Vulnerability, resilience and the responsive state in transitional societies


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Vulnerability, Resilience and the Responsive State in Transitional Societies: Seriously Injured Victims of the Troubles in Northern Ireland

Luke Moffett

Victims are often portrayed as vulnerable, helpless and passive, and can themselves play into such roles to morally motivate society to redress the harm they have suffered.\(^1\) However, some individuals can be made more vulnerable than others, based on the violence committed against them, their own circumstances and/or the failure of the state to effectively respond to the harm in a timely and effective manner. To an extent victimhood can make individuals and communities more vulnerable, but not always so. Victims can be resilient, push back, advocate for change. Indeed the development of transitional justice and the creation of its mechanisms and processes has been through the struggle of victims with allies in civil society, politics and even government to realise their needs for redress. In a way victims can instrumentalise their suffering and vulnerability to gain social recognition and public attention.\(^2\) Yet this is not a simple dichotomy of vulnerability and resilience, but can change over time as the stress of their victimisation breaks their will or their circumstances worsen. Indeed the vulnerability of certain victims will curtail or at least create further barriers for them to claim their rights, engage in transitional justice or garner sufficient public attention to advance their redress agenda.

Despite the intersection of vulnerability and victimhood, particularly after conflict, authoritarianism or institutional abuse, there has been little analysis of its consequences on transitional justice.\(^3\) This is notable given that transitional justice mechanisms can take years, even decades, if at all, to be established. In such time victims’ needs and circumstances can change or markedly deteriorate. While waiting for the state to respond, over time victims, their family and community can find ways and means to cope, both positively and negatively. This is problematic for societies transitioning from a violent past, as it embeds structural inequalities, which can be

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1 Valerie M. Meredith, Victim identity and respect for human dignity: a terminological analysis, *International Review of the Red Cross* 91 (874), 259-277, p262
2 Meredith p261.
transgenerational, and compounds marginalisation by the state abandoning individuals and communities within a society. Instead the state under transitional justice should be building civic trust with victims and affected communities, by redressing those who borne the burnt of the violence so as to prevent its repetition.

This chapter explores vulnerability, resilience and victimhood in relation to seriously injured victims as a result of the Troubles/conflict in and around Northern Ireland and their claims for redress. These victims were blown up, shot or injured over the period of forty years, but since 2012 have been campaigning for a pension. This chapter explores the issue of seriously injured victims and their pension campaign through the lens of vulnerability and the response of the state. It begins by discussing the intersection of vulnerability, resilience and the responsive state within transitional justice. It then reflects on the campaign for a pension by seriously injured victims in Northern Ireland in light of these concepts. It finds that there is a lot to be learnt from such an approach in fine tuning transitional justice and states to be more responsive to victims’ vulnerability and resilience after violence.

Vulnerability and transitional justice

Certain victims in transitional justice are often generically acceptable as vulnerable, such as women, children, the elderly and displaced persons, given that they be susceptible and exposed to certain forms of violence. However this skims over the complexities such groups may face over time, in the particular structural barriers after violence, and their engagement in transitional justice processes in their specific context. It also neglects their resilience, that those who appear or are portrayed as powerless and vulnerable can also exercise ‘agency, resistance and defiance’. Moving away from assumptions of vulnerable groups to examine vulnerability, resilience and the response of the state can better help to understand the nuances of how transitional justice can better respond to victims and affected communities in the aftermath of violence.

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Vulnerability has long been the concern of development studies, but there is increasing research to explore its relevance and connection to transitional justice. Harwell and Le Billon warn that the failure to grasp the ‘complexity and interaction of vulnerability’ in transitional justice, has in turn compromised the effectiveness of its mechanisms. It is worth briefly outlining the scope of vulnerability in development studies to guide our analysis of its applicability to transitional justice. The ICRC defines vulnerability as ‘the precarious living conditions of individuals, households or communities in the face of a threat in the form of an abrupt change in environment.’

The UN Development Program (UNDP) sets out that vulnerability can be shaped in three ways: life cycle vulnerabilities; structural vulnerabilities; and group violence and insecure lives. Life-cycle vulnerabilities encompass the threats that individuals face at different times of their lives that makes them more susceptible to harms. Whereas structural vulnerabilities are rooted in the social context of a society, such as individual and group identity and circumstances, like geographical location and gender, which may subject someone to discrimination. The final factor of group violence and insecurity reflects the limited freedom and choice individuals and groups are subjected to in the face of violence that inhibits their development. Crises, such as conflict, also exacerbate health inequalities between groups in society, disproportionately increasing vulnerability.

Fineman suggests that a ‘vulnerability approach’ is a better way to conceptualise how the state can better respond to citizen, given it is ‘the primal human condition’ that we are all susceptible to changes to our well-being. As such, vulnerability requires the law to be more reflexive, less concerned with equality and more with equity, to be more cognisant that power, privilege and even the law itself, is shaped by social institutions, relationships and identities in unequal and marginalising

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8 Lindsey p30.
ways. This is similar to vulnerability conceived within development studies. While conflict and disaster can put individuals and groups at risk, it is also worth keeping in mind how they have the capacity and resilience to react to such changes.

For the UNDP ‘[h]uman resilience is about removing the barriers that hold people back in their freedom to act. It is also about enabling the disadvantaged and excluded groups to express their concerns, to be heard and to be active agents in shaping their destinies.’ Whereas the World Bank characterises resilience as ‘the ability of people, societies, and countries to recover from negative shocks, while retaining or improving their ability to function.’ Fineman more concisely suggests that resilience can be accumulated throughout life by giving ‘an individual with the means and ability to recover from harm, setbacks and the misfortunes that affect our lives.’ However, she notes that resilience is dependent on the quality and quantity of resources (physical, human, social, ecological or environmental, and existential/spiritual) they have access to and disposal. To an extent vulnerability and resilience can been seen as two sides of the same coin in how individuals and groups are more likely to be exposed to some risks more than others, and how different individuals and groups cope or have capacity to deal with such risks. In between these two sides is the space for the state to act to narrow the gap between vulnerability and resilience.

In the aftermath of violence, victims, ex-combatants and others affected by it may having differing levels of resources that can shape how they engage with transitional justice processes and manage the consequences of violence. Indeed resilience can have subjective and objective factors, in that it may be more than structural factors or resources, but down to the individual’s mindset in how they cope with the aftermath. Conflict, displacement and sectarian violence can have a disruptive effect on social bonds and networks, reducing victims and communities’ ability to be resilient and cope in the absence or delayed response of the state. Moreover long periods of conflict can reduce resources of victims and affected

12 Fineman, p142.
15 Fineman, p146.
16 Fineman, p147-147.
communities, such as a person having their business destroyed causing them to lose their home in trying to provide for their family. In terms of trauma, resilience is not about being invincible, but how victims and affected communities adapt and develop in the face of adversity. Without such resilience transitional justice would not be in the position it is in today as normatively accepted after authoritarianism and conflict, without the struggle of victims and their allies to channel their suffering into social transformation to deal with the past.

That said there are particular aspects of vulnerability after mass violence that needs to be addressed through a transitional justice approach. Urban Walker identifies that after mass atrocities, where impunity prevails and there is a general lack of accountability, victims face ‘moral vulnerability’. As moral actors when wrongs are committed against individuals and communities the failure of the state to provide redress and allow impunity can compound victims’ marginalisation in society and diminish their trust in the state. According to Walker, reparations play an important role in remedying this moral vulnerability by society giving attention to the wrongful harm caused to a victim and requiring the responsible to public make good the wrong. De Greiff has written on the importance of reparations in rebuilding civic trust in the state. He more broadly connects moral vulnerability or impunity with the development literature and poverty, in that victimisation diminishes agency and victims’ ability to aspire for better circumstances by adapting their expectations to what is feasible in the face of an impasse or abusive state. This is within a broader trend in development studies to view human rights and freedoms as key priorities beyond economic growth to ensure human capabilities to enjoy a quality of life as a valuable indicator.

A better understanding of resilience in transitional justice can shed light on how individuals and groups can have varying access to different resources, which can help in part to appreciate how urban, male elites can often dominate the shape of transitional

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19 Ibáñez and Moya, p647-648.
20 IR07, participant 2.
21 Truffinoa, p146.
23 Ibid. p118.
justice within a country. A greater understanding of vulnerability and resilience can assist in fine tuning how transitional justice mechanisms enable access, engage, and shape redress and justice for victims, ex-combatants and other interested actors. For instance, how an indigenous elderly woman who is responsible for looking after her grandchildren after the death of their parents could testify at a truth commission or claim reparations, how can she find the time and money to travel, advocate or afford a lawyer that can best advance her needs? A key part here is ensuring victims who are vulnerable are ‘empowered’, in the sense that sustained effort is made by the state to ensure their inclusion and access to transitional justice processes. This may be incredibly difficult without development programmes and services in place to help those on the margins of society who may be illiterate, old, disabled, sick, geographically remote, or stigmatised and silenced. There is an important role for civil society to play in broadening inclusion and participation.

Transitional justice has to an extent been responsive to the needs of vulnerable groups, such as women, children, IDPs and indigenous communities. This has been particularly informed by the victim-centred approach and gender inclusion, which has enabled a broader base of voices to engage in such processes. That said, more work needs to be done to enable children, IDPs and those seriously injured or disabled to be able to engage with such mechanisms. There is also a large gap in the field on the role of resilience in how victims, their families and communities cope with their harm and the resulting debt or impact on these social institutions when waiting for the state to act. Such a debt or impact can be negative in the sense of affecting individuals who are carers from pursuing their career or life plans, or the psychological and transgenerational impact of trauma from witnessing a love one injured or killed, but they can also be positive in bringing a family or community together and building solidarity or a social movement for change.

28 Wiebelhaus-Brahm, p152.  
Seeing vulnerability as a new lens to view transitional justice may not avoid difficult questions of how to address the past. As Wiebelhaus-Brahm suggests with reparations, which focus on delivering reparative measures to those who are deemed to have suffered the most or need to be prioritised, it may cause resentment to other individuals or communities who are similarly vulnerable whether through historic, economic, social or cultural violations.32 In addition, in post-conflict countries resources are scarce and prioritising transitional justice mechanisms over development, may limit growth to more marginalised sections of society. This may be a false dichotomy, as marginalised members of society often bear the burnt of the violence and delivering reparations to such victims may mitigate transgenerational effects of impoverishment and trauma. A vulnerability and resilience lens could identify how best to prioritise reparations to those most needy, but this could risk such a reparation programme becoming an assistance body, rather than a remedy for the violation of victims’ rights.

There is an increasing attention in transitional justice to address not only corrective justice on past violations, but distributive reallocation of resources and transformation of the drivers of violence, such as inequality and poverty.33 With reparations, while it can offer to redistribute some resources to victims, this is generally narrowly construed, concentrating on particular civil and political violations, rather than systemic marginalisation, where victims wanted their needs addressed instead of their rights remedied.34 As victimisation can leave victims worse off socio-economically, a vulnerability approach could be a more informed way to connect civil and political violations with economic, social and cultural ones. Such an approach often reflects, though not always, that victimisation disproportionately affects those already subjected to structural violations, such as poverty and marginalisation, in times of mass atrocities.35

Although transitional justice has been focused on redressing civil and political right violations, there is a lack of consideration in how development can also

complement such processes and minimise perceived and real inequalities created by such measures. Indeed victims have a right to redress alongside the right to development, with the state responsible for both. Instead it may be more useful to think of vulnerability as an added value in a rights-based approach to transitional justice, in particular in how the state responds to large universes of victims affected by such violence, in particular the elderly, disabled and gendered aspects of violence. This requires a flexible and inclusive approach as far as possible to cater to their different needs and choices that can help alleviate their suffering. At the same time consideration should be given to the resources certain victims and communities have access to in being resilient and how this can factor into the state’s responsiveness in the delivery of measures such as reparations in terms of prioritisation and comprehensiveness in dealing with the past.

**The Responsive State**

In transitional justice the state is seen as the primary responsible actor in dealing with the past.\(^{36}\) This is even where non-state actors, such as rebel or paramilitary groups, committed most of the violence, as the state is the primary duty holder in international law. In the post-conflict societies state institutions and resources may be devastated, and so the state’s ability to provide for victims may be limited by other pressing priorities of the transition, such as reconstruction of infrastructure. However in societies in transition from a violent past, victims often face an intransigent government that is unwilling to deal with the past, given the fragile peace, perpetrators still in power or the concern of political elites to win the next election. The state, its institutions and laws after violence can also cause further harm to victims by ignoring their claims or actively blocking their demands for redress. This can be seen as secondary victimisation, by compounding harm that increasing their vulnerability by closing the space for their capability to live their lives.

Andrieu points out that victims of political violence often lose their ‘trust in the world’, in that ‘they cannot initially act and be active, as autonomous agents in the

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public sphere’ and be left feeling disorientated, alone and frustrated.\textsuperscript{37} Yet at the same time transitional justice actors (including victims) often use victims’ suffering to morally motivate the necessity of such measures to deal with the past and to rebuild trust in the state and society, there is a danger that victims become locked into their identity and own narrative of the past, rather than as active moral agents. Where the state is responsive to vulnerable individuals and groups does it risk creating social dependency on the state in the long term?\textsuperscript{38} While dependency is often stigmatised or seen as something negative in conservative political discourses, Fineman points to its universality and inevitability for us all as ‘inherent in the human condition’ whether as infants, ill-health or in old age.\textsuperscript{39} Fineman suggests that there is a clear role of the state to be more than responsive, but active in redistribution.\textsuperscript{40} Independence is achieved by providing basic resources to a person enabling them to make choice unconstrained by inequalities.\textsuperscript{41} Moving to an active state is the role of the government in providing value to unvalued or undervalued things, such as caretaking.\textsuperscript{42}

Andrieu proposes that transitional justice mechanisms should be aware of victims’ capability and the ‘existence of valid vulnerabilities without locking victims into their powerlessness’.\textsuperscript{43} In other words, state created transitional justice mechanisms, should also be transitioning victims from being vulnerable or dependent in the long term on the state, but this requires coordination with development and services to maximise benefits and may not be possible for all victims. For transitional justice this may mean that long term measures have to put in place for victims. In Chile, Argentina and Germany pension schemes have been put in place for victims of disappearances, torture and genocide. Such pensions, while long term financial commitments, do offer victims financial security to shape their own future beyond their

\textsuperscript{38} Martha Albertson Fineman, Vulnerability and Inevitable Inequality, \textit{Oslo Law Review} 4(3) (2017), 133–149 p134.
\textsuperscript{40} Fineman (2000), p26.
\textsuperscript{43} Andrieu p101.
suffering. These issues cut across the experience of seriously injured victims in as a result of the conflict in and around Northern Ireland, who are campaign for a pension.

The vulnerability and resilience of seriously injured victims in Northern Ireland

The conflict in and around Northern Ireland (the Troubles) between 1969-1998 caused the deaths of over 3,700 individuals and injured over 47,000. Yet the debate on dealing with the past since the 1998 Good Friday Agreement has focused on those bereaved, with little attention on those seriously injured or suffered other violations. While this can in part be explained by injured victims only organising themselves to advocate around their issues in recent years, it exhibits the broader marginalisation of those disabled from being included and having access to avenues that can shape policy and national discussions on dealing with the past. This is noticeable in Northern Ireland as well over 1,500 victims are seriously injured and disabled as result of the conflict, though unlike those bereaved who are seeking truth and/or justice, they are seeking reparations through a pension. The rest of this section reflects on the aspects of vulnerability, resilience and the response of the state to seriously injured victims in Northern Ireland to tease out these themes in the practice of a transitional society.

For seriously injured victims their harm has compounded over time. Most were blown up in bombings, suffered gunshot wounds that shattered bones and punctured vital organs, left with shrapnel in their bodies and experience chronic or phantom pain. The effects on their bodies are still being felt and their ability to cope with infections or mobility is deteriorating as they get older. Some did continue to work where they were able to, but many faced structural vulnerability through discrimination in the job market, unable to continue their intended path in life. One victim who was paralysed in shooting went back to university to get further qualifications and made, “40 job applications [but] never got a look in.” People with disabilities are also more vulnerable to ‘hate crime, excluding attitudes and biased welfare reforms’.

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45 There remains little data on the scale of sexual violence. See Catherine O’Rourke and Aisling Swaine, Gender, violence and reparations in Northern Ireland: a story yet to be told, The International Journal of Human Rights 21(9) (2017), 1302-1319.
46 IR07 participant 4.
expects them to have ‘no future’,\(^{48}\) that further inhibits their ability to agitate for change when their agency is not respected. This corresponds to views expressed by seriously injured victims, who were made to feel inadequate and invisible when out in public. As two victims said,

“P4: I remember going into the town with [his wife] for a cup of tea. I was sitting in a café and the waitress said to [his wife], ‘Does he take sugar in his tea?’

P2: Aye, as if you weren’t there.”\(^{49}\)

Other victims spoke about how their family or community treated them differently and made them feel no longer welcome. One carer who’s husband was injured in a bombing felt no longer welcome at their church and that his “mother would have been embarrassed about what happened him because I think people actually said to her ‘was your son in something, was your son in some organisation that led him here?’”\(^{50}\) Structural vulnerability also plays a part in the geography of victimhood, wherein victims’ experience were different in rural areas, where families who were targeted may have felt more isolated when being attacked or would still come across the person responsible for their suffering in their daily routine.\(^{51}\)

The violence in Northern Ireland also had a gender dimension, which still reverberates, where women took on the role of sole parent and breadwinner, due to most men being killed during the Troubles. For those seriously injured, women have often become the sole carers of injured family members. As one victim case worker said, “their lives were shattered and they never, ever fully reclaimed them.”\(^{52}\) The lack of a responsive state has meant that families have absorbed the social debt of dependency by caring for injured family members; often giving up their own careers and life plans to do so.\(^{53}\) Some seriously injured victims have spoken of how their spouses have taken nervous breakdowns, depression or suffered from addiction as a result of the incident and their role as carers. This vulnerability for victims and their carers has only been exacerbated as they get older. These life cycle vulnerabilities are different from other older persons due to their disability and suffering, that limits their

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\(^{48}\) Lid p1566.

\(^{49}\) IR07, March 2017.

\(^{50}\) IR08, May 2018.


\(^{52}\) IR16.

\(^{53}\) Marie Breen Smyth, *The needs of individuals and their families injured as a result of the Troubles in Northern Ireland*, WAVE 2012, p12.
ability to live their live life with the quality and dignity they expect. A vulnerability and responsive state approach, would value the contribution of carers and include them as the beneficiaries of the victim’s pension upon their death or provide state funded carers.

The harm of seriously injured victims has also left them morally vulnerable. They are forgotten about in agreements to deal with the past or not prioritised. Instead their suffering is relegated to their private space as greater attention is paid to those bereaved. The pension campaign is as much about financial security as it is about acknowledgement of their experience of suffering. This is perhaps beyond moral vulnerability, as there were some prosecution and compensation paid to some seriously injured victims, but insufficient attention to ensure their care in the long term or adequate redress. Instead these victims are more socially invisible, in the sense that society does not want to see them. One victim left blinded in a bombing spoke about the day-to-day difficulties of living with the consequences and the social exclusion caused by her injuries said,

“If I had known that I was going to be like this for 35 years, I would have committed suicide because it is no life. Absolutely none. You have to ask somebody, ‘What’s that?’ if you go into a shop or even stay at home. I should be out. I was working in a [business] ... To be [left] sitting in the corner. My hands were badly cut with glass, my wrists and my face. … because it’s not a life. Definitely not.”

This invisibility is particularly acute for complex victims, i.e. victimised perpetrators who are seriously injured and considered persona non grata when it comes to discussing reparations. They are seen as persons who are responsible for causing harm to others, thereby viewed as undeserving of redress. This causes them further social exclusion, as they are not eligible for the state criminal injuries compensation scheme and vilified in the media. While victims can be defined as vulnerable, those

55 Marie Breen Smyth, p10.
58 Interview with IR21, April 2017.
responsible for violence can also claim such victimhood to justify their actions on the basis of historic and collective victimisation.\textsuperscript{60} A moral vulnerability lens highlights that despite suffering similar harm their suffering is somehow less deserving of redress, but this risks creating impunity for certain crimes against certain individuals. Perhaps at best the issue of vulnerability in transitional justice can perhaps better highlight the ongoing hardship such individuals suffer and build more solidarity in finding a way to nuance their responsibility and responding to their harm caused by others.

In terms of resilience, despite their suffering, seriously injured victims have been campaigning for a pension as well as raising awareness on their plight. It may take years for a victim to have the confidence or the public space to speak about their suffering and advocate for their rights. In turn it can take time for such victims to organise themselves into groups to put political pressure on a government to change their policy or laws. For seriously injured victims this is a more difficult process. Many of them spent years in hospital, and often decades later still have to return for further surgeries, infections and to remove shrapnel, as well as to deal with ongoing psychological trauma. That said, once they have learned to advocate they have also been promoting other victims’ issues on Victims and Survivors Forum, such as widow’s pension, reflecting their moral leadership beyond their own suffering. As one victim caseworker said about them,

\begin{quote}
“these guys were not speaking out before they came together and started working on this issue, now they’re up and they’re as comfortable talking to each other as they are talking to prime ministers and first ministers and politicians up in Stormont. … they absolutely know their stuff and are fantastic advocates. … it has really been down to them.”
\end{quote}

For many injured victims they have just got on with their lives as best they could and do not want to revisit the history of their injuries. This has meant they have had to navigate their own means of resilience to cope with their ongoing suffering. As one victim said,

\begin{quote}
“We had no idea about claiming culture....[after the bombing] It was never how somebody would give me money, for somebody to give me help. It wouldn’t have even occurred to us that we need help, it was just how do we rebuild. So, this is how me and my family are, it’s about self-dependence and building life
\end{quote}


\textsuperscript{61} IR06.
and being self-supportive and self- sufficient. That’s how we’ve always been. So, all these things never even occurred to us.”

Nonetheless, despite this resilience, it has not been easy for many victims to live a ‘normal’ life, as they are reminded about their injuries everyday. They can be to an extent dependent on the support of their family and other resources to which they have access. Victim organisations in civil society, funded by the government and the EU, have played an important part in facilitating this space, but this requires victims to associate with these organisations which can in certain areas be aligned to a particular community.

The Northern Irish and United Kingdom governments have not been as responsive as they could be to the needs of seriously injured victims. To an extent, the government continues to treat the Troubles as an ordinary justice issue, despite the extraordinary and sectarian driven violence. Instead of narrowing the gap between vulnerability and resilience of victims, the actions and inactions of state institutions and actors have instead exacerbated victims’ vulnerability and marginalisation. This can be seen from the experience of victims claiming compensation. One victim who was a teenager when a bomb exploded causing her two lose both her legs, felt that going to court was intimidating and her barrister forced her to accept a settlement so she would not upset the judge. As she said, “You just did not go into court. In other words, if you challenge us, we’ll reduce it. That’s the environment I accepted it in.”

One victim who lost both of his legs in a paramilitary shooting was denied compensation because he refused to help the police identify those responsible, despite him still being threatened at the time. The response of the state is not always equal for all victims. There is better care and financial support for state forces compared to civilians, but there are also those on part-time or short contracts in the security forces who were left impoverished, despite being seriously injured while on duty or returning from work.

One victim who lost one of his legs in a booby trap bomb and suffered other shrapnel wounds, spoke about how after the bombing he lost his business and home, as his insurance did not cover ‘acts of war’. He was left in hospital for a year and upon release he was dependent on basic social benefits for years until he was declared

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62 Interview with IR12, April 2018.
63 IR07, April 2017.
medically fit to be assess for compensation. When he went to claim compensation it was reduced by £27,000 for the expense of the benefits he had received. He said,

“You didn’t get help. Nobody came forward to say, ‘We’ll do that for you’. It didn’t happen. They took away your dignity. ... I didn’t even feel like a man. I couldn’t earn. I couldn’t go out and work. I got to a stage where I couldn’t cope. I tried to commit suicide. ... when I think back on that, but that was when I was at my dire straits. I just wanted out of it.”\(^\text{65}\)

The insensitivity of the state to these victims caused them mental distress. This not only had an effect on the direct victim, but also their family who became their carers for the rest of their lives. There was no mental health support, meaning people found their own positive and negative coping mechanisms to deal with the trauma.\(^\text{66}\) One victim spoke of how his wife opened the door to the gunmen the night he was injured. She never forgave herself, turning to alcohol to cope and dying young at the age of 51 as a result.\(^\text{67}\) Some victims felt that as a result they had become a ‘burden’ on their loved ones.

While the state through the Victims and Survivors Service provides an annual £1,500 for seriously injured victims, it has to be applied for each year and claimed back with receipts. Even this amount is not enough for victims who used their criminal injuries compensation to buy a house. One shooting victim expressed how he used the money to pay his council rates on his house, leaving him half the money and the choice between heating his house for the winter or getting physiotherapy once a month.\(^\text{68}\) Similarly the state was unresponsive to victims’ vulnerability from ongoing or future violence. One victim who lost both of his legs in a loyalist bombing, was placed in a loyalist estate by the Housing Executive, where he was subjected to intimidation and threats.\(^\text{69}\) Moreover, the house was grossly inadequate for his needs, given that the toilet was downstairs from his bedroom and there were twelve steps into the house. This intersection of structural vulnerability and ongoing violence exhibits the need of the state to better understand the suffering of individuals’ identity and situation to better minimise their suffering.

For the most part the pension campaign by seriously injured victims of the Troubles/conflict in and around Northern Ireland reflects their agency in seeking to

\(^{65}\) IR07, participant 2. 
\(^{66}\) There remains a campaign to set up a Mental Trauma Service that would be staffed by medical specialists, currently CBT is provided by victim groups. 
\(^{67}\) IR07, participant 4. 
\(^{68}\) IR07. 
\(^{69}\) IR21.
redress the past. It has been their vulnerability and unresponsiveness of the state that has left them in a position where their situation is deteriorating in the long term. In contrast to those bereaved during the conflict, seriously injured victims do not position themselves as morally vulnerable, but as structurally vulnerable. In other words, they want the dire economic straits they find themselves in to be addressed, rather than to have their harm acknowledged or those responsible held to account. That said there remains tension with the inclusion of combatants who are seriously injured with in the pension campaign. In a way seriously injured victims have become politically vulnerable in the sense that the issue of the pension has political capital for politicians to support, but has at the same time become a means to point score by politicians against the other side. This has meant that most political parties have come out in support of the pension, but the debate has focused on who is more deserving or innocent to get it, rather than victims continuing vulnerability.

Conclusion

Vulnerability, resilience and the responsive state are important conceptual tools in developing a better understanding and practice of transitional justice. Further work is necessary to better understand how victims and affected communities cope and create their own informal mechanisms of redress to deal with the past in the face of state impassivity. In the case of those victims seriously injured of the Troubles/conflict in and around Northern Ireland, their campaign for recognition and a pension continues. Their concern is that while politicians and government officials express their sympathy and support, there is a growing discontent amongst the victims that they are just waiting for them to “die off”, as already four members of the campaign group have died in the past few years. This highlights the importance of transitional justice to be timely in order to mitigate further harm to victims. For these victims it is little comfort that they have become more resilient through this process, as without a more active or responsive state their situation over time will leave them more vulnerable.

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70 For some this is important, but secondary to remedying their harm.
71 See Moffett NILQ.
72 IR07.