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WHEN POLITICS AND SOCIAL THEORY CONVERGE: GROUP IDENTIFICATION AND GROUP RIGHTS IN NORTHERN IRELAND

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How we conceptualize ethno-national groups is fundamental to understanding changing ethno-national identification and to political debates about identity-based collective rights. This article examines these issues in Northern Ireland, in the context of the Bill of Rights proposed by the 1998 Good Friday Agreement. Rejecting Brubaker's arguments that ethno-national groups are not "real," this article argues that what matters in Northern Ireland is not to weaken ethnic groups and their boundaries, but to change the meaning of identification.

It is plausible to suggest that changes in ethno-national identification, such as those we are discussing in this collection of papers, are bound up with changes to group boundaries and/or to what it means to belong to the group(s) in question. Much of that plausibility rests on a presumption that human groups—in this context, ethnic or national groups—are real. Recently, however, this presumption has been challenged, from two directions. Ontologically, there is skepticism about whether groups can be said to exist in any substantial or “real” sense. Politically, this inspires a further question, about whether groups can sensibly be accorded rights.

In this article I will explore these questions as they have come together during recent disagreements about a proposed Bill of Rights in Northern Ireland. The Bill of Rights is a key part of the portfolio of proposals outlined in the All-Party Agreement signed in Belfast in 1998. Popularly known as the Good Friday Agreement, this was acclaimed as a watershed in the Northern Ireland conflict, reorienting local politics away from violence and intransigent sectional confrontation towards a negotiated

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settlement. It marked the beginning of the second phase of the “peace process” that began with the Anglo-Irish Agreement, signed in 1985 at Hillsborough.

Groups and Group Rights

To begin with ontology, the issue at stake here is a big one. It is nothing less, in fact, than the nature of human collectivity or collectivities. At its most general, this is “the matter of society”: what is the more-than-the-sum-of-the-individual-parts that is such an important, defining aspect of human experience? In recent social theory this venerable question—which goes back, through Hobbes, to the Greeks—has, over several decades now, been bogged down within an inconclusive debate about “structuration,” focusing on the relationship between the individual and society.¹ However, a more productive debate has focused on the question of whether *ethnic* groups really exist, and, if they do, what their nature might be.² It is on this latter issue that I am going to concentrate here.

One does not have to look too far to see that the notion of “the group” is fundamental to the social sciences, particularly social anthropology, social psychology and sociology. Many of those working in these fields tend, however, to take the notion somewhat for granted, as part of the conceptual furniture. Not everyone does, however. Among the most consistent recent critics of the concept of “the group,” and of the *ethnic* group in particular, is the American sociologist Rogers Brubaker.

Taking his inspiration from an analytical tradition that conceptualizes ethnic groups not as definite, hard-edged entities, but rather as somewhat fuzzy or fluid, in that their boundaries and membership are changeable and uncertain, Brubaker insists that ethnic groups, as he believes they are most generally understood within social science and elsewhere—as definitely bounded, internally more or less homogenous, and clearly differentiated from other groups of the same basic kind—don’t actually exist. They are not, in fact, real. It is a shared sense or image of “groupness” that is real; the participants in ethnic conflicts such as the Northern Irish troubles are thus actually individuals and organizations, not ethnic groups.³ Ethnicity, for Brubaker, is a point of view of individuals, a way of being in the world. Employing similar logic,

Brubaker further argues that identity more generally is not real, either, in the sense that it is not a “thing” that people can be said to have or to be.⁴ Instead we should talk about ongoing and open-ended processes of identification. By this logic, identity does not impel people to do anything; it is, rather, people who engage in identification.

Up to a point, Brubaker is right, in both respects. It is certainly true, for example, that whatever reality can be attributed to groups depends on people thinking that groups exist and that they belong to them. It is also certainly true that identity depends on processes of identification and does not determine, in any mechanistic or causal sense, what individuals do. What individuals do is a complicated outcome of conscious decision-making, habit, emotion, health and well-being, access to resources, knowledge and world-views, the impact on them of what others do, and probably several other factors besides. Neither group membership nor identity can be said to determine anything.

But Brubaker is right only up to a point. For example, in contrast to the definition of groups that he presents as wrong-headed, conventional social science wisdom—that is, as clearly demarcated and bounded, homogenous collectivities—another, more minimal definition says simply that a group is a human collectivity the members of which recognize its existence and their membership of it. There are no implications of homogeneity, definite boundaries, or, crucially, co-ordination of collective action. This is the definition that I use in my work,⁵ and it commands considerable support across a broad social science spectrum, from sociological interactionism to postmodernism to much social psychology (and, as suggested earlier, it is the tradition which inspires Brubaker’s critique). Viewed from this perspective, the distinction that Brubaker draws between apparently non-existent groups and real “groupness” does not make much sense: groups are constituted in and by their “groupness.”

In a hard-nosed, almost puritanical search for unambiguous analytical categories—which, in his search for the *really* “real,” have more than a whiff of both materialism and positivism about them—Brubaker’s is an interesting example of a broadly sensible argument that, driven to a logical extremity, ends up somewhere less sensible. One of the reasons that it is not sensible is that, in the best traditions of positivism, Brubaker is attempting to impose

order on a human world that is not a straightforward place, in which fuzziness, ambiguity and paradox are part of the quotidian patterns of life. While social scientists—and, since we are talking later about group rights, lawyers too—must strive for maximum conceptual clarity, our concepts must also be grounded in the observable realities of the human stuff with which we deal. If we attempt to impose concepts that are too straight-edged on this messy reality we risk divorcing ourselves from it, and, in Bourdieu's words, substituting the "reality of the model" for a "model of reality."⁶ Like many modern social theorists, we will end up talking largely about, and largely to, ourselves, rather than engaging with the complexities of the human world.

Brubaker's work is particularly relevant here because it offers us a bridge connecting ontology and social theory to debates about group rights and, more specifically, to the political difficulties surrounding the development of a Bill of Rights for Northern Ireland. Whether or not group rights—specifically the right to "guaranteed parity of esteem for the two communities"—should be recognized in a Bill of Rights for Northern Ireland has been one of the stumbling blocks during the, apparently now-stalled, Good Friday process.⁷ Visiting Belfast, Brubaker has contributed to recent Northern Irish debates about group rights,⁸ arguing that when social scientists and others talk about groups and identities as if they were definite realities they contribute to and strengthen the everyday commonsensical tendency to reify "groupness" and "identification." Viewed from this perspective, recognizing group rights in law can only offer succor and argumentative ammunition to those individuals and organizations with sectarian, economic, and other interests in the continuation of the conflict. In other words, the very instrument designed to promote equity and advance the cause of conflict resolution can, in fact, institutionalize ethnic divisions and antagonism.

His views chime well with those of a range of Northern Irish commentators.⁹ Among the key issues have been the need to preserve the right of individuals to disavow communal group membership and identity—effectively to refuse to be one considered thing or the other—and the overshadowing of other groups and constituencies to whom legal protection and rights might also be due by the Agreement's emphasis on the Unionist/Protestant and Nationalist/Catholic "communities." Opposing these views,

other persistent voices—mainly, but not entirely, representing nationalist points of view—insist that parity of esteem is vital to the success and progress of the process initiated by the Good Friday Agreement. They argue that it is enshrined within the Agreement, and can only be encouraged and defended by a robust Bill of Rights that recognizes and promotes the right of the two main groups in Northern Ireland to be represented and heard.¹⁰

Approaching these Problems

It is not often that social theory and the messy business of politics converge, let alone as pointedly as they do here. It is, in fact, a tribute to the degree to which nearly 40 years of the present Troubles—and I say “present” because it is too early to say that they are over—have created a local political space in which physical force, sectarian ethnic rhetoric and intellectual sophistication eye each other up uneasily across their respective barricades. Without wishing to claim sophistication, I want to sketch out a few foundational sociological presumptions that inform the argument which follows.¹¹

The most basic of these is what I call “everyday realism.” In contrast to post-modern arguments that we cannot know the reality of the human world, and that all we can do is offer competing representations of it for which we can claim no authority, I believe firmly that there are observable realities “out there”; that systematic inquiry, disciplined by theory, offers us the possibility of collecting evidence about those realities; and that we can then, on the basis of our evidence, justify as more or less plausible what we have found out about what is going on. Without such an approach, or something close, it is hard to understand why we should do social research, or why politics should matter.

Talking about reality brings me to the social construction of reality, to quote Berger and Luckmann, or the construction of social reality if you prefer Searle’s formulation.¹² My basic argument here can be summed up in an expression of my own coining: the fact that something is imagined does not mean that it is necessarily imaginary.¹³ Although identification and collectivities are social and cultural constructs, products of their specific time and place, and therefore definitively products of the human imagination—they are certainly not God-given or

“natural”—they are in important senses very real. People act in terms of their shared imaginings and they therefore have extensive consequences.¹⁴ People are socialized into them and know them as the way the world is organized, by themselves and by others. People reject them and intervene to change how the world is organized. In all of these respects, they are manifest in material, tangible realities. For example, despite many subsequent misinterpretations by others, when Benedict Anderson famously described nation-states as “imagined communities” he did not mean that they lacked substantial reality.¹⁵

Which leads me on to the significance of identity. The point has to be made—although with respect to Northern Ireland it might seem completely obvious—that identity matters. Why should I feel the need to be explicit about this? Basically, because the question, “Does identity matter?” has been asked and skeptical answers returned. Leaving aside Brubaker’s argument that we should be talking about “identification” rather than “identity,” there is a school of thought that argues that it is the pursuit of interests, material or otherwise, that *really* matters, not identity.¹⁶ To which one has to reply that it is not clear how identification and interests can easily be separated. How I identify myself has a bearing on how I define my interests. How other people identify me has a bearing on how they define my interests, and, indeed, their own interests. My pursuit of particular interests might cause me to be identified in this way or that, and so on. None of which is to deny that individuals may pursue interests that appear to run counter to their public identity, or that there are individual interests, for example, which may not be bound up with collective identification. Beyond insisting that interest and identification are intrinsically bound up with each other, none of this is predictable in the theoretical abstract. Although identification cannot be dismissed as merely rhetorical froth—it is consequential and it certainly matters—*how* interests and identification interact, and how much and in which ways identity matters, are local matters that must be discovered empirically.

Apropos identification and how it works, four things need to be said.¹⁷ The first is to reiterate that identification *is* a process, which requires constant attention; identity is not a fixed attribute of persons. Change is always, at least in principle, a real possibility. Second, identification is a matter of similarity and

difference: who we believe we are like, and who we believe we are unlike. For every “me” or “us,” there is a “him” or “her” or a “them”; you cannot have one without the other. While the last decade or more has seen an emphasis on difference, in both politics and social science, this alone is not enough if we want to understand what is going on. Collective identification with others—community and belonging, for want of better words—is as significant as differentiation. Third, identification is a matter of the relationship between internal self-definition and external categorization: how I see myself and how others see me, how we define ourselves and how others define us. Identification is about the interaction between these two processes: it is never unilateral. Whose definition counts most varies from context to context and is, at least in part, a matter of power and authority. Fourth, in all the respects that I have just outlined individual and collective processes of identification seem to work in rather similar ways, each depending on the relationship between similarities and differences and on interactions between internal and external identification. This is not to say that they are the same, or that individuals and collectivities are the same—they’re clearly not—but they are not, perhaps, as utterly different as is sometimes assumed.

Which leaves me one final thing to say in clearing the conceptual ground. It concerns my choice of significant words. I see Northern Ireland as a society organized into two main *ethnic* blocs. This is a matter of perceived similarities and differences that structure a great deal of everyday life, which are meaningful collectively and individually, which are historically specific, which have not always been the same as they are today, and are thus in important respects open to change. Nationalism and sectarianism are ethnic ideologies,¹⁸ forged and tempered in the fires of local history, and only understandable in that context, but neither unbreakable nor impossible to decommission.

Groups?

To return to Brubaker, his argument seems to be underpinned by a well-worn proposition that the collective-stuff-of-human-life is not a substantial reality and does not have the same ontological status as individuals. It is a different kind of entity altogether,

if indeed it can be said to exist in that sense at all. Human individuals are actual beings; groups, for example, are not. They cannot behave, and they do not have a definite, bounded material existence in time and space. The individuals that constitute supposed groups—their members—can be said to exhibit those attributes, but not the groups themselves. As Craig Calhoun has recently observed, this is a social theoretical version of Margaret Thatcher's oft-quoted observation that there is no such thing as society, other than "you and me and our next-door-neighbour and everyone we know in our town."¹⁹

It is important to recognize that this position is not stupid: it has some foundation in experience. Groups and other collectivities are, indeed, more elusive than individuals. If I was to ask the participants in any meeting to count the people present, they would, assuming a system of counting in common, come up with the same total. This is because it is *possible* to arrive at an authoritative figure. There is a clear observable reality: individuals are embodied and plain to see. For groups or other collectivities the question wouldn't make the same kind of sense (or indeed any sense at all). Collectivities are difficult to "see." They are not merely arithmetical aggregates: what constitutes and defines them is more than merely the fact of their members, even if those members could all be gathered in one place. What is more, although individuals cannot be in two or more places at once, collectivities can appear simultaneously in different places.

Organizations—which can be formal or informal, extending in size and complexity from a regular pub quiz team to a multinational corporation or a nation-state—are perhaps the most obvious or substantial groups. But even here, the matter is not clear-cut. In addition to their members (and who counts as a member may not always be obvious), organizations are constituted in implicit behavioral norms and customs, in explicit rules and procedures, in criteria for recruitment, in divisions of labor, in hierarchies of control and authority, and in shared objectives. None of these things are necessary visible at any given moment, let alone all at the same time. What is more, organizations may persist despite membership turnover. People come and go, but the organization can continue. There is more to an organization than its members. The same is true for any group or collectivity: there is, at least, a sensible issue to be addressed with respect to the

ontological status, the *reality*, of groups and other collectivities.²⁰ There is a question to be asked, and its answer is not self-evident. It is not enough simply to assert that groups are real.

Brubaker is also saying that it is the popular belief in the existence of ethnic groups that is the pressing contemporary problem. In a world of ethno-political entrepreneurs and organizations, what he calls “groupness” is problematic because it constrains the landscape of options, providing foci of identification which transcend and disguise the pursuit of base interests and to which emotional loyalty can legitimately be demanded. Groups are, from his point of view—and here I’m aware that I’m putting words into his mouth—a little like deities or Martians, and in rational modernity we do not treat supernatural beings or space aliens as empirically real. We particularly don’t treat them as analytical or legal categories. Once again, although Brubaker is partly right he is wrong, too: groups are not the same as supernatural beings or aliens. As I will explore below, groups are experientially real in everyday life. Whereas agnosticism may be a sensible move until confronted on the road to Damascus, or during a close encounter, groups are routinely visible in the here-and-now.

In this respect, the appropriate empirical questions are: why do people believe in groups, and believe that they themselves and others belong to groups? Because there is no doubt that humans do seem to believe in these things. For example, the evidence is that most people in Northern Irish see their local world as divided into two “groups,” called Catholics/Nationalists and Protestants/Unionists, and that they identify themselves accordingly. The fact that, when asked during social surveys, significant numbers of Northern Irish people do not identify themselves as one or the other²¹ does not mean that they dissent from the basic local classificatory scheme. They may, of course, and such dissent would suggest a significant change in the boundaries and meanings of ethno-national identification in Northern Ireland. However, there are many other possible reasons for their answers—from the nature of the questions asked, to fear or discomfort rooted in a recognition of the powerful reality of the two “groups”—and we shouldn’t presume what their reasons are. On this point we simply do not have the evidence.

So, why do people believe in groups, and in ethnic or national groups in particular? The first reason is that in everyday life we

live in a world of observable, very real—even if modest—groups. Small informal groups are an aspect of local reality for each of us. Whether we are talking about families, local peer groups, or friendship circles, our own experience tells us that groups are real. Formal organizations are also groups, let's remember, albeit constituted and organized according to more explicit and fixed rules, protocols, criteria and procedures. So whether informal or formal, whether more or less organized, groups look and feel real enough. They are, actually, anything but elusive. We all belong to some groups.

Small local groups are embedded within, and help to constitute, larger groups. With respect to ethnicity, families, peer groups and friendship circles are regularly identified along ethnic lines in Northern Ireland. Similarly, small-scale formal organizations are deeply implicated in the everyday construction of ethnic division: sports clubs, religious congregations, local paramilitary units, schools, lodges, bands, political party branches—these are all significant. The dominant bi-partisan ethnic divide in Northern Ireland is produced and reproduced daily in the local presence and activities of small-scale organizations. In local everyday experience, there is a three-dimensional experiential materiality to ethnic groups. They can be grasped and “seen” without having to make any effort of the imagination. They are, in other words, “real.” Small wonder, therefore, that people should believe in their existence.

It is not just a matter of small groups, either. Increased size does not seem to be a barrier to the social reality of groups. In the first place, there is no necessary reason why all the members of any particular group should be capable of assembling in one place, for example, or should know every other member of the group. This is manifestly true for large organizations and there's no reason why it shouldn't hold for groups of any kind: for example, that the British Army or the Provisional IRA or the Democratic Unionist Party never assemble all of their members in one place does not mean that they aren't real groups. Large collectivities may combine being very abstract indeed to their members with local representation or presence that is significant, observable and immediate. In everyday life this is exactly the situation of the two ethnicities in Northern Ireland.

In the second place, the absence of formal co-ordination or collective decision-making across a large ethnic population—the fact that there is no central committee, and the group may be internally divided in various respects—does not necessarily threaten its status as a “real” group. Even small groups can be uncoordinated, leaderless, fractious or amorphous. Families are often good examples of this (and nonetheless “real”). To reiterate an earlier point, the minimal reality of a group is that its members know that it exists and that they belong to it (and what counts as belonging can take many forms).

So, returning again to Brubaker, it may only be the tight definition of groups that he uses as an argumentative foil—as definitely bounded, internally more or less homogenous, and clearly differentiated from other groups of the same basic kind—which allows him to reject their “real” existence. In Northern Ireland, the two ethnic groups are famously not internally homogeneous, have a good deal of life-style and “culture” in common, and the boundary between them can be crossed (although generally not without discomfort). But the members of each know that it, and the Other, exists, and they acknowledge their membership. Judged against the observable realities of the human world, the image of the group against which Brubaker is tilting begins to look more and more like a windmill.²²

Definitions aside, there is another issue to be considered: categorization. People categorize others, all the time and as a matter of course, as members of groups. This is the external aspect of the process of identification. One of the most important forms of categorization in Northern Ireland is the more or less sophisticated everyday skill of working out who’s who, and what’s what, on encountering strangers of unknown ethnic affiliation.²³ “Telling” is a very good example of the routine visibility of the two dominant groups in Northern Irish everyday life, and it can be very consequential, across a spectrum from discrimination in employment to random assassination. It can also make a positive contribution to harmonious everyday interaction, in that knowing who’s who can prevent one from taking the wrong things for granted or giving offence unintentionally.

Allowing for sensible caution in extrapolating from experimental evidence, the “minimal group experiments” of

psychologist Henri Tajfel and his students and followers,²⁴ are also relevant here. Arbitrary allocation to one of two competitive groups in the laboratory appeared to be enough to produce discriminatory behavior towards members of the other group. It was simply enough for a participant to be told that s/he was in Group A or Group B. One interpretation of this is that group identification is a generic human process—an aspect of human nature—and powerfully consequential at that (and, of course, the most superficial consideration of human history might lead one to the same conclusion). Tajfel's experiments sit alongside a great deal of other evidence to suggest that belonging and exclusion, similarity and difference, are complementary sides of the same coin—group identification—which may be fundamental in the human behavioral repertoire.

What I have written so far amounts to an argument that groups as I have defined them are “real.” They are certainly real enough for all practical purposes, including social research and analysis. Although they are products of the human imagination—social constructions—they are absolutely not imaginary. Ordinary everyday life is either a direct experience of small groups or an indirect experience of various manifestations of larger groups. The distinction between groups and what Brubaker calls “groupness” is, on closer examination, an illusion, and not helpful in helping us to understand the local realities of Northern Ireland (or anywhere else for that matter).

Group Rights?

The reality of groups—if we accept that premise—does not necessitate that groups have rights, or *should* have rights, any more than the existence of human individuals is *in itself* an argument for human rights. Rights are neither natural nor self-evident, nor did they come down from a mountain on tablets of stone. No less than groups, rights are social constructions, the product of specific histories and political processes. We can decide to have them or not (although, as with anything else, once the genie is out of the bottle it becomes more difficult to resist or ignore them). So there is, in principle, nothing to stop us recognizing group rights, such as the right to parity of esteem for the two major ethnic groups, or

writing them into a Bill of Rights for Northern Ireland. The issue is whether we *should*. In Northern Ireland, with specific respect to parity of esteem—there are some, at least reasonable, arguments for suggesting that we should.

The first of these is that group rights are written into, or at least strongly implied by, the Good Friday Agreement: this particular genie is already out of the bottle. Regardless of the Agreement's slow transformation into political realities, reneging on one of its foundational propositions would be of considerable political significance, and might leave the door open for the Agreement's piecemeal dismemberment. Second, rhetorical parity of esteem would be a powerful public acknowledgement of the legitimacy of *both* major local political traditions, Unionism and Nationalism. Given local history, and decades of grievance, this has much to be said for it. The argument becomes even stronger if esteem for one constituency is seen to depend on esteem for the other.

These arguments aside, we should ask what the fine-grained practical consequences of such a clause in a prospective Bill of Rights might be. It is difficult to imagine how the sky might fall in. Quotas and a degree of positive discrimination are, in principle at least, already with us, in the Northern Ireland Police Service, for example. There are also measures to ensure proportionality in any division of governmental spoils and to promote minority languages and culture. In these respects it is not clear what major difference a "parity of esteem" clause might make. In fact, one objection to such a clause is that it would be empty rhetoric that might bring the Bill of Rights into disrepute. The whole notion of parity of esteem is fuzzy rather than precise—indeed defining it in practical and enforceable terms is likely to prove frustrating if not actually impossible—but politics is often a matter of symbolic statements, and sometimes even apparently vacuous rhetoric may have its uses. Public acknowledgement of each side's political and cultural legitimacy, embodied in a parity of esteem clause, is at least as likely to do good as do harm.

Finally, given that ethnic discrimination is already proscribed in fair employment law—other than in politically strategic cases such as the Police Service—group rights of a fairly substantial sort arguably already exist. Members of this or that ethnic group are, in principle at least, protected from disadvantageous

discrimination as a result of their ethnic identification. While legal protection necessarily applies to individuals, the “profiling” that is so central to the 1989 Revised Fair Employment Act (Northern Ireland) depends on collective population data,²⁵ and the right to freedom from ethnic discrimination looks suspiciously like a group right inasmuch as its intention is to produce collective consequences over time.

On the other side of the balance sheet, what of the non-sectarian arguments *against* enshrining parity of esteem for Catholics and Protestants in a Bill of Rights? The exclusion of other groups or constituencies from any parity of esteem clause—or other propositions about group rights—appears to be a powerful criticism. But is it really? At this point, we have to ask ourselves what is the pre-eminent, immediate problem in Northern Ireland? What is the major issue that a Bill of Rights—and indeed the whole peace process—is intended to address? The answer is unambiguous: it is ethnic violence, combined with a historical and contemporary experience of ethnic inequality, that matters most, and the long-standing absence of parity of esteem for the two main ethnic groups involved—an imbalance in their political legitimacy that defines relationships across this particular ethnic boundary—is at the heart of the matter. Prioritizing this problem is a matter of politics, and choosing to do so is at least defensible. Once we accept this priority, there is nothing to prevent rights for women, for disabled people, for members of other ethnic groups, for members of religious communities, or for those with minority sexual orientations, being promoted and guaranteed, either in a Bill of Rights or in other ways and contexts. There is no necessary contradiction between public bi-partisan parity of esteem and legal protection for everybody.

Moving on to the need to protect those who wish not to identify themselves with one or other of the main ethnic groups, I find it hard to understand how parity of esteem of the kind that we’re talking about, written into a Bill of Rights, would actually damage them. To what kinds of discrimination or disadvantage might they be subject? For example, is an agnostic, or a Muslim, or a democratic non-sectarian socialist who feels unable to tick either box likely to be refused a job in the Northern Ireland Police Service on the grounds that he or she is neither Catholic nor Protestant? That is not clear or obvious. Nor is it clear why

individual freedom of conscience could not be written into a Bill of Rights. This is a matter of drafting rather than principle.

Finally, there is the argument that to enshrine parity of esteem for Catholics and Protestants in a Bill of Rights will increase local “groupness,” and reify these ethnic groups—harden up their boundaries—in a way that can only contribute to the continuation of conflict and militate against its resolution. On the face of it, this point of view has considerable merit, but, on balance, I’d want to reject it too, albeit with reservations. Why reject it? Largely because the two groups have a long-settled existence as everyday realities in Northern Ireland, an existence that does not depend on how they are represented in academic analyses or the law. The local organized parties to the conflict have always depended on widespread tacit support throughout their respective “home” ethnic groups, as was particularly clear during episodes such as the 1974 UWC strike or the Republican hunger strikes. This cuts both ways, too, in that the turn away from violence that arguably began in earnest with the 1985 Hillsborough Anglo-Irish Agreement has only been possible because of the gradual withdrawal or qualification of this kind of group solidarity and support. The current “Troubles” has never been a conflict fought by small, wayward, violent minorities: large groups have always, in some sense, been involved.

What is more, a high degree of “groupness”—in Brubaker’s terms—is not necessary for communal violence to begin or to continue. That Catholics and Protestants have always been groups with osmotic boundaries, significant internal divisions and much in common with each other has never prevented conflict. The Northern Ireland problem is not caused by, and historically hasn’t been caused by, the existence of two ethnic groups. The existence of the two groups is, rather, an emergent product of a shared history of colonialism, settlement and expropriation.²⁶ So is the antagonism between them.

All of which suggests that a parity of esteem clause in a Bill of Rights, or an article here and there in learned journals, is unlikely to reinforce the collective local substance and reality of Catholics and Protestants as ethnic groups, or thus further encourage the conflict. Call them what you will—groups, communities, constituencies: in an important sense it does not matter—Catholics and Protestants exist in Northern Ireland. Sufficient numbers of

them appear to agree with each other about the fact of their collective identity, how they see the world, their place in it at this point in time, and what they wish to happen—or not to happen, perhaps even more to the point—that any plausible way forward has to accept their existence as observable collective realities. We cannot simply define or wish them away.

Which brings me to the reservations that I have about this issue. They stem from the fact that some people—politicians, paramilitary leaders, and religious leaders, in particular—are quick to claim for themselves the privileged position of speaking for their “community.” They may on occasions be right to do so: the fluctuating tacit relationship between broad swathes of the two ethnic groups and their militant politicians and violent activists should not be underestimated. But neither should we underestimate the damage that can be done, in the political long-term and in everyday experience, by playing the communal card, or the cynical bad faith to which flag-waving appeals for legitimacy lend themselves. And we should always remember the enormous diversity of opinion that shelters under the symbolic umbrella that constitutes collective belonging:²⁷ the boundary contours may stay roughly the same, but the content of group affiliation may be changing all the time.

Bearing these considerations in mind, it seems obvious that parity of esteem enshrined in a Bill of Rights will provide legal and rhetorical resources for those for whom a managed move away from ethnic conflict is not a desirable end in itself. It requires no imagination at all, for example, to see the uses to which such a clause could be put with respect to parades and marches and the public display of flags and symbols, all of which are dangerously confrontational. This view is essentially a variation on Ruane’s Reading II of the Good Friday Agreement,²⁸ and it says more about conflicting political goals, and conflicting views about what a Bill of Rights is for, than about the parity of esteem clause in itself. It is a matter of interests, and their close mutual entailment in identification. If all parties to the conflict agreed about the name of the current game, and shared some minimal aspirations, then there might not be an issue here. But, of course, they don’t. Deeply antagonistic and mutually exclusive political programs—the preservation of the union with Britain, versus a 32 county Ireland—have not been abandoned. Proponents of

each are likely to see a Bill of Rights—and indeed the whole Good Friday framework—as a means to their particular ends, rather than a worthwhile end in itself in the short term and a vehicle for achieving a peaceful transition to a new local political accommodation in the longer term.

The absence or presence of a parity of esteem clause is unlikely to do anything to change this underlying problem. What this adds up to is that evaluating the Bill of Rights, and parity of esteem, depends more on political than legal considerations (if, indeed, politics and the law can be divorced). As with all political matters, there are potential costs as well as potential benefits. Balancing the arguments so far, the political case in favor of such a clause in a Bill of Rights for Northern Ireland seems to me to be more powerful than the case against. The case is not certain or absolute, but we don't live in a world of certainties or absolutes; in fact, it is powerful local imaginings of such a world—a world of sharp lines, rectitude and eternal verities—that we should be attempting to transcend.

Towards a Politics of Acknowledgement

Having come this far, it might be thought that, in supporting parity of esteem and group rights, I have been quietly assembling an argument for a consociational solution to the North's problems, along lines suggested by commentators such as Brendan O'Leary.²⁹ Summarized briefly, consociational approaches to ethnic conflict resolution involve governmental coalition, proportionality in public sector representation and employment, communal autonomy in matters that concern one community only, and a minority veto. Living together becomes dependent on an institutionalized degree of living apart. As embodied in strategic employment quotas, governmental proportionality, and the protection of minority culture, a degree of creeping consociationalism is already part of the Northern Irish political landscape.

I am not, however, arguing for a consociational solution; I don't, in fact, believe that such an approach offers Northern Ireland much hope. It won't nurture the gradual development of non-sectarian civil society in Northern Ireland. It won't encourage people—whether they identify themselves as Catholics, Protestants or something else—to engage in non-sectarian

politics. It won't offer incentives to abandon Ruritanian pork-barrel politics for an engagement with wider issues. It won't foster the eventual emergence of new ways to be Catholic or Protestant, new modalities of local group identification. And, in probably inhibiting the emergence of new local "Irish" identifications, it won't speak to the long-term future of the *whole* island, within the European Union.

It is, therefore, fortunate that proposals to promote parity of esteem don't necessarily *demand* a consociational interpretation. Another, quite different, reading of parity of esteem leads, instead, towards the acknowledgement of past grievances, of changed political realities, and of historical and contemporary responsibilities. Focusing on mutual acknowledgement—what Charles Taylor or Axel Honneth, each in their different way, might call recognition³⁰—this interpretation suggests that there is much to play for in including parity of esteem for Catholics and Protestants in a Bill of Rights, and much to be jeopardized if we don't. Although it will actually only be aspirational, and a small step towards long-term conflict resolution in Northern Ireland, it will, nonetheless, be symbolically significant. And symbols matter. Although not sufficient in itself, the politics of acknowledgement and recognition are vital to any long-term transformation of Northern Ireland. Given that local fault-lines of identification have "hardened up" over many years, this approach does not attempt, almost certainly in vain, to undermine or replace existing categories; rather, it aspires gradually to change their meaning, and the relationships between them. Acknowledgement, in this sense, is about how each side categorizes the Other and identifies themselves.

Other acknowledgements could—and should—also be made. For example, to draw one last time on Brubaker, it is obvious that the immediate parties to the conflict are individuals and organizations. What is less obvious, and controversial, is *which* organizations. This matters. In particular, some acknowledgement by all major corporate players—not least the governments of the United Kingdom and the Republic of Ireland—of their share of the cumulative responsibility for generations of injury and death, of loss, of hurt, of potential stifled, of home denied, of mediocre public services, and the underdevelopment of civil society, might be a good place to start. Where responsibility exists let it at

least be acknowledged. The governments concerned, rather than positioning themselves simply as honest brokers, could usefully offer a lead in this and an example. Truth commissions may not be the answer, but some attempt to tell the truth might help.

What is more, as already suggested, the problem in Northern Ireland is not actually the existence of Brubaker's "groupness." It is not even, necessarily, conflict itself. All societies have conflict. In the first instance, the problem in Northern Ireland is conflict pursued with lethal weaponry and a preparedness to use it. Unlike nearly everywhere else in Western Europe, the state in Northern Ireland has never managed to achieve a monopoly of violence. Put another way, violence was never removed from the public sphere and from politics in particular.³¹ Quite the reverse in fact: the internal government of the Northern Ireland state between 1921 and 1972 depended on violence. Part of the political responsibility for that lies, both historically and more immediately, with the United Kingdom state. This is something else that requires honest acknowledgement.

To return to the Bill of Rights, whatever happens will probably take a long time. In fact, the *very* long term is increasingly what we should be looking to if we are hoping for a positive, settled outcome that transcends the current stalemate. Ethno-national identification does change, but not overnight. Despite the Good Friday Agreement and a degree of decommissioning the conflict is not over, and the Bill of Rights, and the process of its negotiation, is at the moment part of that conflict. It was always going to provide a new context within which old sides would be taken, so we shouldn't be surprised or dismayed by the present situation. What matters is not to redraw the sides, but rather to change what it means to be on one side or the other.

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Notes

1. John Parker, *Structuration* (Buckingham: Open University Press, 2000).
2. Fredrik Barth (ed.), *Ethnic Groups and Boundaries* (Oslo: Universitetsforlaget, 1969); and Siniša Malešević and Mark Haugaard (eds.) *Making Sense of Collectivity* (London: Pluto, 2002).
3. Rogers Brubaker, "Ethnicity without Groups," *Archives Européennes de Sociologie*, Vol. 43 (2002), pp. 163–89; Rogers Brubaker, Mara Loveman, and Peter Stamatov, "Ethnicity as Cognition," *Theory and Society*, Vol. 33, No. 1 (2004), pp. 1–34.
4. Rogers Brubaker, "Beyond "Identity,"" *Theory and Society*, Vol. 29, No. 1 (2000), pp. 1–47.
5. Richard Jenkins, *Rethinking Ethnicity* (London: Sage, 1997); Richard Jenkins, *Social Identity*, 2nd ed. (London: Routledge, 2004).
6. Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977), p. 29.
7. Northern Ireland Human Rights Commission, *Progressing a Bill of Rights for Northern Ireland: An Update* (Belfast: NIHRC, 2004), pp. 8, 10, 29–34.
8. Robin Wilson, "Am I me or am I one of them? Who has rights: groups or people?," *Fortnight*, May 2003, p. 11.
9. In addition to Wilson, "Am I me or . . .," see: Andrew Finlay, "Beware of Communal Rights," *Fortnight*, November 2003, p. 9.
10. The resignation of members of the Human Rights Commission seems to have reflected this view. See also: Colin Harvey, "Stick to the terms of the agreement," *Fortnight*, July/August 2003, p. 9.
11. These are explored in appropriate detail in Richard Jenkins, *Foundations of Sociology* (Basingstoke: Palgrave Macmillan, 2002).
12. Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality* (London: Allen Lane, 1966); John R. Searle, *The Construction of Social Reality* (London: Allen Lane, 1995).
13. In Jenkins, *Social Identity*.
14. This is commonly known as the "Thomas theorem," after the Chicago sociologist, W. I. Thomas. See: Abram de Swaan, *Human Societies* (Cambridge: Polity, 2001), pp. 30–31.
15. Benedict Anderson, *Imagined Communities* (London: Verso, 1983).
16. For example: Jonah Goldstein and Jeremy Rayner, "The Politics of Identity in Late Modern Society," *Theory and Society*, Vol. 23, No. 3 (1994), pp. 367–84.
17. See Jenkins, *Social Identity*, for a detailed discussion of these points.
18. On ideologies of ethnicity, see Jenkins, *Rethinking Ethnicity*, pp. 74–87.
19. See Craig Calhoun, "'Belonging' in the Cosmopolitan Imaginary," *Ethnicities*, Vol. 3, No. 4 (2003), p. 536. Calhoun's article triggered a debate with Brubaker in the same issue of *Ethnicities*: Rogers Brubaker, "Neither Individualism nor 'Groupism': A Reply to Craig Calhoun," *Ethnicities*, Vol. 3, No. 4 (2003), pp. 553–7, and Calhoun, "The Variability of Belonging: A Reply to Rogers Brubaker" *Ethnicities*, Vol. 3, No. 4 (2003), pp. 558–68. Calhoun's critique, which is actually a comment on cosmopolitan liberalism

- more generally, broaches one issue that I do not discuss here: that for many disadvantaged people collective solidarities are imperatives, not luxuries of choice. Although we approach it from different directions, Calhoun's concern, and mine, is the inadequacy of the theorization of "social solidarities" (his expression) or "human collectivities" (mine). Brubaker shares this dissatisfaction, but ends up in a different place.
20. See Richard Jenkins, "Different Societies? Different Cultures? What *are* Human Collectivities?," in Siniša Malešević and Mark Haugaard (eds.) *Making Sense of Collectivity* (London: Pluto, 2002).
 21. For example, in the 2004 Northern Ireland Life and Times Survey, 12 per cent of respondents described themselves as having "no religion" (<http://www.ark.ac.uk/nilt/2004/Background/RELIGION.html>), although only 3 per cent described themselves as not having been brought up in any religion at all (<http://www.ark.ac.uk/nilt/2004/Background/FAMRELIG.html>). Perhaps more tellingly, 37 per cent described themselves as being neither "Unionist" nor "Nationalist" (http://www.ark.ac.uk/nilt/2004/Political_Attitudes/UNINATID.html).
 22. Calhoun criticizes liberal cosmopolitan critiques of communitarian positions in similar terms: "'Belonging' in the Cosmopolitan Imaginary," p. 542.
 23. "Telling" is a long-established interactional institution in Northern Ireland. Accounts range from Harris's study of a rural community in the early 1950s (Rosemary Harris, *Prejudice and Tolerance in Ulster*, Manchester: Manchester University Press, 1972, p. 148), to a recent ethnography of children in Belfast (Donna M. Lanclos, *At Play in Belfast*, New Brunswick, N.J.: Rutgers University Press, 2003, pp. 127–9, 146–7).
 24. Henri Tajfel, "Experiments in Intergroup Discrimination," *Scientific American*, No. 223 (1970), pp. 96–103; Henri Tajfel et al., "Social Categorization and Intergroup Behaviour," *European Journal of Social Psychology*, Vol. 5 (1971), pp. 245–53.
 25. Robert D. Osborne and Ian Shuttleworth, "Fair Employment in Northern Ireland," in Robert Osborne and Ian Shuttleworth (eds.), *Fair Employment in Northern Ireland: A Generation On* (Belfast: Blackstaff Press, 2004).
 26. This argument is made in appropriate detail in Jenkins, *Rethinking Ethnicity*, pp. 90–106.
 27. Anthony P. Cohen, *The Symbolic Construction of Community* (London: Tavistock & Harwood, 1985).
 28. Joseph Ruane, "The End of (Irish) History? Three Readings of the Current Conjunctionure," in Joseph Ruane and Jennifer Todd (eds.) *After the Good Friday Agreement* (Dublin: University College Dublin Press, 1999), pp. 156–60.
 29. For example: John McGarry and Brendan O'Leary, *The Northern Ireland Conflict* (Oxford: Oxford University Press, 2004).
 30. Charles Taylor, *Multiculturalism*, ed. by Amy Gutmann (Princeton: Princeton University Press, 1994); Axel Honneth, *The Struggle for Recognition* (Cambridge: Polity, 1995).

31. For a general discussion of this issue, see Anthony Giddens, *The Nation-State and Violence* (Cambridge: Polity Press, 1985).

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