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Bringing narrative victimology to transitional justice: Blame, victimhood and life stories of wrongful conviction

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Abstract
This article applies a narrative victimological lens of inquiry to the memoirs of those wrongfully convicted of high profile politically violent offences arising from the conflict in the North of Ireland. Using these life stories of wrongful conviction, the article critically examines how nuanced and complex understandings of victimhood and blame emerge from within victims’ own testimony. While on the one hand, victims can ‘story’ victimhood and blame in simplistic ways that echo dominant paradigms found within the criminological literature, at the same time they can ‘story’ victimhood and blame in more sophisticated ways that reflect complex debates found within the transitional justice literature. The ability to take both a more generous approach to victimhood that recognises the harm experienced by others and a more critically self-reflective approach of one’s own culpability, it is submitted, shows the potential value that proposed oral history mechanisms have in allowing different perspectives on victimhood and blame to emerge from the testimony of those who suffered harms like wrongful conviction.

Keywords
Narrative criminology, victimology, transitional justice, state crime

Introduction
Recent victimological interventions in transitional justice (TJ) scholarship have explored constructions of victimhood (Bonacker, 2013; McEvoy and McConnachie, 2012), political (mis)uses of victimhood (Breen-Smyth, 2018; Druilolle and Brett, 2018; Madlingozi, 2010), victim activism (Kovras, 2017), and victim legislation (Jankowitz, 2018). There has, too, been an increased effort to give victims ‘voice’ in the courtroom (Karstedt,
in official TJ mechanisms (Bryson, 2016; Hamber and Kelly, 2016), and through the arts (Simic, 2016). The increasing centrality of victims and their voiced experience in TJ mechanisms and discourses has, though, unhelpfully created a hierarchical approach to victimhood. Inasmuch as certain victims/victimisers/harms are well recognised, discussed and studied in TJ processes, discourses and scholarship, other victims/victimisers/harms have, whether deliberately or otherwise, been invisibilised (Hearty, 2018).

According to Jankowitz (2018: 82), harms resulting from political imprisonment have been relatively invisible in debates on ‘dealing with the past’ in the North of Ireland. Granted, there is a sizeable literature on political imprisonment there (McEvoy and Shirlow, 2008; MacIonnrachtaigh, 2013; McKeown, 2000; O’Donnell, 2015; Shirlow et al., 2013) and political imprisonment has been earmarked as an area for thematic examination by proposed TJ mechanisms. The veracity of Jankowitz’s point, however, lies in the failure to have a more expansive discussion around the legacy of wrongful conviction; the most obvious blind spot where scholarship and legacy debates on political imprisonment during the Northern Ireland (NI) conflict are concerned (Quirk, 2013). The relative invisibility of wrongful conviction in legacy debates may reflect the fact that the most high profile cases of wrongful conviction were for NI-related political violence perpetrated in England, with the failure to explore the harm further adding to an imbalance that overlooks the lived experience of those outside NI itself (Dawson et al., 2016). Yet, existing criminological scholarship on wrongful conviction has its own limitations, most notably its tendency to focus on criminal justice agencies and policies rather than engaging with the perspective of victims (Campbell and Denov, 2004; Hoyle, 2016). NI legacy debates, TJ scholarship, and the criminological study of wrongful conviction are all therefore missing a victimological critique of that harm that is rooted in victims’ lived experience.

Locating itself within an emerging narrative victimology literature (Cook and Walklate, 2019; Green and Pemberton, 2017; McGarry and Walklate, 2015; Pemberton et al., 2019a, 2019b; Walklate et al., 2019), this article uses the life stories of the wrongfully convicted as an entry point for the victimological study of wrongful conviction in the NI context. Accepting that victimological research must pay more attention to how an experience of victimisation becomes embedded in the victim’s life story (Pemberton et al., 2019b), it draws on the memoirs of those who were wrongfully convicted for Irish Republican Army (IRA) bombings in England in the 1970s to thematically examine how these victims interpret and present victimhood and blame through their own lived experience. Despite the obvious usefulness of such accounts in understanding how victims view themselves and their experiences (Pemberton et al., 2019b), they have, until recently, been absent in scholarship on ‘dealing with the past’ in NI (Hopkins, 2013: 4).

Empirical data has been drawn from the published memoirs of Gerry Conlon (1993), Paul Hill (1991) and Paddy Armstrong (Armstrong and Tynan, 2017) who were convicted of the 1974 Guildford pub bombings; Paddy Joe Hill (1995) who was convicted along with five others for the 1974 Birmingham pub bombings; Judith Ward (1993) who was convicted of the 1974 M62 coach bombing; and Annie Maguire (1994) and her son Patrick Maguire (2009) who – along with other family members and friends – were convicted of bomb making offences in March 1976. These texts are the ‘foundational objects of inquiry’ (Presser and Sandberg, 2015: 2) from which ‘victimisation narratives’ (Maruna and
Liem, 2020) emerge. These ‘victimisation narratives’ are thematically and structurally analysed in terms of how victimhood and blame are ‘storied’; that is, how they are constructed, understood, and contested by victims when they ‘position’ themselves in their own narratives (Thunberg and Andersson Bruck, 2020) and ‘make sense’ (Maruna and Liem, 2020) of their experiences. This involves using the ‘biographical content’ contained within their memoirs to analyse what story the victim is telling, how they have chosen to tell it, who they see as blameworthy and why these narrative choices have been made (Georgakopoulou, 2020: 45).

How victimhood and blame are ‘storied’ in the memoirs of the wrongfully convicted is relevant for TJ scholars and criminologists alike. TJ scholars who are concerned with legal and non-legal responses to past human rights abuses (Elster, 2004) see direct engagement with victim testimony as a means of providing recognition to those victims (Madina et al., 2020), of offering some protection from recurrence of past harms via discursive accountability (Kinder, 2021), and of reclaiming ‘voice’ from those misappropriating it (Madlingozi, 2010). Direct engagement with victim testimony also fits the ‘victim centric’ TJ model advocated by those who argue that TJ should take its lead from, and respond to, the needs of victims rather than the ideological projects driven by those who claim to speak on behalf of victims (McEvoy and McConnachie, 2013). The importance of directly engaging with victim testimony to inform debates, policy and practice on ‘dealing with the past’ has been explicitly recognised in NI through the inclusion of an Oral History Archive (OHA) in proposed TJ mechanisms there (Bryson, 2016; Hamber and Kelly, 2016; Kinder, 2021).

Engaging with victims’ memoirs can also help to, in the words of Naughton (2014), ‘criminologise’ the study of wrongful conviction by moving it beyond a narrow legalistic understanding to duly recognise its political, social and cultural causes and consequences. A narrative victimological study of wrongful conviction can therefore expand the emerging literature on the victimology of state crime (Rafter and Walklate, 2012; Rothe and Kauzlarich, 2014), highlight the intersections between narrative criminology and critical criminology (Presser and Sandberg, 2019), and ‘mainstream’ narrative criminology (Maruna and Liem, 2020). The memoirs of the wrongfully convicted thus matter to TJ scholars wanting to use voices ‘from below’ to inform ‘victim centric’ TJ (Bryson, 2016) and to critical criminologists seeking to ‘speak truth to power’ (Scraton, 2007).

The article opens by examining narrative victimology’s recent emergence before sketching out how and where it intersects with the study of victims within TJ. It then undertakes a critical evaluation of the nuances and complexities of how the victims of wrongful conviction ‘story’ victimhood and blame. These concepts are ‘seen’ through a lens that is both self-centric when examining their own position and experiences, and other-centric when examining the position and experience of others. Victims’ complex and diverse perspectives on blame and victimhood, it is argued, provide valuable insights that can inform societal debate around ‘dealing with the past’ in post-conflict sites.

**Narrative criminology, victimology and TJ**

Mirroring the ‘narrative turn’ of the social sciences (Denzin, 2001), a nascent strand of ‘narrative criminology’ using storied experience to understand harm, desistence, power
and agency duly emerged (Presser and Sandberg, 2015: 1). Being less concerned with the ‘truth’ of the stories that are told, narrative criminology seeks to determine how these stories – whether distorted, exaggerated or invented – reflect values, identity, culture and community (Sandberg, 2014). Inquiry is led, then, by a desire to find the rationale and motivation of certain actors from within their own biased accounts that reflect imagined identities and their relationship to and with others (Maruna, 2015; Presser, 2016). For narrative criminologists, it is ‘storied experience’, rather than experience per se, that represents the primary object of inquiry (Presser and Sandberg, 2015: 5).

While narrative criminology has traditionally focused on ‘why we harm’, narrative victimology examines ‘what it is to be harmed’ (Cook and Walklate, 2019: 240). The primary object of inquiry here is the storied experience of being intentionally harmed by others (Pemberton et al., 2019b). This, McGarry and Walklate (2015: 4) contend, helps to reverse the statistical abstraction of ‘being a victim’ by ‘re-engaging victimological research with the subjective experience of being a victim’. By examining how victims position themselves within their own narratives, narrative victimology helps us to understand victims in ‘their own terms’ thus providing an insight into how they believe their actions and choices relate to their subsequent victimisation (Green and Pemberton, 2017: 93). This allows us to probe the complex relationship between those incidents that victims wish to be ‘storied’ and those they choose not to ‘story’, and how their experiences and those involved in them are expressed and framed in certain language (Walklate et al., 2019). The autobiographies of victims therefore represent an invaluable data set for thematically analysing what story is being told, how it is being told, and the context within which it is being told (Walklate et al., 2019).

Criminological literature has long recognised the (auto)biographies of the wrongfully convicted as a valuable empirical source for learning their perspective on what happened (Naughton, 2013: 16), for furthering a Foucauldian understanding of wrongful conviction (Naughton, 2007: 163), and for allowing theories that humanise the harsh reality behind wrongful conviction to be built and developed (Leo, 2005). Victims’ life stories add ‘flesh and blood reality’ to statistics on wrongful conviction (Westervelt and Cook, 2012: 4), while at the same time enabling researchers to ‘find stories’ through the sense-making process (Graef et al., 2020). Victimhood is a subjective experience influenced by many factors (Breen-Smyth, 2018: 215), which means that victims rarely share a universal perspective on blame and victimhood (Pemberton et al., 2019b). This means that, in the words of Paddy Armstrong (Armstrong and Tynan, 2017: 302), each victim of wrongful conviction ‘sees’ the experience in ‘different ways’. Nor should it be assumed that the victim’s perspective of what happened to them and who was/is to blame cannot change over time (Presser and Sandberg, 2019). Several of the accounts examined herein adopt different perspectives on blame and victimhood, yet the value of a narrative victimological study lies in examining both the points of confluence and the points of divergence (Walklate et al., 2019: 84).

TJ scholars similarly accept that a meta-victim experience does not exist (Bryson, 2016; Hearty, 2018), with the value of mechanisms like the OHA being the ability to collect and disseminate the different perspectives that different experiences bring. However, TJ scholars are also alert to the reality that the construction of victimhood is often complex, contested and problematic due to different historical, political and
moral perspectives (Bouris, 2007; McEvoy and McConnachie, 2012; Madlingozi, 2010). They also accept that, particularly in a site like NI, this impacts how victims attribute blame and interpret victimhood during TJ processes (Jankowitz, 2018).

The different perspectives on blame and victimhood that are found within the life stories of the wrongfully convicted speak too to the complex nature of wrongful conviction. Wrongful convictions can be attributable to any number of factors including police misconduct, judicial attitudes, defence incompetence, jury bias, and the fabrication, and subsequent signing by victims, of false confessions (Leo, 2005). Naughton (2013: 28) conceptualises the cases discussed in this article as ‘abortions of justice’, rather than ‘miscarriages of justice’, because wrongful conviction arose from criminal justice agencies deliberately transgressing due process and safeguards to achieve such a result. The complication of blame in ‘abortions of justice’ mirrors that in the multi-causal and structural harms – authoritarianism, armed conflict, historical institutional abuse and the legacy of colonialism – that TJ mechanisms and processes now address. In each of these contexts, TJ has to grapple with varying levels of bystanderism where society turned a blind eye to systemic wrongdoing, complicity by beneficiaries who gained in some way from structural harm caused to others, and ‘complex’ victimhood whereby those who were harmed would subsequently go on to harm others (Bouris, 2007; Elster, 2004; McEvoy and McConnachie, 2012). Like ‘abortions of justice’, it is difficult to limit blame in these contexts to a single cause or actor because of ‘complex’ victimhood, the shifting contours of blame, and, in the NI context at least, continuing disagreement over the nature and consequences of the conflict itself (Hearty, 2019).

Because the victims of wrongful conviction are often drawn from the least powerful sections of society, their life stories can highlight the nexus between wrongful conviction and critical criminology (Naughton, 2014). Their life stories follow a Foucauldian turn that gives space to critical voices and counter-discourses that seek to challenge the way the problem of wrongful conviction is defined, measured and addressed in official discourse (Naughton, 2007: 5), which in turn furthers critical criminology’s project of critiquing structures of power, processes of abuse and the contribution of inequality to harm (Presser and Sandberg, 2019). This allows the concepts of victimhood and blame to be understood from the perspective of the marginalised victims rather than from how they are framed by a complicit criminal justice system (Naughton, 2013). It is also true that a narrative victimological interrogation of wrongful conviction would broaden out the narrative victimological literature to include less visible harms (Pemberton et al., 2019b). There is, yet again, common cause here between critical criminologists seeking to ‘speak truth to power’ over structural harms and TJ scholars who argue that engaging with voices ‘from below’ can expand the range of harms TJ processes tend to ‘see’. This, TJ scholars have argued, can prevent the politicised invisibility of certain victims in debates on ‘dealing with the past’ by ensuring that TJ mechanisms are truly ‘victim centric’ by being inclusive of all victims (Bryson, 2016; McEvoy and McConnachie, 2013).

**Storying victimhood**

Each memoir reveals the ‘pains of imprisonment’ (Sykes, 1958) experienced by the wrongfully convicted, detailing further the various coping strategies – cooperation,
belonging, withdrawal and resistance (Matthews, 1999) – they adopted as high-risk ‘Category A’ prisoners (O’Donnell, 2015). These provide an insight into how victims construct their own victimhood in accordance with, or contrast to, dominant paradigms of victimhood. For example, there is the ‘pathetic victim’ who elicits pity because they are innocent of any wrongdoing, been reduced to a passive state of helplessness by an asymmetry of power, and been unquestionably subjected to grievous suffering (Meyers, 2016: 32). At the same time, though, victims can regain agency through resistance. This ‘heroic victim’ is, in contrast to the ‘pathetic victim’, an agentic figure driven by their resolute commitment to standing up to injustice (Meyers, 2016: 36). There is also what Christie (1986) labels the ‘ideal victim’ who is seen as entirely blameless for what has befallen them. On the other hand, there is the ‘impure victim’ (Meyers, 2016: 39) whose claim to victimhood is seen as more problematic. The impurity of victimhood in these cases might come from heightened ‘victim proneness’ (Von Henting, 1948) whereby they were ‘othered’ by a political, social and cultural climate that rendered them more prone to wrongful conviction. Or it might arise because of ‘victim precipitation’ (Mendelsohn, 1956; Wolfgang, 1957) whereby the victim themselves are deemed to have somehow contributed to their own victimisation; something they did, or failed to do, invited, encouraged or enabled the harm suffered. Even if victimisation is not seen as the penalty for wrongdoing, it is nonetheless seen through this ‘just world’ lens as a foreseeable consequence of the ‘impure’ victim’s own (in)actions (Meyers, 2016: 33).

Victimological TJ literature has long identified how ‘competitive victimhood’ can cause different groups (and/or individuals) to deny or qualify the victimhood of others (Breen-Smyth, 2018; Jankowitz, 2017; McEvoy and McConnachie, 2012). This politicises victimhood through a ‘zero sum’ logic that chimes with ideological understandings of inter-group conflict; recognising the harm suffered by others is mistaken for denying or diminishing one’s own claim to victimhood and/or precluding one’s own claim to blamelessness (Hearty, 2018). The memoirs of the wrongfully convicted, on the other hand, demonstrate a degree of victim altruism that enables victims to empathise with other identifiable victims (Small and Lowenstein, 2003). These victims have thus transcended the ‘egoism of victimisation’ (Mack, 1979) by taking a less self-centric and more generous approach to victimhood that is capable of ‘seeing’ how others were harmed by the various bomb attacks for which they were wrongfully convicted.

### ‘Seeing’ the ‘ideal’ and ‘pathetic’ victim

Annie Maguire’s account of her time in jail is largely one of compliance with the prison administration. By her own admission, she was subsumed by the ‘total institution’ (Goffman, 1961) of prison after choosing cooperation as a coping strategy. Maguire fits the ‘pathetic victim’ paradigm – she is an innocent person reduced to co-operating with the system that wrongfully convicted her – and the ‘ideal victim’ typology – she is a hapless law-abiding housewife who finds her world unceremoniously torn apart after her family are wrongly implicated by others in IRA violence that she politically and morally objects to. This matches Christie’s (1986) ‘ideal victim’ typology of being weak, blameless, and only victimised because of the transgressions of others (i.e. the
IRA, those who falsely implicated her and the criminal justice system that framed and wrongfully convicted her).

Her son Patrick offers a similar back story to his wrongful conviction, ‘seeing’ himself as an ‘ideal’, yet not ‘pathetic’ victim. Likewise, Judith Ward’s withdrawal coping strategy of spending her time in prison alone, and often heavily medicated, positions her as a ‘pathetic’, yet, as elaborated on below, not so ‘ideal’ victim.

‘Seeing’ the ‘impure’ and ‘heroic’ victim

Other victims ‘story’ their victimhood in less ‘ideal’ terms, reflecting how ‘ideal victim’ stereotypes lose traction when life stories include previous deviant behaviour, prior offences and dubious personal acquaintanceships (Pemberton et al., 2019a). These victims frankly acknowledge the impact that their previous lifestyle choices and political associations – or both – had on their fate. This acknowledgement represents the ‘prologue’ that contextualises the ‘main event’ of victimisation by explaining why the victim is ‘positioned’ as they are in their narrative (Thunberg and Andersson Bruck, 2020). This ‘narrative connectedness’ is not simply about drawing a causal connection but about sketching out moral connections relevant to the victims’ understanding of their victimisation (Westlund, 2018).

Paddy Armstrong (Armstrong and Tynan, 2017: 45), for example, is open about his pre-arrest hedonism of living in a squat, doing drugs and shoplifting to feed himself. With the ‘moral panic’ (Hall et al., 1978) around such deviant lifestyles, Armstrong was sufficiently ‘victim prone’ to be victimised by the state. By the same token, Paddy Joe Hill frankly discusses the political nature of some of his pre-arrest activity. While Hill (1995: 42) records his ‘contempt for the people planting the bombs’ in England and says that he sympathised only with the ideology behind, rather than methods of, militant Irish republicanism, he is nonetheless frank about the fact that he had travelled to Ireland to attend republican commemorations, that he had previously sold republican ballot tickets, that he was well acquainted with several IRA members, and that he was arrested en route to an IRA bomber’s funeral (Hill, 1995: 37). As a member of the Irish ‘suspect community’ (Hillyard, 1993), in choosing to ‘story’ this Hill is perhaps recognising how his actions helped position him as an ‘enemy of the state’ (McCarthy and Walker, 2013) within this climate of political scare.

Judith Ward points to the relevance of both prior political activity and lifestyle choices in her victimisation. Ward (1993: 40) ‘stories’ her victimisation as a form of ‘guilt by association’ on the basis that she had been ‘political’ in attending demonstrations on Ireland, selling republican newspapers and socialising with known republicans. At the same time, though, Ward was also sleeping rough on the streets when she was arrested. Inasmuch as Ward’s association with republicans positioned her as an ‘enemy of the state’ like Hill, her lifestyle, like that of Armstrong, relegated her to the status of ‘police property’ (Cray, 1972). While none of the victims above believe that their victimisation was justified, in choosing to ‘story’ their previous lifestyle choices and political activities there is implicit recognition that their victimhood is less than ‘ideal’.

Other victims ‘story’ their victimhood in less ‘pathetic’ terms, choosing resistance rather than cooperation as a coping strategy. For Conlon (1993: 155), defying the
prison system in the early days of his sentence was an important part of maintaining his innocence. Likewise, Hill (1991) recalls his involvement in prison riots, his non-cooperation with the prison system and his refusal to apply for parole or assistance from the prison administration. Patrick Maguire (2009: 266) similarly refused to apply to the parole board on a point of principle because it meant accepting that he was guilty. While these victims still ‘see’ themselves as victims of wrongful conviction, they nonetheless ‘story’ their time in prison in terms of resistance to the ‘total institution’ as a means of regaining agency and asserting their innocence.

‘Seeing’ the victim in others

While the wrongfully convicted detail their own struggles, they also acknowledge how the experience was more challenging for others. Ward (1993: 112), for instance, notes that she was ‘luckier than most’ because she ‘didn’t have a husband, house and children to worry about’. Indeed, Ward’s ‘luck’ can be contrasted with Annie Maguire’s struggle to cope with imprisonment amidst her maternal concerns for her two teenage sons who were also wrongfully convicted. In a similar vein, Maguire (2009: 425) acknowledges that while he had difficulty coping, the experience must have been ‘agony’ for his parents who also had to endure separation from each other and their children.

This other-centric ‘seeing’ of victimhood extended to the suffering of those beyond the prison walls. As Naughton (2013: 192) points out, behind every direct primary victim of wrongful conviction there are multiple and varying secondary victims in the form of spouses, siblings, children and parents who have to endure stigmatisation, physical threats/violence and emotional disruption to family life. These people, Borer (2003) suggests, become ‘victims once removed’ through suffering a broken home, increased deprivation, and marginalisation. There are, too, tertiary victims who may belong to a community that is collectively impacted (Govier, 2006). In the aftermath of the Birmingham pub bombings, for example, Irish people were abused, attacked, and their property damaged (Mullin, 1997: 10). By choosing to ‘story’ this victimhood, the wrongfully convicted have recognised the ‘trails of harm’ (Naughton, 2007: 162) caused by their wrongful conviction.

Paddy Joe Hill points to the backlash against the Irish ‘suspect community’ in Birmingham and, more specifically, to the ordeal endured by his family. While he and his co-accused were being beaten, threatened and framed by the police, their families were being insulted in the street, physically attacked, and driven from their homes (Hill, 1995: 100). He further highlights the emotional toll that constant prison visits were having on his family, with him ultimately deciding to minimise visits in order to protect them (Hill, 1995: 163).

The most nuanced other-centric approach to victimhood, though, is found in how Paddy Armstrong chooses to ‘story’ the victimhood of several others; he recognises the disruption his conviction caused his younger sister Josephine, how defence witness Frank Johnson developed PTSD from the guilt of changing his alibi for Carole Richardson (Armstrong’s co-accused and then girlfriend) following police pressure, and how his lawyer Alastair Logan experienced a breakdown in his marriage, attacks on his property and death threats for representing Armstrong. He also ‘sees’ the
victimhood of those who had been injured in the Guildford bombing, recounting that wit-
nessing them at the trial made him realise ‘these aren’t just people in photos, they’re real
people with missing limbs, angry scars, ugly burn marks. They’re in pain, bitter and trau-

This ability to ‘see’ the victimhood of the bereaved and injured is also discernible
when Ward (1993: 166) concedes that her acquittal denied the victims of the bomb
any ‘small compensation’ they could ‘cling’ to. Here Ward truly transcends the
‘egoism of victimisation’ through recognising that while she suffered, so too did
others whose suffering was compounded when her wrongful conviction was eventually
overturned. Instead of adopting a reductive ‘zero sum’ lens Ward ‘sees’ a mutually
harmful experience whereby ‘we had all suffered needlessly’.

Insights on victimhood for TJ

Two important victimological insights emerge for TJ from how the victims of wrongful
conviction ‘story’ victimhood. Firstly, the generosity and ‘victim altruism’ when victims
transcend the ‘egoism of victimisation’ demonstrate that victimhood does not have to be
understood in competitive ‘zero sum’ terms. Victims can recognise the suffering of others
without denying their own victimhood, demonstrating how a more inclusive understand-
ing of victimhood premised on recognising the harm caused to all victims is possible. If
TJ discourses and mechanisms avoid exclusivist and competitive notions of victimhood
by adopting this approach then they might become truly ‘victim centric’ by concentrating
on the harm suffered by the actual victim rather than politicised debate about who is or is
not to blame for the harm (Hearty, 2018). This has particular relevance in sites like NI
where an understanding of shared victimhood has yet to displace more politically divisive
understandings based on blame (Jankowitz, 2018).

Secondly, the emergence of the ‘heroic victim’ figure shows that victims are not neces-
sarily helpless and/or passive actors. Like those who have ‘storied’ resistance, victims can
reclaim agency in TJ contexts. TJ discourses, processes and mechanisms should therefore
not only recognise victims as rights holders but also as legitimate stakeholders with an
important contribution to make to TJ (McEvoy and McConnachie, 2013). Recalibrating the understanding of the victim figure from a passive one to an agentic
one can mitigate against other actors ‘speaking for’ what are wrongly assumed to be
passive victims (Madlingozi, 2010). Victims, then, would be given a platform to articu-
late their needs, assert their rights and mobilise in furtherance of having these met through
‘victim centric’ TJ processes (Hearty, 2018).

Storying blame

The attribution of blame for wrongful conviction is complicated because of its multi-
causal nature (Naughton, 2013: 35) and because it is a state harm (Hoyle, 2016: 281).
Accordingly, any concept of blame needs to reflect complicity through action/commis-
sion and inaction/omission (Kauzlarich et al., 2003), and through structures and patterns
of inequality and discrimination (Naughton, 2007: 53). This means that in addition to the
direct perpetrators of any harm there are a number of other blameworthy parties like
beneficiaries who benefitted from the harm and bystanders who may not have committed the harm but nevertheless tolerated it through silence and inaction. Further complexity is brought to the matter by the fact that in some instances victims signed false confessions implicating themselves and others. More nuanced views of blame duly emerge that combine elements of ‘self-blame’ and ‘other-blame’ (Lamb, 1996), and that recognises the ‘complex’ victim figure. This reflects how the wrongfully convicted hold multifarious identities throughout the narrative process; they are the storyteller, a character in their own narrative, members of social and cultural groups, and individuals with certain habits, beliefs, and flaws (Georgakopoulou, 2020: 48). There can even be, as is the case with ‘complex’ victims, competing and contradictory identities that emerge within the victims’ narratives (Georgakopoulou, 2020: 52). Blame is therefore ‘storied’ by the wrongfully convicted in a way that captures the complicity of police officers, the criminal justice system, societal bystanders and ‘complex’ victims who signed false confessions.

Blameworthy ‘complex’ victims

Victims graphically recall the police violence and threats they endured during interrogation, which, in turn, provides the ‘prologue’ for those who knowingly signed false confessions to contextualise their actions. Although they might not explicitly designate themselves as blameworthy per se, by choosing to explanatorily ‘story’ their signing of confessions there seems to be an implicit need to confront the matter.

Gerry Conlon’s account is an instructive example. He signed a confession after prolonged violence and threats against his family left him ‘desperate’ to please detectives:

I wanted to please the police just so I wouldn’t be beaten any more, screamed at, abused with dirty names. I actually wanted to please these bastards. I was in a terrible state of confusion and fear. I was crying. I was breaking down and falling apart. And all I wanted to do was please these policemen – to please them and get away from them

(Conlon, 1993: 88).

He further reveals that he wrongly believed that his confession would be easily disproven: ‘When I signed them, I believed I would later be able to retract them. I believed they could never be shown to hold water. I didn’t realise I was signing away my liberty for the next fifteen years’ (Conlon, 1993: 81). Not only does Conlon (1993: 142) express his ‘profound guilt’ at having ‘played a major part in my own downfall by signing statements’ but also for how this would later lead to his father Guiseppe being framed.

While Conlon decided to ‘story’ his signing of police statements, he ‘sees’ himself as a broken and desperate figure reduced to following the path of least resistance rather than as a willing co-conspirator in an enterprise of injustice. Conlon, as the ‘teller’ of his story, simultaneously holds competing identities that problematises his understanding of victimhood and blame; he is a victim of unimaginable police brutality, yet at the same time he is not an entirely blameless victim given that he was also complicit in the victimisation of those he falsely implicated. Unsurprisingly, the complexity of Conlon’s victimological positioning is ‘storied’ by those he falsely implicated as they try to ‘make sense’ of Conlon’s ‘complex’ victimhood.
Like his mother Annie (Maguire, 1994: x), Patrick Maguire (2009: 141) blamed Conlon and Paul Hill for implicating his family, revealing how he ‘hated’ the pair as much as the police. With the passage of time, however, he has come to recognise what they endured during interrogation and how both believed their claims about his mother would not stand up in court (Maguire, 2009: 104). In doing so, Patrick Maguire has managed to circle the victimological square peg of Conlon and Hill’s contradictory position as victims of police misconduct and as ‘victims who victimise’ (Drumbl, 2016).

For his part, Paul Hill (1991: 91) concedes that there was some ‘bad feeling’ towards those who had ‘named names’ but argues that ‘when tempers cooled, we stopped blaming each other: the simple fact was that we had collapsed in front of policemen who had brutalized us. Was that our fault? Or theirs?’ Paddy Armstrong (Armstrong and Tynan, 2017: 79), though, ‘stories’ the more complicated victimological position he was in because while Hill and Conlon had falsely implicated him under duress from detectives he had done likewise with others from his squat. Just as victimhood is ‘storied’ in less than ‘ideal’ terms, blame is ‘storied’ in a way whereby the wrongfully convicted can see the ‘complex’ victim figure in both themselves and others.

The blameworthy state

While victims naturally recount the role played by violent and abusive police officers, they also recognise the systemic wrongdoing underpinning ‘abortications of justice’. In doing so, they capture how the wider criminal justice system adopted a wilful blindness towards deliberate wrongdoing in their cases. For example, Paddy Joe Hill (1995) takes issue with Lord Denning’s remark at an appeal hearing that the prospect of there being any truth in the defendants’ claims of mistreatment was ‘an appalling vista’ likely to be rejected by ‘every sensible person in the land’.¹ To Hill, these comments showed the criminal justice system’s willingness to keep the six in prison rather than admit that it had presided over an injustice. Even if Denning did not personally convict the six, he had, then, become complicit through his refusal to accept the overwhelming evidence of police misconduct during the appeal case. Paul Hill’s ire, on the other hand, is directed towards those he ‘sees’ as the beneficiaries of injustice who enjoyed long illustrious careers on the back of the Guildford four convictions; trial judge Lord Donaldson, chief prosecutor Sir Michael Havers, senior police officers investigating the case and journalists who wrote sensationalist stories. Indeed, Hill (1991: 4) expresses his disgust that such noted luminaries failed to later acknowledge or apologise for their part in his wrongful conviction.

The culpability of the wider criminal justice system as ‘storied’ by the victims above must be seen within the context of its structural discrimination against the Irish ‘suspect community’. Several victims recall the anti-Irish racism that accompanied police violence and threats during interrogation and later shaped the public discussion of their cases. As Ward (1993: 41) notes, this made ‘scapegoats’ of the Irish and those like her who were sympathetic to them. Annie Maguire, a self-avowed critic of the IRA, points instead towards the culpability of the IRA for creating a climate of heightened fear that allowed Irish people to be wrongfully convicted. Inasmuch as Maguire (1994: 155) ‘sees’ herself as a victim of the state she also ‘sees’ herself as a victim of the IRA – a view shared by her son Patrick (Maguire, 2009: 331) who concludes that without a
backdrop of IRA violence ‘we wouldn’t have been nicked in the first place’. The willingness of the Maguires to blame the IRA reflects the nexus between personal politics and the attribution of blame for harms emanating from political violence (Hearty, 2019). Paddy Armstrong, who by contrast is more sympathetic towards Irish republicanism, affords the IRA greater moral slack. Recalling a prison encounter with the person who planted the Guildford bomb, Armstrong said ‘I don’t blame him. He didn’t get us locked up. In fact, he and the other fellas tried their best to convince the courts that we didn’t do it and that they did’ (Armstrong and Tynan, 2017: 194). Paddy Joe Hill (1995: 161) had a more ‘complex’ attitude. While he was ‘bitter towards the IRA … because if it had not blown up those pubs I would not have been in prison’ he acknowledges that IRA members he encountered in prison offered to help him prove his innocence. However, as is evident from his condemnation of Denning, the IRA’s culpability does not exonerate the state in Hill’s eyes.

**Blameworthy bystanders**

Victims also ‘story’ the varying degrees of blame held by the media, whose role in prejudicing the outcome of trials by stoking up ‘moral panic’ is well-noted (Greer and McLaughlin, 2017: 269). Conlon (1993: 123) argues that the media had decided ‘we were already guilty before we’d even got to the Old Bailey’. Moreover, most journalists, with a few notable exceptions, avoided questioning the convictions because they did not want to invite fellow traveller claims or incur the displeasure of newspaper bosses (Quirk, 2013). Blame, in this case, emanates from action through stirring up ‘moral panic’ and through inaction by subsequently refusing to highlight obvious police wrongdoing.

Yet victims demonstrate considerable understanding for the dilemma faced by jurors. Rather than blaming the jury, Conlon (1993: 129) argues that the judge shirked responsibility on to ‘twelve people who must in the end have been overawed by the police and bamboozled by a lot of big words and court-room mumbo-jumbo’. Paddy Armstrong (Armstrong and Tynan, 2017: 128) tellingly conceded that ‘I know that if it wasn’t me sitting here pleading for my life, if I were a juror listening to those earnest, upstanding members of the police force and then looking over at us, a bunch of dishevelled, drug-taking layabouts, I’d be ready to convict’. Victims also recognise how they were making claims of police misconduct to a society that was almost completely deferential to its police force. Even their own families struggled to take their claims seriously; Patrick Maguire’s (2009: 136) Aunt Teasy ‘didn’t believe it could have happened the way I told it’ and Paddy Joe Hill’s (1995: 102) father ‘simply could not conceive that the police were capable of doing what I told him they had done to me’. Indeed, Hill (1995: 82) admits that he experienced a moment of suspicion when he began to question if the others had in fact planted the bombs before he met them at the train station.

Victims, then, appear to cut jurors, and perhaps even the unquestioning societal onlooker, greater moral slack than they do the media and criminal justice system. A conniving criminal justice system that should, and indeed did, know better, and a compliant media are contrasted with unwitting dupes conditioned by a culture of deference to the police, blinded to better judgement by ‘moral panic’, and conned by the polished performance of the prosecution.
Less generosity, though, is shown towards the inaction of bystanders who knew of the victims’ plight yet opted not to help them out of self-interest, self-perseveration or political expedience. Several of the victims are critical of the Dublin Government’s inaction (Armstrong and Tynan, 2017: 223; Conlon, 1993: 203), while Hill (1991: 233) recalls how his local MP Gerry Fitt ‘chased my mother from his office with a torrent of abuse’ when she initially asked for his support. Paddy Joe Hill (1995: 74) challenges the compli-
city through their silence of all those who were in the police station when the six were being beaten yet chose not to speak out about the abuse they had obviously heard.

Criticism is also levelled at those people who personally knew the victims yet chose to either uncritically accept the things being said about them, rather than challenge these claims, or to completely ignore, rather than highlight, their case. Maguire (2009: 137), for instance, is critical of his boss who told him that he was no longer welcome at work when he was on bail awaiting trial because people would not come into the store if he was seen working there. Blame, as ‘storied’ in these instances, arises from inaction and omission following their conviction rather than from any active role in helping to secure it.

**Insights on blame for TJ**

The ‘storying’ of blame by the victims of wrongful conviction can helpfully inform TJ discourse and practice. Their critically self-reflective understanding of ‘complex’ victimhood exposes the fallacy of trying to frame victimhood in TJ contexts in terms of the blameworthy and the blameless (Girelli, 2017). Although this has been recognised in the more victimologically nuanced TJ literature (Borer, 2003; Drumb, 2016; McEvoy and McConnachie, 2012), it has not always been translated into policy and practice (Hearty, 2018) or acknowledged in societal debate on ‘dealing with the past’ in NI (Jankowitz, 2017, 2018). Flawed dichotomous thinking of ‘blameworthy versus blameless’ has, in the worst cases, rendered TJ processes and mechanisms exclusionary towards certain victims of certain harms (i.e. victims of state violence), mired societal discussion on ‘dealing with the past’ in ‘competitive victimhood’, and prevented common purpose emerging within the wider victim constituency that might be channelled into ‘victim centric’ processes and mechanisms (Hearty, 2018). If victim testimony is to lead to better informed, more ‘victim centric’ TJ policy, practice and discourse, as proponents of the OHA suggest (Bryson, 2016; Hamber and Kelly, 2016; Kinder, 2021), then the nuanced grasp of ‘complex’ victimhood shown by the victims above is a good starting point for such an engagement.

Given that non-recurrence (i.e. the notion that learning from past mistakes can prevent the repetition of those mistakes today) has become a central premise of TJ (Kinder, 2021), victims’ nuanced understanding of blameworthy bystanderism could prove informative in today’s post-9/11 climate. The continued ‘othering’ and moral panic around the ‘new’ Muslim ‘suspect community’ (Nguyen, 2019) suggests that lessons have not been learnt from the wrongful convictions discussed herein. When TJ processes and mechanisms fail to tackle the root causes of exclusion they often produce ‘new’ victims of structural harms (Hearty, 2018). By turning a critical lens towards blameworthy bystanders, the narratives of the wrongfully convicted can not only alert those devising TJ processes and mechanisms to this danger but they can also call out complicity through silence for legitimising, or at least normalising, ongoing exclusion and
discrimination. Society might then realise that structural harm thrives on the ‘sins of omission’ (Arendt, 1971) and adapt its behaviour accordingly.

Conclusion

Just as studying the discourse of victimisers can help TJ scholarship understand the nuances of how blame and victimhood are constructed and contested in post-conflict societies (Hearty, 2019), so too can engaging with the testimony of victims. The life stories of the wrongfully convicted show the willingness and ability of victims to recognise the messiness of victimhood and blame when ‘storying’ their own experiences. Eschewing easily consumable, yet empirically problematic, concepts of blame and victimhood, victims demonstrably grapple with their own culpability, the culpability of fellow ‘complex’ victims, the culpability of bystanders and the culpability of a range of state actors and structures. There is significant potential, then, for a mechanism like the OHA to upscale this more victimologically sophisticated discussion of blame and victimhood that is to be found within the testimony of victims. This would give victims ‘voice’ and reframe them as TJ stakeholders who can contribute to ‘learning lessons’ from the past (Bryson, 2016; Kinder, 2021). The life stories of the wrongfully convicted certainly suggest that victimhood and blame can be discussed in a less politically toxic and more generous way than has been the case to date in NI. Ideally, this could, if tempered correctly, lead to more ‘victim centric’ TJ that is premised on preventing recurrence of past harms rather than reproducing ideological battles over those harms.

Critical criminologists hoping for the (at least formerly) powerless victims of the powerful to finally ‘speak truth to power’ by calling out their victimisers and TJ scholars advocating more ‘victim centric’ TJ will both appreciate victim testimony as a valuable discursive space for victimhood and blame to be ‘storyed’ ‘from below’. Both see common cause in allowing victims to ‘story’ their own experiences, whether that is to stop the ‘theft’ of the victim experience (Christie, 1977) by ‘transitional justice entrepreneurs’ with ulterior agendas (Madlingozi, 2010), to inform the ‘dealing with the past’ process through lived experience (Bryson, 2016), to highlight otherwise invisibilised structural harms (Hearty, 2018), or to challenge how victimisation is framed in official discourse by the complicit state (Naughton, 2007: 5). While this article has tentatively tried to ‘criminologise’ wrongful conviction by critically examining how victimhood and blame are ‘storyed’ by victims, future narrative victimological work might similarly use victims’ life stories, whether contained within memoirs or the OHA, to further ‘speak truth to power’ and demand ‘victim centric’ TJ responses by exploring the subjectivity of how the harm of wrongful conviction is experienced, the gendered nature of and dimensions to the harm, and the long term and lasting consequences of the harm.

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