interests. Such selectivity is used to further claims to ‘true’ victimhood status and the perception that one’s ‘side’ suffered the ‘most’. Yet, as McEvoy and McConnachie (2013) argue, in affording victims voice and agency, there is also a need to acknowledge the rights and humanity of the ‘other’. The following statements, made by two individuals in Northern Ireland exemplify this mindset and their transformative potential needs little by way of explanation:

. . . you know, people who were involved in shooting me, one of the guys was shot dead a few years after that . . . And I see him as a victim now . . . and his family are victims . . . they lost their da . . . he was a victim of all this conflict in that sense, he wasn’t born to go out and shoot me, it wasn’t predestined, it’s the whole context (interview, 27 September 2017);

Even though he wasn’t someone maybe I would want to have a pint and a pizza with, he died in horrible circumstances as well. Again, all deaths, we’re all the same. We make too much of . . . we’re encouraged to think that our hurt is greater than somebody else’s, often on a group basis and it’s not (Interview, 5 June 2017).

Offering the potential to dismantle hierarchies of victimhood and promoting the chance of ‘*seeing ourselves “as ordinary human beings”*’, whereby, ‘I can appreciate you as a human being and you have the right to have the views that you have and maybe your life experience has brought you to hold those views and my life experience is

different', each of these statements is a clear example of political generosity as defined by Eisikovits (2006) above (Interview, 2 March 2017, interview 1).

Third, and finally, is *recognition of the importance of truth*. The debate on how best to deal with the legacy of the Northern Ireland conflict has been long, complex and contested. Indeed, the jurisdiction stands in contrast to other post-conflict contexts where mechanisms of truth recovery have been established (Hayner, 2011). The rationale for establishing a process of truth recovery combines the investigative and accountability functions of an examination of the past with the opportunity to lay bare its complexities, contradictions and contestations (Lawther, 2017). For victims in particular, the capacity to tell their 'story', be listened to and have their experience recorded in the historical narrative has been cited as a key benefit (Ross, 2003). At the time of writing, proposals for a bespoke approach to truth recovery in Northern Ireland sit before Westminster. Contained in the Stormont House Agreement, they comprise the establishment of a 'Historical Investigations Unit', 'Independent Commission on Information Retrieval', 'Oral History Archive' and 'Implementation and Reconciliation Group'.⁸ A final decision on the nature, shape and implementation of the legacy components of the Stormont House Agreement is due in January 2021.

Based on sustained fieldwork with victims and survivors and other parties to the conflict, I would argue that the establishment of a formal process of truth recovery in Northern Ireland has the potential to contribute to the creation of a culture of political generosity. In addition to the points discussed above, two distinct ways in which a truth process can fulfil this function can be identified. First, is the provision of space in which victims' voices can be expressed, heard and listened to and in which victims can begin to reclaim something of their agency. As discussed above, it is all too easy for victims' voices to be marginalized or captured by powerful political interests (Barker, 2007; Madlingozi, 2010; Mazzei, 2009). A truth process can, for example, provide a platform for all those affected by the conflict, if they so wish, to speak about their experiences with equal rights and resources and in which well-known stories can sit alongside those yet untold. Equally and in the quest to end practices of 'whataboutery' and the 'truth as trumps' dynamic discussed above, listening to the truth of other's stories can contribute to our capacity to learn from and empathize with the 'other' and begin to challenge the idea that one's victimhood is greater than that of another's. As one interviewee who had taken part in a local truth recovery project argued:

... 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 (Interview, 23 January 2017).

Conclusion

In line with the increased attention that is paid to victim voice and agency in transitional justice, this paper has sought to explore the intersection between the politics and construction of victimhood in transitional societies and the use of truth recovery as a platform for the creation of hierarchies of truth. While the promotion of victim voice and agency can be a powerful way to re-dignify and empower those on the receiving end of

violent conflict, as this paper has demonstrated, when the very meaning of the past remains contested, the political currency of victimhood may lead to the domination and embellishment of certain voices and narratives and the silencing of others. Likewise, victims' and survivors' legitimate needs and concerns lay open to capture by victims' groups and political parties in the pursuit of larger political goals. The result is that efforts at truth recovery can become a platform for the pursuit of partial and exclusive understandings of the past and the creation of hierarchies of truth.

In response, I have argued that creating a culture of greater political generosity has the potential to offer a more nuanced appreciation of victimhood and a more sensitive understanding of the utilization of victim voice and agency in post-conflict contexts. Encouraging us to, for example, 'see' and 'hear' 'the other', a process of truth recovery can provide a space in which political generosity can be fostered. That Northern Ireland sits at a crucial juncture in relation to dealing with the legacy of the conflict, I would argue that both the need to 'do' truth recovery and doing so in full recognition of the importance of complicating the past, recognizing the complexity and diversity of hurt and seeing ourselves as ordinary human beings could not be more timely. Of course, these recommendations go beyond Northern Ireland in their applicability. As the 'urge' to truth in the aftermath of conflict and human rights abuses is ever increasing and as the key elements of transitional justice are mainstreamed into domestic contexts, recognizing and being fully cognizant of the challenges and potential capture of victims' voice and agency is crucial. Expanding the transitional justice gaze to the importance of creating a culture of political generosity in times of transition, this paper offers new light on how best to deal with these most pressing of issues.

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Notes

1. Full details of the University's ethics review process can be found here: <https://www.qub.ac.uk/Research/Governance-ethics-and-integrity/FileStore/Filetoupload,915687,en.pdf> (accessed on 16 August 2020).
2. See: <https://www.cvsni.org/>.
3. Available at: <https://www.legislation.gov.uk/nisi/2006/2953/contents> (accessed on 14 March 2020).
4. Press release on behalf of Peter Hain, then Secretary of State for Northern Ireland, about the formation of an independent consultative group to look at the legacy of the past, 'Hain

- announces group to look at the past', 22 June 2007. Available at: <https://cain.ulster.ac.uk/issues/politics/docs/nio/ph220607.htm> (accessed on 11 April 2020).
5. The previous weekend the front page of the main nationalist newspaper the Irish News had carried the headline 'Butchers, Bombers, Victims – They are All the Same'. The photographs below juxtaposed Lenny Murphy (leader of the UVF Shankill Butchers), Thomas Begley (the IRA member killed in the Shankill bomb) and 9 year-old Patrick Rooney, the first child killed in the conflict. See: *Irish News*, 24 January 2009.
 6. Available at http://www.sluggeroole.com/archives/2005/02/glossary_what_i.php (accessed on 25 March 2020).
 7. BBC Good Morning Ulster, 28 February 2019. Author's transcription. Available at: <https://www.bbc.co.uk/sounds/play/m0002qvj> (accessed on 26 March 2019).
 8. Stormont House Agreement, 2014 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/390672/Stormont_House_Agreement.pdf The proposed legacy bodies are: the Historical Investigations Unit, 'an independent body to take forward investigations into outstanding Troubles-related deaths'; an Independent Commission on Information Retrieval 'to enable victims and survivors to seek and privately receive information about the deaths of their next of kin'; an Oral History Archive 'to provide a central place for people from all backgrounds to share experiences and narratives related to the Troubles'; and an Implementation and Reconciliation Group 'to oversee themes, archives and information recovery'.

References

- Agamben G (2009) *The Signature of All Things*. New York, NY: Zone Books.
- Alcoff L (1991–1992) The problem of speaking for others. *Cultural Critique* 20(Winter): 5–32.
- Amery J (1980) *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities*. Rosenfeld S and Rosenfeld S (Trans). Bloomington, IN: Indiana University Press.
- Ashworth A (2000) Victims' rights, defendants' rights and criminal procedure. In: Crawford A and Goodey J (eds) *Integrating a Victim Perspective within Criminal Justice: International Debates*. Aldershot: Ashgate, pp. 185–204.
- Barker R (2001) *Legitimizing Identities: The Self-Presentations of Rulers and Subjects*. Cambridge: Cambridge University Press.
- Barker V (2007) The politics of pain: a political institutionalist analysis of crime victims' moral protests. *Law and Society Review* 41(3): 619–664.
- Belfast Telegraph (2019) Foster demands new definition of victim to exclude terrorists. *Belfast Telegraph* 2 March 2019.
- Bell C (2003) Dealing with the past in Northern Ireland. *Fordham International Law Journal* 26(4): 1095–1147.
- Benjamin J (2016) Non-violence as respect for all suffering: thoughts inspired by Eyad El Sarraj. *Psychoanalysis, Culture & Society* 21(1): 5–20.
- Boraine A (2000) *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission*. Oxford: Oxford University Press.
- Borer TA (2003) A taxonomy of victims and perpetrators: human rights and reconciliation in South Africa. *Human Rights Quarterly* 25(4): 1088–1116.
- Bouris E (2007) *Complex Political Victims*. Bloomfield, CT: Kumarian Press.
- Brewer J (2010) *Peace Processes: A Sociological Approach*. Cambridge: Polity.

- Brewer J (2015) Dealing with the past and envisioning the future: problems with Northern Ireland's peace process. In: *Plenary Lecture at the. International Conference Ireland: Shared Futures?* University of Rennes, 10–12 September 2015.
- BBC (2015) Sinn Fein chairman Declan Kearney 'sorry' for all Troubles victims. 27 August 2015. Available at: <https://www.bbc.co.uk/news/uk-northern-ireland-politics-34069960> (accessed 21 April 2020).
- BBC (2020) New plan for NI Troubles cases to 'limit' investigations. 18 March 2020. Available at: <https://www.bbc.co.uk/news/uk-northern-ireland-5193571> (accessed 20 April 2020).
- Christie N (1977) Conflicts as property. *British Journal of Criminology* 17(1): 1–15.
- Clarke KM (2009) *Fictions of Justice: The International Criminal Court and the Challenges of Legal Pluralism in Sub-Saharan Africa*. Cambridge: Cambridge University Press.
- Cohen S (2001) *States of Denial: Knowing about Atrocities and Suffering*. London: Polity.
- Consultative Group on the Past (CGP) (2009) *Report of the Consultative Group on the Past*. Belfast: Consultative Group on the Past.
- Das V (2000) The act of witnessing: violence, poisonous knowledge, and subjectivity. In: Das V, Kleinman A, Ramphel M, et al. (eds) *Violence and Subjectivity*. Berkeley, CA: University of California Press, pp. 205–225.
- Das V and Kleinman D (2000) Introduction. In: Das V, Kleinman A, Ramphel M and Reynolds P (eds) *Remaking a World: Violence, Social Suffering and Recovery*. Berkeley, CA: University of California Press, pp. 1–30.
- Dawson G (2007) *Making Peace with the Past? Memory, Trauma and the Irish Troubles*. Manchester: Manchester University Press.
- Dudai R (2012) Informers and the transition in Northern Ireland. *British Journal of Criminology* 52(1): 32–54.
- Edelman M (1988) *Constructing the Political Spectacle*. London: The University of Chicago Press.
- Eisikovits N (2006) Rethinking the legitimacy of truth commissions: 'I am the enemy you killed, my friend'. *Metaphilosophy* 37(3–4): 489–514.
- Eisikovits N (2010) *Sympathizing with the Enemy: Reconciliation, Transitional Justice, Negotiation*. Dordrecht: Martinus Nijhoff Publishers.
- Fletcher L (2015) Refracted justice: the imagined victim and the international criminal court. In: De Vos S, Kendall S and Stahn C (eds) *Contested Justice: The Politics and Practice of International Criminal Court Interventions*. Cambridge: Cambridge University Press, pp. 302–325.
- Goffman E (1963) *Stigma: Notes on the Management of Spoiled Identity*. New Jersey, NJ: Prentice Hall.
- Gready P (2011) *The Era of Transitional Justice. The Aftermath of the Truth and Reconciliation Commission in South Africa and Beyond*. Abingdon: Routledge.
- Gutmann A and Thompson D (2000) The Moral Foundations of Truth Commissions. In: Rothberg R and Thompson D (eds) *Truth v. Justice: The Morality of Truth Commissions*. Princeton, NJ: Princeton University Press, pp. 22–44.
- Hamber B (2006) Flying flags of fear: the role of fear in the process of political transition. *Journal of Human Rights* 5(1): 127–142.
- Hamber B (2009) *Transforming Societies After Political Violence*. Heidelberg, Germany: Springer.

- Hayes G (1998) We suffer our memories: thinking about the past, healing and reconciliation. *American Imago* 55(1): 29–50.
- Hayner P (2011) *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*. Abingdon: Routledge.
- Hearty K (2018) ‘Victims of’ human rights abuses in transitional justice: hierarchies, perpetrators and the struggle for peace. *The International Journal of Human Rights* 22(7): 888–909.
- Hopkins S (2015) Sinn Fein, the past and political strategy: the provisional Irish republican movement and the politics of reconciliation. *Irish Political Studies* 30(1): 79–97.
- Ignatieff M (1996) Articles of faith. *Index on Censorship* 25(5): 110–122.
- Kearney D (2012) Uncomfortable conversations are key to reconciliation. *An Phoblacht*, 5 March 2012.
- Kearney D (2015) There can be no hierarchy of victims. Available at: <http://www.sinnfein.ie/contents/34483> (accessed on 18 March 2019).
- Kendall S and Nouwen S (2014) Representational practices at the international criminal court: the gap between juridified and abstract victimhood. *Law and Contemporary Problems* 76(1): 235–262.
- Kleinman A (1997) ‘Everything that really matters’: social suffering, subjectivity and the remaking of human experiences in a disordering world. *Harvard Theological Review* 90(3): 315–335.
- Laplante L (2007) The process of the Peruvian truth commission’s historical memory project: empowering truth tellers to confront truth deniers. *Journal of Human Rights* 6(4): 433–452.
- Lawther C (2014a) *Truth, Denial and Transition: Northern Ireland and the Contested Past*. Abingdon: Routledge.
- Lawther C (2014b) The construction and politicisation of victimhood. In: Lynch O and Argomaniz J (eds) *Victims of Terrorism: A Comparative and Interdisciplinary Study*. London: Routledge, pp. 10–30.
- Lawther C (2015) Criminal justice, truth recovery and dealing with the past in Northern Ireland. In: McAlinden AM and Dwyer C (eds) *Criminal Justice in Transition: The Northern Ireland Context*. Oxford: Hart Publications, pp. 27–46.
- Lawther C (2017) Transitional justice and truth commissions. In: Lawther C, Moffett L and Jacobs D (eds) *Research Handbook on Transitional Justice*. Cheltenham: Edward Elgar, pp. 324–357.
- Little A and Rogers J (2017) The politics of ‘whataboutery’: the problem of trauma trumping the political in conflictual societies. *British Journal of Politics and International Relations* 19(1): 172–187.
- Madlingozi T (2007) Good victims, bad victims: apartheid’s beneficiaries, victims and the struggle for social justice. In: Le Roux W and Van Marle K (eds) *Law, Memory and the Legacy of Apartheid*. Pretoria: Pretoria University Press, pp. 107–126.
- Madlingozi T (2010) On transitional justice entrepreneurs and the production of victims. *Journal of Human Rights Practice* 2(2): 208–228.
- May T (2001) *Social Research: Issues, Methods and Process*. 3rd edn. Buckingham: Open University Press.
- Mazzei LA (2009) An impossibly full voice. In: Jackson AY and Mazzei LA (eds) *Voice in Qualitative Inquiry: Challenging Conventional, Interpretive and Critical Conceptions in Qualitative Research*. London: Routledge, pp. 17–26.
- McEvoy K and Bryson A (2016) Justice, truth and oral history: legislating the past ‘from below’ in Northern Ireland. *Northern Ireland Legal Quarterly* 67(1): 67–90.

- 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.
- McEvoy K, Dudai R and Lawther C (2017) Transitional justice. In: Maruna S and Liebling A (eds) *The Oxford Handbook of Criminology*. Oxford: Oxford University Press, pp. 391–415.
- Mertus J (2009) Shouting from the bottom of the well the impact of international trials for wartime rape on women’s agency. *International Feminist Journal of Politics* 6(1): 110–128.
- Meyers D (2016) *Victims’ Stories and the Advancement of Human Rights*. Oxford: Oxford University Press.
- Misztal B (2003) *Theories of Social Remembering*. Berkshire, MA: Open University Press.
- Moon C (2008) *Narrating Political Reconciliation: South Africa’s Truth and Reconciliation Commission*. Lanham, MD: Lexington Books.
- Ni Aolain F and Turner C (2007) Gender, truth and transition. *UCLA Law Journal* 16: 229–279.
- Northern Ireland Affairs Committee (2009) *The Report of the Consultative Group on the Past in Northern Ireland*. London: The Stationary Office.
- Orentlicher D (2007) ‘Settling accounts’ revisited: reconciling global norms with local agency. *International Journal of Transitional Justice* 1(1): 10–22.
- Robins S (2013) *Families of the Missing: A Test for Contemporary Approaches to Transitional Justice*. London: Routledge.
- Robins S (2017) Failing victims? The limits of transitional justice in addressing the needs of victims of violations. *Human Rights and International Legal Discourse* 11(1): 41–58.
- Rolston B (2000) *Unfinished Business: State Killings and the Quest for Truth*. Belfast: Beyond the Pale.
- Rose J (2005) Holocaustal premises: political implications of the traumatic frame. *Royal Holloway Lectures London* 22 September 2005.
- Ross F (2003) On having voice and being heard. Some after-effects of testifying before the South African Truth and Reconciliation Commission. *Anthropological Theory* 3(3): 325–341.
- Schapp A (2005) *Political Reconciliation*. Abingdon: Routledge.
- Shirlow P and McEvoy K (2008) *Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland*. London: Pluto Press.
- Simpson K (2009) *Unionist Voices and the Politics of Remembering the Past in Northern Ireland*. Hampshire: Palgrave Macmillan.
- Smith A (1976) *The Theory of Moral Sentiments*. New York, NY: Oxford University Press.
- Social Democratic and Labour Party (SDLP) (2012) *Addressing the Past: A Comprehensive Truth Process and the Ethical Way Forward*. Belfast: Social Democratic and Labour Party.
- The Irish Times (2018) Britain the ‘main conflict protagonist’ in the Troubles. *The Irish Times*, 3 October 2018.
- Thumala A, Gold B and Loader I (2011) A tainted trade? Moral ambivalence and legitimation work in the private security industry. *British Journal of Sociology* 62(2): 283–303.
- United Nations (2010) *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*. New York, NY: United Nations.
- de Waardt M (2018) The politics of victimhood at the grassroots level: Inclusion and exclusion among Peruvian victim organisations. In: Druliolle V and Brett R (eds) *The Politics of*

- Victimhood in Post-Conflict Societies. Comparative and Analytical Perspectives.* Basingstoke: Palgrave Macmillan, pp. 133–158.
- Walklate S (2007) *Imagining the Victim of Crime.* New York, NY: McGraw-Hill.
- Waterhouse C (2009) The good, the bad and the ugly: Moral agency and the role of victims in reparations programs. *University of Pennsylvania Journal of International Economic Law* 31(1): 257–294.
- Weinstein H (2014) Victims, transitional justice and social reconstruction: Who is setting the Agenda? In: Vanfaechem I, Pemberton A and Mukwiza Ndahinda F (eds) *Justice for Victims: Perspectives on Rights, Transitions and Reconciliation.* New York, NY: Routledge, pp. 161–182.
- Wilson R (2001) *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State.* Cambridge: Cambridge University Press.
- Wilson R and Brown R (2009) Introduction. In: Wilson R and Brown R (eds) *Humanitarianism and Suffering: The Mobilization of Empathy.* Cambridge: Cambridge University Press, pp. 1–30.