

# Hierarchies of Pain and Responsibility: Victims and War by Other Means in Northern Ireland

Marie Breen-Smyth

**Marie Breen-Smyth** is Director of the Centre for the Study of Radicalisation and Contemporary Political Violence (CSRVP) in the Department of International Politics, Aberystwyth University of Wales, and founder member of Healing Through Remembering, a cross-sectoral initiative on truth recovery in Northern Ireland.

*This article develops an earlier analysis<sup>1</sup> of definitions and disqualifications of victimhood during armed conflict, claims of responsibility and apologies for harm, based on the Northern Ireland case. The significance of political structures is considered by considering the consociational nature of the 1998 Belfast/Good Friday Agreement, which established two parallel political dynasties, allowing the parties to the Northern Ireland conflict to 'agree to disagree'. The nature of this agreement makes a 'reconciliation' between the parties optional and therefore unlikely without some intervention to address the grievances of the past, proposals for which were the responsibility of the Committee on Managing the Past whose report caused controversy.*

---

27

**KEY WORDS:** victims; perpetrators; consociational; reconciliation; Northern Ireland.

**PARAULES CLAU:** víctimes; perpetradors; consociacional; reconciliació; Irlanda del Nord.

---

1 SMYTH, M. "Remembering in Northern Ireland: Victims, Perpetrators and Hierarchies of Pain and Responsibility". In: HAMBER, B. (ed.). *Past Imperfect: Dealing with the Past in Northern Ireland and Societies in Transition*. Derry Londonderry: INCORE. 1999

## THE DISTRIBUTION OF SUFFERING

**I**n Northern Ireland, as elsewhere, the harm caused by political violence is not evenly distributed.<sup>2</sup> Of those killed by political violence in Northern Ireland, 53% were civilians; 16% were members of the British Army; 15% were members of local security forces; 10% were Republican paramilitaries; and 3% were Loyalist paramilitaries.<sup>3</sup> Deaths during the conflict were overwhelmingly male (91.1%) and disproportionately Catholic (43%), with 30% of the total killed Protestant and 18% of those killed from outside Northern Ireland, these latter mostly British soldiers.<sup>4</sup> According to official figures 40,000<sup>5</sup> were injured, and the scale of permanent physical or emotional disability is unknown, although studies have suggested that in some areas, a substantial share of the population is adversely affected. These effects are also spatially concentrated. Whilst the conflict-related death rate for Northern Ireland as a whole is 2.2 deaths per thousand of the population, the small community of Ardoyne in North Belfast, for example, has a death rate that is five times that figure.<sup>6</sup> Some such communities have experienced many multiple bereavements, and often these communities, blighted by violence, also experience high levels of socio-economic deprivation.<sup>7</sup>

## DIVERSE PERCEPTIONS OF VIOLENCE

For some, such as those who have sustained personal loss or personal injury, or for those who have experienced the effects of the militarization of their community, violence has structured their relationships to the state, to authority, to their families, to others in the community and wider society. It has, in some cases, altered their relationship to themselves and it continues to shape the way they imagine the future.

---

2 For an account of the distribution of casualties during the Iraq war, see ROBERTS, L. [et al.]. "Mortality before and after the 2003 invasion of Iraq: cluster sample survey". *The Lancet*. Vol. 364, Issue 9448, p. 1857-1864; see also the debate about the methodology in subsequent issues. BURNHAM, G. [et al.]. "Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey". *The Lancet*. Vol. 368, Issue 9545, p. 1421-1428.

3 See FAY, M.T.; MORRISEY, M.; SMYTH, M. *Northern Ireland's Troubles: The Human Costs*. London: Pluto, 1999.

4 FAY [et al.]. *Op. cit.*

5 *Ibid.*

6 *Ibid.*

7 *Ibid.*

Others have been less directly affected, whether by virtue of their occupations, where they live or work, or by their age.<sup>8</sup> These others, in many ways, compose the mainstream of Northern Ireland society, where political violence occupies a small, intermittent and diminished space in consciousness. In post-Agreement Northern Ireland, with diminishing levels of violence, where the new Assembly is more or less functioning, and the economic downturn, increasing unemployment and other issues are rising in prominence, issues relating to the past conflict are increasingly regarded as the preoccupations of a small number of die-hards and aggrieved victims. In spite of some partial recognition of injustice and their pain, as time passes, they are perhaps destined to become ever more marginalized from the mainstream. Yet victims and how they are treated continue to make the headlines.

In this changing environment, characterized as 'post-conflict', who are the recognized victims? Are some more deserving of victim status than others? Why, and how, is the legitimacy of victimhood contested? And is there a hierarchies of victims, and if so, on what basis is that hierarchy constructed?

## WHO ARE THE VICTIMS? UNIVERSAL CLAIMS TO VICTIMHOOD

---

 29

Northern Ireland is a highly segregated society where religion and class combine to ensure the relative ignorance of sections of the population about the material conditions of each other's lives. Therefore, perceptions of political violence and its impact are diverse and conflicting. In this context, Sir Kenneth Bloomfield, appointed to act as first Victims Commissioner, produced his first report in 1998, which 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.<sup>9</sup>

Bloomfield's approach implied that everyone was more or less in the same boat. However, it is clear from the divergences of experience of political violence that there are substantial differences between men and women, between old and young, between

---

<sup>8</sup> Those born before the beginning of the conflict have lived through the whole period of conflict, whereas those born more recently have less cumulative experience of it.

<sup>9</sup> BLOOMFIELD, K. *Op. cit.*, para 2.13; p. 14.

Catholics and Protestants and between regions, with some having suffered more—in some cases much more— than others. There are empirical, moral, political and practical grounds for resisting universal definitions of victimhood.

## EMPIRICAL GROUNDS

The evidence shows clearly that individuals in Northern Ireland have not all had equal exposure to political violence. Death rates of residents of district council areas in Northern Ireland, and death rates for those killed in those district council areas show that Belfast (4.69 per thousand) has almost forty times the death rate of Ards (0.12 per thousand) which explains why those who could afford to do so moved out of Belfast into the more peaceful hinterland of North Down and Ards. Even within Belfast, not all communities have been equally affected, with deaths concentrated in particular communities within North and West Belfast. So, the area in which you have lived is a strongly determining factor of exposure to political violence and of the risk of being killed, injured or bereaved.

---

 30

Occupation, status and ethno-political affiliation are also an influential factors in determining rates of victimization. Civilians, together with the security forces, account for the largest proportion of the fatal victims. In terms of the two communities in Northern Ireland, according to the Cost of the Troubles Study<sup>10</sup> the death rate for the entire period of the Troubles is 2.48 per thousand for Catholics compared with 1.46 per thousand for Protestants using the 1991 census figures, and calculations using all three censuses varies the gap, but does not reverse this finding. Both in relative and absolute terms, deaths of Catholics surpass those of Protestants.

Universal definitions of victimhood, *we are all victims*, serve to mask these differences, between men and women, young and old, civilians and combatants, urban and rural and Catholics and Protestants.

## MORAL GROUNDS

Since the effects of political violence have been unequally distributed, one cannot morally sustain a claim that we are all victims equally. Those of us who have witnessed the effects of political vio-

---

<sup>10</sup> All statistical material is taken from FAY [et al.]. *Op. cit.*

lence would balk at putting ourselves in the same category as those whose who have suffered severely. To claim victim-hood based on relatively minor exposure to violence and comparatively mild effects detracts attention and resources from those who have suffered most. Morally, attention and resources must be concentrated on those who have suffered most.

## POLITICAL GROUNDS

Contemporary Loyalism and Republicanism in Northern Ireland, both explain their previous (and current, in the case of dissidents) recourse to violence in terms of wrongs done to them and their cause. Thus, both can be seen as 'cultures of victim-hood'.

This claim to victimhood brings with it certain political advantages. Thomas<sup>11</sup> (1999) points to the manner in which certain victims are attributed the status of 'moral beacons', deriving from what he calls the 'Principle of Job', the notion that 'great suffering carries in its wake deep moral knowledge'.<sup>12</sup> Of course, victimization by political violence does not necessarily lead to moral improvement, but may rather lead to desires for retaliation and feelings of hatred, for example. Placed in the context of militant politics, however, the desire for retaliation and the feelings of hatred are more understandable, if not justifiable, when seen as the outcome of victimization. Victims are perceived to be, first and foremost, deserving of sympathy and support; the victim, by definition is vulnerable, and therefore others may be required to protect the victim from further attack. Thus, victims can perform important political functions: any attack conducted by *or on behalf of* the victim can be construed as self-defense and can therefore be justified and thus may be (more) politically acceptable. Without access to the justification of victim-hood, recourse to violence may become morally indefensible and politically damaging. Resorting to violence in defense of victims is seen as morally courageous, politically admirably and enhancing of status. Of course, this is distinct from the actual responses of real victims. Examination of any cohort of victims associated with any loss of life will reveal a wide variety of victims' responses. Some will want no retaliation, some will want convictions and some revenge. When the incident becomes iconic

---

11 THOMAS, L.M. "Suffering as a Moral Beacon: Blacks and Jews". In: FLANZ-BAUM, H. (ed.). *The Americanization of the Holocaust*. Baltimore: Johns Hopkins, 1999.

12 *Ibid.*

of that community's grievance, or is politically appropriated—as large incidents, such as Bloody Sunday or the Enniskillen bomb often are—the suffering of victims may be deployed to do a political job, to prove the depravity and immorality of those who carried out the attack. Some victims may not wish to have their suffering used in this way, nor might they subscribe to the demands for prosecutions, public inquiries or vengeance. However, these views are often not represented where they are out of kilter with the political purpose to which the victimization has become attached. They are listened to or silenced<sup>13</sup> according to their 'fit' with the political project with which they, willingly or not, are associated.

Victims' responses are not always their own, in that what has befallen them aggrieves not only them, but their identity group. Their experience of harm can become iconic of that group's grievance, in the way that Bloody Sunday became iconic for Nationalists and Enniskillen or Bloody Friday served a similar purpose for Unionists. Thus, victimization—and actual victims—have a political value and are often used by politicians and ideologues to further their particular political projects. These can include justifying a recourse to violence.

---

 32

## PRACTICAL GROUNDS

Bloomfield's first report to government in 1998 was cognizant of the need for government 'to aim its effort at a coherent and manageable target group' so as to target resources at those in greatest need. Universal approaches mask the way in which damage and loss has been concentrated in certain geographical areas, communities, occupational groups, age groups and genders. Bloomfield's final much narrower definition of a victim was the first official definition of a victim and shaped the definition ultimately used by government:

The surviving physically and psychologically injured of violent conflict—related incidents and those close relatives or partners who care for them, along with the close relatives or partners who mourn their dead.<sup>14</sup>

---

13 SEREMATIKIS, C.N. *The Senses Still: Perception and Memory As Material Culture in Modernity*. Chicago University Press; University of Chicago Press, 1996. Refers to this kind of silencing as 'hidden historical otherness'.

14 BLOOMFIELD, K. (1998).

## CONTESTS ABOUT VICTIM STATUS

In June 2007 the Secretary of State for Northern Ireland announced the formation of a Consultative Group, co-chaired by Church of Ireland Bishop Robin Eames and Denis Bradley a former Catholic priest and the first Vice-Chairman of the Policing Board. The Consultative Group on the Past (CGP) undertook consultations and made recommendations on how Northern Ireland could best deal with the past. In their January 2009 report they noted:

Throughout the consultation a number of areas of contention arose repeatedly —how victims are defined and, in particular, the use of definitions which produce a hierarchy of victims that is broadly structured along sectarian lines. Continuing this already highly politicised debate is both fruitless and self-defeating.<sup>15</sup>

The CGP adopted the definition contained in the Victims and Survivors (Northern Ireland) Order 2006, which defines a 'victim and survivor' as:

an individual appearing to the [Victims] Commissioner to be any of the following: (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 incident.<sup>16</sup>

---

33

The Order also clarifies that witnessing a conflict-related incident or providing medical or emergency assistance in a conflict-related incident can result in psychological injury.<sup>17</sup>

However, contests about who can be considered a legitimate victim persist. A number of voluntary groups, including FAIR (Families Acting for Innocent Relatives) and HURT (Homes United by Republican Terror, later changed to 'Homes United by Recurring Terror') who were formed in the mid 1998 to represent 'victims of terrorism', 'innocent victims', or 'victims of Nationalist terror'

---

15 THE CONSULTATIVE GROUP ON THE PAST. *Report of The Consultative Group on the Past*. Belfast. Available at: <<http://www.cgpmi.org/fs/doc/Consultative%20Group%20on%20the%20Past%20Full%20Report.pdf>> [Access: May 16, 2009].

16 Statutory Instrument 2006 No. 2953 (N.I.17) The Victims and Survivors (Northern Ireland) Order 2006. 3. -(1).

17 Statutory Instrument 2006.

argued that those who were not 'innocent' (i.e. had associations with Republican armed groups) were not 'real' victims.<sup>18</sup> FAIR, for example state:

There is a matter of high principle where we could never endorse a strategy, which will define terrorists as victims and thus legitimise their activities.<sup>19</sup>

Historically, the insistence that 'terrorists' and those associated with them should not be included in any way in the category of victim was an extension of the argument that 'terrorists' (and by association, Sinn Féin) should not be included in government, and that the Good Friday Agreement should be opposed. Many of these groups originated in the border regions, where the deaths of members of the predominantly Protestant local security forces had been concentrated. They were particularly incensed by the early release of prisoners as part of the Agreement and subsequent provision for prisoners' resettlement. This resentment led to the establishment of a campaign for 'Protestant civil rights' under the umbrella organization, Northern Ireland Terrorist Victims Together (NITVT) in which FAIR and HURT participated. NITVT, backed by anti-Agreement politicians from the Democratic Unionist Party (DUP) and Ulster Unionist Party (UUP), formulated a set of political demands including the decommissioning and ballistic testing of IRA weapons and the disbandment of terrorist groups.

Political activity by victims is perhaps best exemplified by Michelle Williamson, whose parents were killed in the Shankill Road bomb in 1993. She unsuccessfully sought a judicial review in 1999 of the Secretary of State's ruling on the status of the IRA ceasefire with the support of the UUP, and David Trimble accompanied her to court. In 2008, Williamson sought a second judicial review of the decision to appoint Patricia McBride to a post as Victims Commissioner, following McBride's description of herself as the sister of 'an IRA volunteer killed on active service'.

Contests over the definition of victim largely emanate from Loyalist sources in Northern Ireland, with the exception of an attempt in the late 1990s to have prisoners included in the remit of the government's Victims Liaison Unit. However, the vocal strength

---

<sup>18</sup> It is not clear whether they consider victims of Loyalist terror or victims of state violence as 'real' victims.

<sup>19</sup> Available at: <[http://victims.org.uk/s08zhk/index.php?option=com\\_content&task=blogsection&id=11&limit=9&limitstart=9](http://victims.org.uk/s08zhk/index.php?option=com_content&task=blogsection&id=11&limit=9&limitstart=9)> [Access: May 19, 2009].



of the unionist victim groups ensured that this did not take place. Concessions to prisoners were seen as important confidence building measures and a crucial part of the peace process. The Secretary of State for Northern Ireland, Mo Mowlam apologised to victims for visiting the prisons to persuade prisoners to support the peace process in January 1998, yet her actions enraged many. Indeed, the initiation of financial support for victims' groups at that time was seen as an attempt to assuage the anger of some victims.

The process of definition of victim-hood in Northern Ireland has been one of political contest, where issues of inclusion and exclusion are acted out in an ongoing contest. Legitimate victim status should be granted to those with associations with non-state armed groups, according to FAIR and others, although it may be granted to members of the state security forces, and the fact that the official definition does not make such exclusions is seen as outrageous. According to this argument, one can not be both a perpetrator and a victim, and these roles cannot be held simultaneously. The true diversity of those suffering harm is not admitted into the category of 'victim'.<sup>20</sup>

Contests over the definition of victimhood compose a continuing 'war by other means' in Northern Ireland.

---

 35

## HIERARCHIES OF VICTIMS

The CGP argued that particular definitions of victims give rise to a hierarchy of victims structured along sectarian lines. Yet some have argued that hierarchies of victims lend meaning to the past. Kevin Rooney, a blogger, described how such a hierarchy operates in the Republican community he grew up in:

... the deaths of young men who we believed were fighting against British military occupation and repression were considered by us to be a far greater loss than the deaths of the British soldiers and RUC men enforcing British rule.<sup>21</sup>

---

20 See SMYTH, M. 'Burying the Past? Victims and Community Relations in Northern Ireland Since the Cease-fires.' In: BIGGAR, N. (ed.). *Burying the Past: Making Peace and Doing Justice after Civil Conflict*. Washington DC: Georgetown University Press. 2003 and BREEN SMYTH, M. *Truth and justice after violent conflict: managing violent pasts*. Abingdon: Routledge, 2007.

21 ROONEY, K. "The Troubles: a product of 'virulent' madness? The proposal to give £12,000 'recognition pay' to the families of all of those killed in Northern Ireland is a subtle way of rewriting history". Available at: <[http://www.spiked-online.com/index.php?site/reviewofbooks\\_article/6152/](http://www.spiked-online.com/index.php?site/reviewofbooks_article/6152/)> [Access: May 18, 2009].

In a society that continues to be divided, 'our' victims will rank higher than those considered to be the enemy, and until there is a political reconciliation, this is likely to continue to be the case.

However, hierarchies among victims exist in quite another way. The system of compensation or reparation that has operated during the conflict, provided —and provides— higher levels of compensation to members of the police and their families than to members of the army and their families damaged by the conflict,<sup>22</sup> and still lower levels of compensation to civilians. Furthermore, some civilians are excluded altogether if they had a previous and even unrelated criminal conviction, including motoring offences. Within that system, some were awarded derisory amounts, since the compensation was calculated on lost earnings, so the family of a low wage earner, or unemployed person got little or nothing. The compensation system was reviewed by Sir Kenneth Bloomfield and a new tariff system was introduced, but this has applied only to injuries or deaths that occurred after 1<sup>st</sup> May 2002, thus excluding most of those affected by the conflict. The new scheme and compensation available under the Terrorism Act 2000 still excludes or reduces compensation for those with a criminal record.

36

The government's provision for victims in the form of financial compensation, then, creates a hierarchy of victims. Some might argue that it is right that such a hierarchy exists and would fight for its retention. Others complain of the inherent inequities, preferring a system where victims' needs determine provision.

Indeed, there is a good argument for yet another type of hierarchy of victims, based on operationalising a kind of triage system, where victims with the greatest or most urgent needs are prioritised over those with lesser needs. Where scarce resources are to be allocated, hierarchies can serve to ensure that those resources go to those in most need. The impulse to treat people equally and to avoid creating hierarchies has been associated with political progress. Yet there are already hierarchies of pain and suffering, since loss and hurt have not been evenly distributed.

Similarly, responsibility for violence is unevenly distributed. Commonly, (ex)prisoners are identified as the group with the greatest responsibility, yet substantial numbers of those who have committed acts of violence were never convicted and never became prisoners, and some prisoners were victims of miscarriages of justice.

---

22 GRAVES, D. "Army widows want parity with RUC on pay-out". *Daily Telegraph* (June 19, 2001).

On the question of responsibility for harm, the evidence suggests that members of paramilitary organisations bear the heaviest responsibility, accounting for 80 per cent of the deaths with more than half of all deaths the responsibility of Republican paramilitaries. Furthermore, paramilitaries killed members of their own communities. Republican paramilitaries killed 24.7 percent of all Catholics killed, and Loyalist paramilitaries killed 19.5 percent of all Protestants killed. All the security forces (the police and army are responsible for just over 10 percent of all deaths) killed more Catholics than Protestants.

One can see elements of a hierarchical approach in the statements of apology issued by some of the armed groups. The Combined Loyalist Military Command's cease-fire statement in 1994 expressed 'abject and true remorse' to 'the loved ones of all *innocent* victims' (my emphasis).<sup>23</sup> The IRA apology issued in 2002, used different language, perhaps reflecting the stage in the peace process, and the pressure on Republicans to prove their commitment to peace:

... we address all of the deaths and injuries of non-combatants caused by us... We offer our sincere apologies and condolences to their families. There have been fatalities amongst combatants on all sides. We also acknowledge the grief and pain of their relatives. The future will not be found in denying collective failures and mistakes or closing minds and hearts to the plight of those who have been hurt. That includes all of the victims of the conflict, combatants and non-combatants. It will not be achieved by creating a hierarchy of victims in which some are deemed more or less worthy than others.<sup>24</sup>

---

 37

The direct use of violence may have been the role of relatively few in the society, but the few cannot carry out their acts of violence without wider support. Some of the harm done during the Troubles was done in the name of causes that many of us support and in the name of communities that we are a part of. For that reason alone, a society-wide mechanism to deal with the violence of the past is desirable.

---

<sup>23</sup> The Independent Friday, 14 October 1994 The Loyalist Ceasefire: Combined Loyalist Military Command statement Available at: <<http://www.independent.co.uk/news/uk/the-loyalist-ceasefire-combined-loyalist-military-command-statement-1442781.html>> [Access: May 19, 2009].

<sup>24</sup> BBC News Tuesday, 16 July, 2002, IRA statement in full Available at [http://news.bbc.co.uk/1/hi/northern\\_ireland/2132113.stm](http://news.bbc.co.uk/1/hi/northern_ireland/2132113.stm) [Access: May 19, 2009].

## THE EAMES-BRADLEY COMMITTEE

The CGP made a series of recommendations, notably that an independent Legacy Commission should be established to deal with the past and combine processes of reconciliation, justice and information recovery. Most controversially, they recommended that:

The nearest relative of someone who died as a result of the conflict in and about Northern Ireland, from January 1966, should receive a one-off ex-gratia recognition payment of £12,000.<sup>25</sup>

This led to a furore in the press and outrage was expressed by Unionist victims at the launch of the report. They argued that it was an insult to offer money, they were outraged by the unilateral nature of the award and Michelle Williamson vowed not to take 'one penny' of what she described as 'blood money' because the 'recognition payments' put her parents on a par with the IRA member killed planting the bomb that killed them.<sup>26</sup>

That recommendation was one amongst many, yet the other recommendations went virtually undiscussed, so strong was the reaction to this proposal. The CGP report as a whole will lead to a set of proposals to be put before the Assembly. It remains to be seen whether any agreement can be reached, given their difficulties in reaching agreement on other matters.

---

38

## POLITICAL STRUCTURES AND RECONCILIATION

These difficulties relate to the nature of the 1998 Belfast/Good Friday Agreement established two parallel political dynasties, allowing the parties to the Northern Ireland conflict to 'agree to disagree'. The Agreement is consociational and according to Lijphart<sup>27</sup> consociationalism offers the potential for (more or less) stable political solutions where social and ethnic division otherwise prevent such solutions. Belgium, Switzerland, Austria and the Netherlands are cited as exam-

---

<sup>25</sup> THE CONSULTATIVE GROUP ON THE PAST. *Op. cit.*

<sup>26</sup> ADAMS, S. "Northern Ireland compensation: Victims' daughter 'will not take a penny' Michelle Williamson's mother Gillian and father George died in the Shankill Road bombing that killed nine in 1993". 28 Jan 2009 Available at: <<http://www.telegraph.co.uk/news/uknews/northernireland/4374616/Northern-Ireland-compensation-Victims-daughter-will-not-take-a-penny.html>> [Access: May 16, 2009].

<sup>27</sup> LIJPHART, A. "Consociational Democracy". *World Politics* 21 (1969), p. 207-225.

ples of successful consociational regimes. Lijphart<sup>28</sup> argues that the essential condition for successful consociationalism to succeed is the existence of a strong elite within each ethnic silo willing to accommodate one another and marshal their followers to do likewise.<sup>29</sup>

Anderson and Goodman<sup>30</sup> argue that the fatal flaw in the consociational model is its assumption of the permanency of ethnic division and Wilford,<sup>31</sup> Taylor<sup>32</sup> and Dixon,<sup>33</sup> too, hold that consociationalism consolidates ethnic division. A consensus of criticisms focuses on the propensity of the consociational model to institutionalise ethnicity and its failure to foster cross-cutting identities.

## CONCLUSION

Optimistically, the Agreement can be seen as merely the potential beginning of the solution, not the solution itself. However, the critics of consociationalism might argue that it offers little prospect of resolution of difference in the long term. There is evidence of implacable differences between the two main blocs over the old divisive issues such as the transfer of policing and justice powers from Westminster, the introduction of an Irish Language Act<sup>34</sup>—and there is little evidence of a meeting of minds over the issue of victims.

In terms of the application of the Northern Ireland case to other conflicts, Horowitz<sup>35</sup> argues that the Agreement was pro-

---

28 LIJPHART, A. "The Framework Document on Northern Ireland and the theory of power-sharing". *Government and Opposition* 31/3 1996, p. 268.

29 LIJPHART (1996) was pessimistic about the prospects for a consociational settlement because of the absence of support among Unionists, and because the Unionist majority was married to the Westminster majoritarian tradition, and aspired to the exercise of hegemonic power, rejecting power-sharing.

30 ANDERSON J.; GOODMAN, J. "Nationalisms and Transnationalism: Failures and Emancipation". In: ANDERSON J.; GOODMAN, J. *Dis/Agreeing Ireland: Contexts, Obstacles, Hopes*. London: Pluto, 1998.

31 WILFORD, R. "Inverting Consociationalism? Policy Pluralism and the Post Modern". In: HADFIELD, B. (ed.). *Northern Ireland: Politics and the Constitution*. Buckingham; Open University Press, 1992.

32 TAYLOR, R. "A Consociational Path to Peace in Northern Ireland and South Africa". In: GUELKE, A. (ed.). *New Perspectives on the Northern Ireland Conflict*. Aldershot: Avebury, 1994.

33 DIXON, P. "The Politics of Antagonism: Explaining McGarry and O'Leary". *Irish Political Studies* 11(1996) p. 137-138.

34 PURDY, M. "Is Stormont heading for stalemate?" BBC News (Thursday, 10 July 2008). Available at <[http://news.bbc.co.uk/1/hi/northern\\_ireland/northern\\_ireland\\_politics/7500762.stm](http://news.bbc.co.uk/1/hi/northern_ireland/northern_ireland_politics/7500762.stm)> [Access: July 19, 2008].

35 HOROWITZ, D.L. "Explaining the Northern Ireland Agreement: The Sources of an Unlikely Constitutional Consensus". *British Journal of Political Science* (2002), n. 32, p. 193-220. Cambridge University Press.

duced under very specific conditions that are unlikely to be replicated in other contexts. Furthermore, he argues that agreed institutions do not necessarily ensure the delivery of functioning democracy in the long term.

A meeting of minds between the parties about victims, or several other contentious matters is unlikely because the nature of the settlement makes agreement optional, without some intervention to address the grievances of the past. Even if such a mechanism were put in place, and there is doubt about the commitment of government to do so, it is unlikely to satisfy all the various constituencies of victims.