The “innocent” victims of the Troubles and the enduring impediment to peace in Northern Ireland

Laura Fowler Graham

It was a troubling summer for Northern Ireland, filled with sectarian rioting and violence against the police and civilians alike. Since the start of 2013, over 350 police officers have been injured by sectarian violence,\(^1\) loyalist and republican protesters have clashed in the streets causing injury to civilians, destruction of property and disruption to business.\(^2\) The protests of late have been spurred by issues such as the winter “flags protest,”\(^3\) the summer marching season,\(^4\) the political divisions in the Northern Ireland Assembly over the Maze prison peace centre,\(^5\) as well as a petition “Charter for the Innocent Victims of Terrorism” that was launched by Innocent Victims United (IVU), an umbrella group that claims to represent several thousand “innocent” victims of terrorism in Northern Ireland.\(^6\) Even more troubling than these sectarian eruptions is the fact that some of the protests concerning the “illegitimate” victims of the Troubles is coming from Northern Ireland’s civic and political leadership.

To that end, much has changed in policy and services for victims of the Troubles in the past two years, mostly for the better. The new Victims and Survivors Service (VSS) began operating in April 2012 and it is now fully operational, providing funding for a broad range of needed services.\(^7\) In September 2012, Kathryn Stone became the new Victims Commissioner, ending years of controversy over the appointment of four Commissioners to the Victims Commission (CVSNI). Despite this progress, recent clashes over the Peace Building and Conflict Resolution Centre at the site of the former Long Kesh prison has been viewed by some elements of society, particularly victims of republican violence, as a memorial to “republican terrorists,”\(^8\) prompting a rebuttal from the Innocent Victims United to the plans for the peace centre, as well as a renewed campaign for policymakers to change the legal definition of
victims and survivors to include only those who could be described, by IVU, as “innocent” victims of the Troubles. In this article, I argue that such debates over who qualifies as a victim of the Troubles is as unproductive for policy as it is unfruitful for cultivating trust and fostering peaceful community relations.

Policy

Northern Ireland has come a long way since the *Bloomfield Report* first defined who counted as a victim of the Troubles in the eyes of government. For years, a hierarchy of innocence and suffering dominated political and civil discourse, often placing those most vulnerable in situations where they were used as political pawns to advance one side’s issue over the other. By 2006, the Northern Ireland Assembly had agreed on a definition that would operate to provide funding and services to those who had been most affected by the conflict. Though many victims were dissatisfied with the inclusive nature of the definition, in some cases rejecting the definition outright, others welcomed the broad definition as taking a step forward from previous definitions offered in the *Bloomfield Report* and the *Reshape, Rebuild, Achieve* strategy.

What then accounts for this renewed call for the legal definition to be replaced by one that excludes those who might be viewed as “illegitimate” victims? To answer this question, I will first explain the historical debates concerning the hierarchies of innocence and suffering. Next, I will reveal the findings of the *Compromise After Conflict* study’s investigation of victim support groups, examining the views of victim leaders with respect to the legal definition of victim. Finally, I will discuss the reasons why the renewed divisions over defining victims continues to be one of the greatest impediments to fostering trust and peace in Northern Ireland, offering policymakers a reminder that such divisive discourse will only serve as an obstacle to good community relations.

Who are the Victims?

The public debate concerning victims has spanned decades. In 1998, the Victims Commissioner, Sir Kenneth Bloomfield, found “some substance in the argument that no one living in Northern Ireland through this most unhappy period will have escaped some degree of damage.” Some have claimed that the conflict has created a situation where everyone is a victim, while others, such as Smyth, disagree: “we cannot say we are all victims, because to do so implies that we have all had equally difficult experiences.” If we are not all victims, then who is?
Statistics provide a partial answer to this question. Since 2003, statistics have revealed that between 12 and 30 percent of Northern Ireland’s population could be considered victims, with a notable surge in those describing themselves as victims in recent years. Important distinctions have been found between Protestant and Catholic respondents in surveys. For example, in a 2004 Northern Ireland Life and Times survey, 24 percent of Catholics agreed that everyone who was killed during the conflict should be seen as a victim, whereas only seven percent of Protestants agreed. These statistics reveal the discordance of societal opinion over the definition of victim. The fact that Protestant respondents were less likely to view all who died as victims of the conflict is unsurprising and reveals the underlying tensions that have sparked the renewed campaign by the IVU to change the legal definition of victim.

Many scholars, practitioners, politicians and citizens have contributed to the victimhood debate. Here, the legislative definition will be introduced and compared against other definitions proposed by political parties, victim support groups and academics. The current legislative definition outlined in the Northern Ireland Order 2006 defines a victim as:

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 (a); or
c. Someone who has been bereaved as a result of or in consequence of a conflict-related incident.

An individual may be psychologically injured as a result of or in consequence of:

a. Witnessing a conflict-related incident or the consequences of such an incident; or
b. Providing medical or other emergency assistance to an individual in connection with a conflict related incident.

The legislative definition is important because it sets the limits of who qualifies as a victim for legal purposes, and by implication, for purposes of funding and victim support. Those who died as a result of the conflict are excluded from this definition. The purpose of excluding the dead is not pernicious, but is related to the need to develop a framework for victim support. An additional observation is that it provides a fairly inclusive view of victimhood, because a person belonging to a paramilitary organisation, under this definition would not necessarily be excluded on that basis alone. Consequently, the inclusive nature of this definition has led some victims and
victim groups to feel that government has undermined the victim identity by marring it with those whom they see as perpetrators, and therefore illegitimate victims. This perceived double standard has stymied consensus on the victim definition, which continues to plague official attempts at dealing with the past.

Many of Northern Ireland’s political parties have crafted their own definitions of victim; some of which stand in stark contrast to the legislative definition. For example, UUP MLA Ross Hussey argued before the Assembly in 2006, “…only those who have suffered through illegal and criminal actions - not the perpetrators themselves, are the true victims of the Troubles.” Similarly, in 2002, the DUP definition contended “…that there is a fundamental distinction between those who have suffered at the hands of terrorist gangs and those terrorists and former terrorists who contributed to the terror campaign and wrought untold suffering through the period of the Troubles…. The DUP does not endorse the wide-ranging definition of victims given by the human rights commission or expressed in the programme for government as it could include terrorists.”

Three years after the legislative definition was enacted by government, the DUP sought to change the legal definition to “…ensure that the perpetrators of violence during the Troubles are not defined as victims,” and in August 2013, the DUP joined the UUP, TUV, UKIP and the Orange Order in support of the IVU Charter for the Innocent Victims of Terror.

The definitions proposed by these political parties undoubtedly lend support to the IVU petition to officially acknowledge a hierarchy of innocence and suffering amongst victims of the Troubles, as described in points two and eight of the Charter for Innocent Victims of Terror:

Innocent Victims United asks for support from elected leaders, Churches and broader Civic Society in bringing about change to the present unfair system of dealing with Innocent Victims.

1. The development of a definition of victim/survivor of terrorism that would apply to all innocent victims and survivors of terrorism and their relatives in Northern Ireland and which could be replicated across the wider United Kingdom and also the Republic of Ireland.

8. We call for the setting up of an independent task force which would examine funding towards the innocent victims’ support network and which would ensure the presence of appropriately and sufficiently resourced services to reflect the reality that those victims/survivors who suffered most were those affected as a consequence of terrorism.
The significance of point eight with respect to identifying victims of “terrorism” as those who have suffered the most only serves to reignite the debate concerning a hierarchy of suffering amongst victims. Such an attempt to change the legal definition, can be construed as ill-guided, unfair and an attempt by politicians and civic leaders to strengthen the perceived diminution of unionist power.

Definitions advanced by the SDLP and Sinn Fein, on the other hand, tend to promote a far more inclusive view of victimhood. In 1999, the SDLP’s position was that a victim is any individual “whose life has altered its course as a result of the bitterness and division in our society and who believes that the alteration was negative, [including] individuals who might be perceived by some to have brought suffering upon themselves.” In 2001, Sinn Fein announced:

Victims or survivors means persons who, individually or collectively, have suffered harm, including physical or psychological trauma, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are or may be culpable. A person may be considered a victim or survivor regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted, regardless of the familial relationship between the perpetrator and the victim or survivor and regardless of any action they may have been committing at the time they suffered harm. The term victim or survivor also includes, where appropriate, the immediate family or dependents of the direct victim or survivor and persons who have suffered harm through the witnessing of a culpable act or intervening to assist victims or survivors in distress or to prevent victimisation.

Unsurprisingly, Sinn Fein and the SDLP provide much more inclusive definitions of victims, in contrast with the Unionist parties. However, these definitions sit uncomfortably with some unionist politicians and civic leaders. In a recent blog post on the Compromise After Conflict blog, MLA Ross Hussey re-emphasised the view of many unionists that those who died during the conflict as a consequence of their own actions in support of “terrorism” were not, and should not be labelled victims, and they also should not be remembered as anything but “terrorists.” The resurgence of such divisive views is eerily reminiscent of earlier debates over a hierarchy of victimhood.

Hierarchies of innocence and suffering

In addition to the definitions proposed by government and political parties, many involved in the victimhood debate, including some victim leaders, have contributed to the development of a hierarchy of victimhood, a concept that has only served to further complicate the process of determining who qualifies as a victim. This concept has proven divisive amongst victim
support groups, civil society and government, and has had little or no positive value whatsoever.

The debate over a hierarchy of innocence began early in the peace process.29 Hamber explains this divisive concept: “It has become common for some groups to refer to themselves as ‘real’ or ‘innocent’ victims in Northern Ireland. Individuals from different sides of the conflict have alleged that there is a hierarchy of victimhood, i.e., pointing out that their specific type of victimisation is given a lower level of official prioritisation than certain others.”30 Radford and Templer31 find that this description of “innocent victims” reveals a hierarchy distinguishing between those who did and did not carry arms, and Smyth32 identifies these individuals as coming largely from a Protestant/Unionist/Loyalist background. One reason these individuals may make such claims, according to Brewer33 is because “hierarchies of suffering are often employed politically to place the experience of one’s own group at the apex,” thus seeking to de-legitimise others’ claims to victimhood.

Additional evidence suggests that many people feel that there is a hierarchy of suffering with respect to the idea that levels of suffering vary across society.34 To that end, McEvoy argues that this tendency to classify people in terms of a hierarchy of victimhood is perpetuated in the 1998 Bloomfield Report, which notes “a special responsibility to address the needs of those killed or injured in service of the community,”35 and has been further perpetuated by government definitions of victimhood. Others argue that this hierarchy extends from placing value on those seen as being innocent victims of paramilitary violence, while those belonging to paramilitary organisations that were killed by state security forces have the lowest priority.36

There are many negative implications of defining victims in this way. According to Dillenburger and colleagues, “In Northern Ireland, unless someone is regarded as a legitimate or innocent victim they cannot ask for financial help or compensation.”37 If an individual fails to meet the legislative definition of victim, they are unlikely to qualify for compensation or for access to victim services under government funding schemes for victim support from the VSS, as well as other schemes, including certain strands of the European Union’s PEACE funding. By implication, any legal definition that acknowledges this hierarchy will present challenges for victims who require access to services that are funded by the VSS and PEACE programs.
What do victim support groups have to say about the definition?

In my research on victim support groups, I questioned victim leaders on how their groups defined the terms “victim” and “survivor.” I suspected that most victim group leaders would offer different definitions than the legislative definition, some would reveal their belief in hierarchies of innocence and suffering, and some leaders would suggest definitions that aligned closely with the definitions proposed by political parties. Here, I will present a glimpse of how victim leaders define victims and hierarchies of innocence and suffering.

When asked how each group defined victims, most group leaders initially responded that their group had an inclusive definition, but further exploration revealed that these definitions were usually more exclusive than leaders realised. In teasing out the inclusive definitions, the responses below reveal some common themes in defining victims:

**Ira:** [A victim is] someone who’s been affected by the past.

**Daniel:** We always would have went with the definition from the Geneva Convention – i.e. that someone is a victim if they have themselves been physically injured, if they have themselves witnessed someone else being physically injured, if they are related to someone who has been physically injured, if they care for someone who has been physically injured or if they have suffered sufficient trauma from events that they have witnessed.

**Matt:** I think you need a definition that says everybody that died or was injured within this conflict was a victim of the conflict and I believe everybody should be treated equally.

**Sue:** Anyone who has suffered at the hands of somebody else, regardless of race, creed, etc.

Most of these definitions would be broad enough to include anyone who categorised themselves as a victim, regardless of their involvement in the conflict.

In contrast with the definitions offered above, some group leaders, especially those from a single-identity unionist background, generally offered less inclusive definitions of victims, confirming Smyth’s assertion that Protestant/Unionist/Loyalist definitions tend to be more exclusive. The exclusive definitions from the data are revealed below:
Aaron: [A victim] is someone who has been on the receiving end of terrorism. Someone innocent. I feel it’s very unfair because they are the perpetrators of mayhem and murder that we’ve lived through for 40 years. They had a choice as to what direction they go. They picked up a gun. They planned. They plotted. They deliberately went out and took a life, whereas, the person who was on the receiving end of that gun didn’t have a choice.  

John: Well, you have what I would call innocent victims, and that would be people who have been murdered by terrorists. Then you would have terrorists who seem to call themselves victims too but I’ve never figured that out. I have a problem with that, yes. You see the biggest problem we have is that the government won’t, and have not done the definition of a victim and that’s our biggest problem. We know what it is, but they don’t seem to know. That’s not very satisfying. No. Not to innocent victims. You know a terrorist is a terrorist and they should be treated that way rather than idolised.

Kevin: We have a definition [that] precludes those individuals who belonged to prescribed [paramilitary] organisations whether directly or indeed in an indirect way.

The leaders quoted above all led exclusively single-identity Protestant groups, two of which cared predominantly for the needs of ex-security force members and widows, while one of the other groups was supported by and linked to the Orange Order. The common theme that emerges from these definitions is that they are cast in terms of innocence and legitimacy in order to exclude those whom they perceive as having some involvement in the conflict that would make their claims to victimhood illegitimate.

To that end, a number of victim group leaders suggested that there is a hierarchy of innocence:

Jamie: He was an innocent victim; he wasn’t in any paramilitaries or anything like that.

Matt: There were undeserving victims which could be the republican activists or their families and that’s not right. Because we considered ourselves legitimate in the exact same way as the British forces considered themselves legitimate. And I think that’s fair, but they don’t think its okay for us to do it, which is a shame. But it indicates an attitude of legitimacy and rightness, you know, all of those things.
Francis: Anybody who we would deem to be an innocent victim, irrespective of their religion [is] somebody who didn’t believe in the use of violence and did not go out and try to create victims. Basically it’s the same definition you have of a victim in America or that you have in any other part of the Western world except Northern Ireland. [Northern Ireland is] unique whereby the perpetrator can be a victim and that’s something that for me just does not work. If you accept that principle then the boy that planted the bomb under that policeman’s car, then he’s a victim. How can you say he’s not?49

As these responses reveal, the hierarchy of innocence is complex and serves to exclude some individuals from claiming the victim status.

Victim leaders were also vocal on the hierarchy of suffering:

Matt: There is definitely a hierarchy of suffering, there were definitely victims who suffered and it’s awful. Innocent bystanders etc. But apart from that all others should be treated equally.50

Francis: I would disagree completely with [the idea that everyone in Northern Ireland suffered]. There’s only about 30 percent in Northern Ireland who have ever really seen trouble. The rest of the people never suffered. At least 70 percent of people never even heard a shot fired in Northern Ireland. Now if you take that to the situation like South Armagh or North Belfast or living in Tyrone. There’s certain areas that have suffered greatly. There’s other areas that have never seen anything. That’s the reality. […] That’s not to say that nobody in Newtownards suffered, but as far as that area goes, they didn’t know what conflict was. They didn’t have to go home at night and barricade doors. […] I don’t accept this thing that everybody in Northern Ireland was a victim.51

Jill: Some people say that everybody in Northern Ireland was affected but I disagree with that. Some people went through the Troubles and nothing … but some people were very badly affected by the conflict.52

Hence, most victim leaders felt that there was a distinction as to who qualifies as a victim based on the degree of suffering one had experienced, but these views were diverse and depended on the context. In a number of cases, the leaders’ views on the hierarchy of suffering seemed to stem from personal experiences of victimisation, or the lack thereof, rather than from ideological or political beliefs.
These responses to questions about the definition of victim and hierarchies of innocence and suffering reveal a significant cleavage in the views of victim support group leaders that generally fell along the lines of political/religious identity. Whereas leaders of Catholic/Nationalist/Republican groups were more likely to promote inclusive definitions of victimhood and reject the hierarchy of innocence argument, Protestant/Unionist/Loyalist leaders were more likely to promote exclusive definitions and support the hierarchy of innocence argument.

**Why is this debate an impediment to peace?**

Recent discourse around changing the legal definition of victim reveals the extent to which this debate remains active. According to victim support group leader and political hopeful, Kenny Donaldson, concerning the current debate over the legal definition of victim and the controversy over the Maze Peace Building: “People power and, more accurately, the power of truth has prevailed. Innocent victims were quite simply not prepared to remain silent any longer – they have gained their voice and, over the coming months, that voice will only get louder as they push on with our ‘agenda for change’ in restoring decency to a political and societal system which has become corrupt and deeply confused.”

We must ask, what is to be gained by narrowing the scope of who qualifies as a victim and who benefits from a change in legislation?

When I interviewed victim leaders about the new VSS, which at the time was yet to be established beyond a few guiding principles on paper, there was a great deal of concern over the potential loss of funding to victim groups because of the change in policy concerning the distribution of funding through the VSS. One leader’s response summed up this concern about victim funding: “The problem with funding as I see it is there’s too many groups there that are getting funding and they shouldn’t be getting funding. They’re taking money away from the real victims. The real victims aren’t being looked after [and] these other groups are getting in and cleaning up the money.”

The “real” victims in this instance are synonymous with the “innocent” victims described by the IVU Charter. Another leader suggested that there was some paranoia about the VSS distributing funding in an unfair manner: “I think there is a degree of scepticism out there around the new Service because I think there is a perception that there are a couple of hidden agendas with it. One being that it’s a way of distancing responsibility away from government in the future around funding.”

This concern was confirmed, to some extent, by one of the Victims Commissioners, who shared with me that the change in victim funding under the VSS would lead to reduction in the number of funded victim groups,
because, “we have to cut our suit to fit our cloth and there isn’t an endless amount of public money.”

The fact that funding streams for victim services have become more constricted is a possible explanation for the sudden urge to change the legal definition. As noted above, the legal definition serves to set the limitations on who can receive funding for victim support and services. If some victims and their advocates feel that funding is limited and that those with “illegitimate” claims are “cleaning up the money” from “innocent” victims, this could lend support to a social movement whose purpose is to ensure that resources are reserved for the “real” or “innocent” victims of the conflict. This might also explain why the IVU Charter makes a specific request that money be earmarked for the “innocent” victims of terror who “suffered most.”

Another way to look at this is to set victims’ issues within the broader context of what is happening in society. In the past year, there has been a perceived power shift from unionists to nationalists. In 2012, for example, a number of important events reaffirmed unionists’ cultural status: the Queen’s Diamond Jubilee and her visit to Northern Ireland, the symbolic handshake of Queen Elizabeth with Deputy First Minister Martin McGuinness, the 100th anniversary of the Ulster Covenant, and to a lesser extent, the hosting of the Olympics in London. Conversely, by the end of 2012, unionists began to feel a loss of cultural power with the decision to only fly the British “Union Jack” flag over Belfast City Hall on certain occasions, leading to what has been termed, the winter “flags protest.” This metaphorical “slap in the face” of unionists was worsened by the perceived victory of republicans in parades disputes this summer and the progression of plans on the Maze Peace Building, viewed by some unionists as a memorial to republican terrorism. Hence, a perceived shift in cultural legitimacy and power may explain the fervour of the IVU and unionist politicians in halting the plans on the Maze Peace Building and petitioning the Assembly to change the legal definition of victim.

Whatever the case, the attempts being made to change the legislative definition are as unproductive for policy as they are unfruitful for community relations. Assuming that such a change in legislation could happen, how would the changed definition affect victims? First, it would mean that the CVSNI could only pursue work in support of victims that could somehow meet the rigid qualification of victim proposed by IVU. The membership of the Victims’ Forum would also have to be reappointed so that those members who currently sit on the Forum who might be described as “illegitimate” victims or who sympathise with “perpetrators” would be removed and replaced with those who fit the IVU definition of “innocent” victim. The VSS would also be affected
by a change in the legal definition. It would no longer be able to distribute funding for victim support and essential services to anyone who could in any way be found to have been guilty of playing an illegitimate role in the conflict and even those who might arguably have been complicit in violence. In short, the stain of guilt and humiliation that would accompany such a definition would be widespread.

Moreover, such a shift in policy would only serve to cause more pain to those who have already suffered during the conflict and have been used, time and again during the peace process, to heighten the cause of one side over the other. Such a definition would only serve to further perpetuate the cleavage between Northern Ireland’s two predominant communities. If the goal of the peace process is to promote better community relations and social trust, then reviving unconstructive debates about who qualifies as a victim of the Troubles for purposes of policy is unproductive and will only prolong societal division.

**Conclusion**

It is unlikely, of course that a change in the legislative definition of victim to reflect the IVU Charter will ever happen. Nonetheless, policymakers should avoid impeding the peace process and driving a wedge between communities by supporting such causes. By taking sides with so-called “innocent” victims, politicians and civic leaders are making moral judgments about the conflict, which they are not qualified to do, and which disturbs the fragile peace that has been achieved from years of hard work. My advice, such as it is, for policymakers, is to avoid the trap of hyper-sectarian rallies for reversing the peace process and re-traumatising those who have suffered most in this society. Social trust and good community relations will not follow acrimonious finger pointing. Leadership that underscores empathy towards others will cultivate trust and foster peaceful relations.
Notes

7 CVSNI, 2010.
8 Bradfield, 2013.
9 CVSNI, 2013.
13 OFMDFM, 2002.
14 http://www.abdn.ac.uk/compromise-conflict/
17 Smyth, 1998, p. 34
19 ARK, 2005.
20 OFMDFM, 2006.
21 UUP, 2006.
22 DUP, 2002.
30 Hamber, 2004, p. 3.
31 Radford and Templer, 2008, p. 32.
34 Radford and Templer, 2008, p. 32.
35 McEvoy, 2006, p. 60.
37 Dillenburger, et al., 2007, p. 15.
38 The names in this article have been changed to preserve the anonymity of participants. Interviews were conducted over a six-month period in 2011. The data from these interviews is publicly available in The University of Aberdeen library as part of the author’s doctoral thesis: An Evaluation of Leadership Roles and Social Capital in Northern Ireland’s Victim Support Groups: Theory, Policy and Practice.
39 Interview, 17 May 2011.
40 Interview, 14 March 2011.
41 Interview, 13 March 2011.
42 Interview, 1 March 2011.
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44 Interview, 28 March 2011.
45 Interview, 16 May 2011.
46 Interview, 6 June 2011.
47 Interview, 7 March 2011.
48 Interview, 13 March 2011.
49 Interview, 4 April 2011.
50 Interview, 13 March 2011.
51 Interview, 4 April 2011.
52 Interview, 5 July 2011.
53 Bradfield, 2013.
54 Interview, 16 May 2011.
55 Interview, 19 July 2011.
56 Interview, 21 July 2011.
57 Bradfield, 2013.
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