DOING UNTO OTHERS

Parity of esteem in a contested space

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PARITY OF ESTEEM
IN A CONTESTED SPACE

THE FAITH AND POLITICS GROUP

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INTRODUCTION

The concept of parity of esteem has come into increasing prominence over the last few years and the Faith and Politics Group gave it some consideration in its document *The Things That Make For Peace* (1995). This present document seeks to give further consideration to the concept.

Underlying the idea of parity of esteem is the question of how we deal with other groups and communities. The final section is a theological and biblical reflection which seeks to deal with the theme of the 'other' in our midst and how Christian faith and the Christian community relate to group identity and difference. In situations of communal conflict fear, anxiety and rivalry often drive people to create 'gods' to support their own position and to provide sanction for superiority and exclusivity. Faith is deformed to support political and communal positions. The need for belonging, boundaries and differences becomes perverted. We seek in the final section to reflect on all of this and see how the 'other' can be welcomed and embraced, while justice is affirmed, truth respected and the ambiguity of cultural identities acknowledged.

However, we begin with an examination of the idea of Northern Ireland as a 'contested space'. We see Northern Ireland as a contested space between 'settler' and 'native', between Unionist and Nationalist and between two nationalisms: Irish and Ulster British. Neither group is able to dominate or expel the other, which is the 'normal' outcome in contested spaces. We are always trespassing against each other. We live with the 'other' ever present in a mutual fear-threat relationship.

There are certain issues of critical importance in contested societies: the different communities' experiences of the State and, in particular, of the law and justice system; issues of symbolic expression, e.g. flags, emblems and anthems; how culture, language and education issues are treated; and issues of equity between the communities, e.g. in employment opportunities. These all relate to parity of esteem.

THE STATE AND THE LAW AND JUSTICE SYSTEM

In a State which has the consent of the vast majority of citizens the system of law and order is a common transcendent authority. All citizens, no matter what their religious or ethnic origin, have equality before the law. The State, again with the support of the vast majority of citizens, is able to compel compliance within its jurisdiction. It is able to suppress violence, or the threat of violence, from whatever source it comes.

In Northern Ireland there has never been a 'normal' order like this when it has come to politically motivated violence, i.e. violence related to the nature of the State or the relationship between the two communities.

The monopolisation of order and justice by the State which we associate with 'normal' societies did not happen in Northern Ireland. British power was never sufficient to impose an end to sectarian conflict and create impartial law and order. The British State, in attempting to suppress violence and provocative activity, found itself relying on the Protestant community for support and legitimacy. The situation became more acute from the mid-19th century as conflict escalated between the Irish Nationalist movement and Britain on the one hand and between Unionist and Nationalist in north-east Ulster on the other. Thus the normal historical position of British power in Northern Ireland - whether actively or passively - has been that of supporting Unionist against Nationalist. The important consequence is that the two communities have had different relationships to the State and to the law and justice system.

Unionists came to expect that the British State would support them because they were loyal British citizens. While this was the expectation, British support could never be completely relied on and defiance might be required to show that there were significant limits to Unionist compliance with a British State (1912, Ulster Workers' Strike, Drumcree) and that British rule in Northern Ireland was ultimately dependent on Unionist support. Unionists saw Nationalists as disloyal, untrustworthy, a threat to their way of life, requiring vigilance and needing to be deterred from making trouble. Nationalist experience and expectation was that a British State would not be even-handed between the Unionist and Nationalist communities, and, in the end, would always do what Unionists wanted. They felt that Unionists would never accept equality and share power. Resistance was necessary, as was support from the rest of the island. Thus between the two communities in Northern Ireland there is a mutual fear-threat relationship and the two communities have been in an asymmetrical relationship to the British State.

What peace there was in Northern Ireland was created through perpetual vigilance and by deterrent power. The Orange Order was part of that vigilance and deterrent power. The capacity of the Orange Order to parade through most of the public space in Northern Ireland symbolised the power relations in the State and the security of the position of the Unionist community. As Clifford Smyth, a member of the Order, has said

> **"The right to march is the right to be:** to assert the validity of their own folk culture and their own sense of place on the island. Tragically for both communities, as in the past so in the present, aggression and

defence dominate the political and cultural interface" (Emphasis added) (1).

On the Nationalist side **the need to resist is the need to be**. Marching and the reaction to it symbolises the fight for being - the rivalry - between the two communities. Thus confrontations over marches are vested with important symbolic (and practical) significance.

Successful deterrence requires superior power. It usually involves humiliating the other. Deterrence risks provocation and often creates reaction and resistance. That reaction and resistance can be the creation of a counter deterrent and threatening power. If the power-balance shifts - if dominance can no longer be maintained and successful resistance ensues - we get a dance of violent doubles, obsessed with each other. Northern Ireland risks the dance of violent doubles. Law and order and State authority are eroded and the risk is of a violence that will consume everyone.

ISSUES OF SYMBOLIC EXPRESSION

Nationhood is about the shared story we tell of ourselves and our forebears. It is also how we are described by a place, sometimes by a language, by historic events, by parades, remembrances, ceremonies, celebrations and monuments, by a flag and an anthem. In a 'normal' state these are the things that people have in common and that bind them together. In a contested space the same things are often in dispute and pull people apart. What belongs to one community is often hated by the other. As schools transmit identity, education is often a key focus of dispute.

The display of symbols is important because it tells us and tells others who we are (or want to be). We will, therefore, devote space to understanding some of the issues at stake. To do so we use material from *Clashing Symbols? A Report on the Use of Flags, Anthems and other National Symbols in Northern Ireland* by Clem McCartney and Lucy Bryson (2).

What the Differing Symbols Represent in Northern Ireland

Different groups in Northern Ireland attribute different meanings to the symbols of nation and state. Thus,

"For Unionists it is the institutions of the United Kingdom which are important. They do not particularly identify with the territory or the

people. But the National Anthem and the Union Flag represent the state institutions which exercise sovereignty over Northern Ireland..." (pp 50-51).

Therefore, when the Union Flag is not flown or if the National Anthem is not played it is seen as a sign that the link with Britain is being weakened. Nationalists, too, see the Union Flag and the National Anthem as symbols of the State, but for many it is not their State.

Nationalists have a sense of Irishness, whether or not they want the early reunification of Ireland. An important way of expressing the identification with this Irishness is through the Tricolour and 'The Soldier's Song'.

POWER AND SOVEREIGNTY

Symbols are also a statement about power and sovereignty:

"A central aspect of conflict is about power, and national symbols themselves make a statement about power. The ability of a group to express itself through its symbols is a test of the power balance between the groups. This explains a group's reluctance to accept the presence of the other group's symbols or to forego opportunities to use its own symbols. Opposing groups will be aware of this and will understand what the other group is trying to do. Equally important in the Northern Ireland situation is the question of sovereignty, and national symbols also give important messages about sovereignty. They are a reminder of where sovereignty lies by their use in formal ceremonies, and they give a legitimacy to the exercise of sovereignty because of the shared international conventions about the way symbols should be treated" (p. 68).

Obviously, Nationalists and Unionists have very different views about power and sovereignty:

[Unionists] "want the British national symbols to be treated more favourably than the symbols of other states, as is common practice with the national flag in most parts of the world . . .

Nationalists do not want to give greater legitimacy to the exercise of sovereignty by the British Government, even if they do not actively oppose it. They would therefore prefer not to focus on the display of British symbols as the expression of British sovereignty, but as the expression of Unionist triumphalism. They would prefer to locate the conflict in the issue of power between the two communities. One expression of this is the effort over the years to equalise the right of each community to display its symbols, and to put equal restrictions on each community to limit the use of its symbols. The goal is to make all symbols equal, so that none have special legitimacy, nor can

they confer special legitimacy on those who use them" (p . 69).

The conflict about power and sovereignty is reflected in the clashing of symbols.

PRIVILEGE AND EQUALITY

Nationalists and Unionists have very different perceptions about the changes:

"Loyalists say that there are two sides to the conflict but only one is being asked to remove its symbols and accept the symbols of their opponents ...

At the same time Nationalists have experienced the changes very differently. They are pleased to find limitations placed on Unionist displays, partly because they feel that some curtailment was justified, but many Nationalists take a certain pleasure in seeing Unionists having to make concessions. Many feel there is still some way to go, especially in the area of street parades. Nationalists have also seen a relaxation in the restrictions on Irish symbols though discretion and the demands of public order mean that they can not be displayed in every situation" (pp 70-71).

Both communities recognise that change has occurred, but view it very differently.

EXPRESSING IDENTITY

The two communities operate differently in terms of the expression of identity:

"For many Unionists the sense of self is very closely bound up with self expression. For many Nationalists the sense of identity exists whether it is expressed or not. In any case there are many ways that Irish identity can be expressed, including identification with the wider Irish community, the language, the culture, the Church in Ireland, and so on" (p 73).

McCartney and Bryson go on to argue that while flags and anthems are important for both communities, this is expressed in different ways:

"Nationalists do not appear very concerned about using their own symbols, but they are sensitive to anything which denies that they are legitimate, as happened in the past with the restriction on flying the Tricolour in Northern Ireland. Many Nationalists are also unhappy

with any action which would seem to undermine their symbols, as was evident in the strength of the reactions to proposals to change the words of the Irish national anthem. The other side of the coin is their resentment at any action which seems to impose British and Unionist symbols.

In contrast it is important for Unionists to be able to display their symbols in public, and have them accepted by everyone. Consequently treating both communities equally will not necessarily satisfy everyone and Unionists in particular are likely to feel dissatisfied" (p. 73) .

And this is one of the difficulties with parity of esteem.

In Conclusion

The political representatives of both communities are reluctant to change the symbols they like, but ask for change in symbols they do not like. Each community finds it hard to understand that their symbols cause problems for the other community but are very clear that they do not feel comfortable with their opponent's symbols.

"It was very striking that each side could not see that they were often complaining about behaviour by the other community which was similar to how they themselves behaved or wanted to behave. Both claimed that there needed to be a sense of proportion in the way flags and anthems were used, but only thought the other community were excessive in their practices. For example Nationalists argued that it was excessive to sing 'The Queen' at a golf club dinner, but that it was acceptable for 'The Soldier's Song' to be played at a Gaelic football match.

Each community accused the other of playing politics with symbols and could not appreciate that their behaviour might be a genuine expression of identity. Attempts to limit the use of British symbols was 'a well orchestrated campaign by Nationalists.' For Nationalists Orange parades are 'triumphalist', while for Unionists the symbols at Gaelic games are 'a threat'" (p. 75).

In the contested space of Northern Ireland each community irritates the other in its display of symbols and wants the other community to change. The clash of symbols mirrors the political and constitutional conflict.

CULTURE, LANGUAGE, AND EDUCATION, AND EQUITY OF TREATMENT ISSUES

We are not going to treat cultural, language and education issues in any significant way other than to note their importance in the identity of a community.

Equity of treatment issues, e.g. in employment, are also of major importance and have been the source of significant grievance. Imbalances remain to be correct. We would simply make the comment that in the context of a fear-threat relationship between communities the addressing of equity issues (while completely necessary) will not in itself resolve the Northern Ireland conflict. It may even,paradoxically, add to the sense of fear and threat.

WHAT HAS HAPPENED SINCE 1969

In 1969 the old deterrence system broke down and the Nationalist community could no longer be successfully deterred. Nationalists were no longer prepared to accept a situation of Unionist dominance and we have been coping with the consequences ever since. However, the Unionist community has also shown that it cannot be coerced into a situation it does not want.

The British Government has instituted reforms and supported partnership government. It has distanced itself from Unionism (e.g. by declaring in the Downing Street Declaration that "it has no selfish strategic or economic interest in Northern Ireland") while maintaining a commitment to the Union as long as a majority in Northern Ireland wish to remain part of the United Kingdom. It has acknowledged that there is an Irish dimension to Northern Ireland which requires institutional expression.

The Irish Government, while not giving up the aspiration of a united Ireland, has accepted the need for consent and undertaken to introduce and support proposals to change Articles Two and Three in the Irish Constitution.

The two Governments have increasingly worked together (the Anglo-Irish Agreement, the Downing Street Declaration, the joint Framework Document). Both Governments have promoted the concept of parity of esteem and treatment between the two communities in Northern Ireland (see next section).

The British State has historically been unable to successfully monopolise the use of force in Northern Ireland. This remains the case. The last twenty-five years have shown that the State can contain Republican

violence, but not remove it, and reform Northern Ireland, but not enforce a political solution on an unwilling Unionist community, or prevent successfully the use of loyalist force on occasions. What a British Government - working by itself or with the Irish Government - can achieve is limited.

The relationship between the two communities in Northern Ireland is becoming more evenly balanced. What this means in the context of a fear-threat relationship is that rivalry increases and becomes more intense. The conflict becomes more reciprocal and equal. A parity of deterrence is created.

As rivalry and conflict increase so does the sense of fear and of threat. Fear and threat shape our lives and identities. We need the sense of group solidarity. We need to be with our own. We feel the need for protection - preferably provided by people from within our own community. We do not see the fear and threat our community poses to the other. We only see them through our worst fears. We confront each other in mutual self-righteousness. In a society of mutual communal deterrence the militant element in each community has an influence in excess of its numbers because, even though we may not like what they do, they are the people who can give us protection against the other side. They come to 'represent' us to the other community. Local majorities get their way and common authority collapses. The logic is increasing separation. This is the way we are going in Northern Ireland unless we find another way.

THE DEVELOPMENT OF THE CONCEPT OF PARITY OF ESTEEM

The Standing Advisory Commission on Human Rights - a Government advisory body - in its *Religious and Political Discrimination and Equality in Northern Ireland: Second Report* (1990) used the phrase "equal treatment and esteem of both traditions in Northern Ireland" in the context of Communal Rights and Communal Recognition (see appendix).

In 1993 the Opsahl Commission developed the idea of parity of esteem in the context of the legal recognition of Irish nationalist in Northern Ireland (see appendix).

In April 1993 the Northern Ireland Secretary of State, Sir Patrick Mayhew, argued that "each of the main components of the community will need to be given recognition by the other, and in any settlement each must be accorded parity of esteem, the validity of its tradition receiving unqualified recognition".

The concept was first given full governmental use in *Frameworks for the Future* published in February 1995. In a statement of the British Government's approach to a political settlement it was said that

> "any new arrangements for the governance of Northern Ireland must be acceptable to the people and give appropriate expression to the identity of each of the two main parts of the community. They should uphold and apply the principles of equality of opportunity, equity of treatment and parity of esteem already established by the Government;"

A similar statement was made in the second part of the same document 'A New Framework for Agreement' which sets out a "shared understanding between the British and Irish Governments to assist discussion and negotiation involving the Northern Ireland Parties". Paragraph 19 of this document is also relevant:

> "They agree that, future arrangements relating to Northern Ireland, and Northern Ireland's wider relationships, should respect the full and equal legitimacy and worth of the identity, sense of allegiance, aspiration and ethos of both the Unionist and Nationalist communities there. Consequently, both Governments commit themselves to the principle that institutions and arrangements in Northern Ireland and North/South institutions should afford both communities secure and satisfactory political, administrative and symbolic expression and protection. In particular, they commit themselves to entrenched provisions guaranteeing equitable and effective political participation for whichever community finds itself in a minority position by reference to the Northern Ireland framework, or the wider Irish framework, as the case may be, consequent upon the operation of the principle of consent."

NATIONALISTS AND PARITY OF ESTEEM

Parity of esteem language is highly congruent with the way Nationalist thinking has developed over the last 20 years with its search for a new form of agreement in Northern Ireland which would involve the full equality of the traditions. This equality has political, economic and cultural aspects and requires links with the rest of the island.

John Hume, Leader of the Social Democratic and Labour Party, has spoken of the "equal validity of both traditions" in Northern Ireland and

the need for "practical recognition and respect for equality between the two identities and communities" because "the conflict of the two identities in Northern Ireland is the essence of the problem and the failure to provide structures of accommodation for both ensures its continuance" (3).

For Sinn Fein, parity of esteem means that Northern Ireland **"until such time as the constitutional question is resolved** is shared equally between the two communities and that this is reflected in every area of society" (emphasis added).

> "For example this would mean the implementation of effective fair employment legislation designed to eradicate the imbalance between Nationalists and Unionists in all areas of employment in the public and private sector; it would mean official recognition of the Irish language and funding for its promotion and for example it would mean an end to flying the Union Jack above government buildings or at least flying the Tricolour along side it or replacing both with an acceptable emblem" (4).

Gerry Adams in his 1996 Ard Fheis Presidential Address said:

> "The British need to remove all anti-nationalists symbols and appearances from the Six-County statelet by providing 'parity of esteem' in that area and **by eliminating as far as possible all obvious and visible differences between there and the rest of the island of Ireland"** (emphasis added).

For most Nationalists parity of esteem is essential in order to obtain full equality within Northern Ireland and so that their Irishness can be given full recognition.

UNIONISTS AND PARITY OF ESTEEM

Many Unionists see parity of esteem as meaning the removal of symbols of Britishness (see pages 6-9) and the curtailing of the Orange Order's right to march. Some see it as a language code for joint authority or, even worse, "a final destination entailing not just a diminution of political Britishness but its death, not just a pegging back of Unionism but its extinction ..." (5).

It is also argued that while you can give equality of treatment to everyone and give recognition to the cultural and religious expression of different identities (e.g. to the Irish language, Catholic schools and Irish language schools), you cannot give parity of esteem to the political expression of

different identities within the one State. In particular, you cannot give a minority's constitutional wishes equality with those of a majority. They are not of equal weight, not least because one tradition wishes to dismember the State. There is no middle way between Unionism and Nationalism and attempts to find one simply increase instability and insecurity. Thus David Trimble, Leader of the Ulster Unionist Party said at his Party's 1996 Conference:

> "But we do not go down the path of political parity of esteem on the North-South axis. To do so would contradict what [this] Party wants to see - a flourishing Northern Ireland, rooted in a stable political order, based on respect for individuals and the whole community. We need a firm foundation. We can find that in the accepted principles of international law as applied today in Europe. They start with the recognition of existing frontiers. They provide for the protection of human rights, community rights and fair participation within the State. Our State, of course, is the United Kingdom."

Many Unionists, therefore, see the concept of parity of esteem in its political expression as a confused and incoherent concept which diminishes the sovereignty of a British State.

DISCUSSION

We have argued that in a contested space there are certain areas of critical importance: the different communities' experiences of the State and, in particular, of the law and justice system; issues of symbolic expression, e.g. flags, emblems and anthems; how cultural and educational issues are dealt with; and issues of equality between the communities, e.g. in employment opportunities. We have also suggested that the two communities are caught in a mutual fear-threat relationship.

When parity of esteem means equality of treatment for individuals and giving recognition to the cultural and religious expressions of different identities (e.g. to the Irish language and to Catholic or Irish language schools) it does not raise issues of fundamental principle because it can be accommodated within a normal constitutional or governmental arrangement. It may, of course, be controversial and present difficulties - particularly when the claims of different cultural expressions conflict.

THE POLITICAL RECOGNITION OF BRITISHNESS AND IRISHNESS

However, it is when the concept of parity of esteem is used in regard to the political expression of different identities and to issues of symbolic expression that much more difficult issues arise because these hit at the heart of what a State is.

Unionist argument about giving parity of esteem to the political expressions of different identities within one State are correct **within the context of a normal State.** But Northern Ireland doesn't have this normality. There is a bi-national reality here. There is both a Britishness and an Irishness, and both need to be given political recognition. We may argue about the forms of that recognition and whether both identities are to be given equal weight, but nevertheless without it Northern Irish society will continue to want for cohesion and a firm foundation. Only by giving political recognition to Britishness and Irishness can all the people in Northern Ireland be placed in a symmetrical relationship to State power and to the law and justice system (see pages 4-6).

Giving political recognition to Britishness and Irishness may set a limit on British sovereignty in Northern Ireland. But sovereignty must be understood in context. The nation-state and its claim to absolute sovereignty over its territory is a recent historical construct. And that construct is changing. The British nation-state - that shaped both Unionist and Nationalist identities - is being transformed by economic globalisation, by increased EU integration, by secularisation, by the presence of ethnic minorities, by loss of Empire and by Scottish and Welsh demands for devolution (and in some cases, particularly in Scotland, for independence). Similarly the Irish nation-state is being transformed by economic globalisation and by increased EU integration. Some of the dreams of Irish nationalism - of economic self-sufficiency and large scale revival of the Irish language - have proved to be impractical. Thus Britishness and Irishness are being redefined and sovereignty transformed (which does not mean that national sovereignty will disappear). The refusal to acknowledge, accept and even mourn for what is passing away, or will not come to pass, can create a regressive and depressive form of nationalism which, at the extreme, may lead to terrorism, war, ethnic-cleansing and widespread scapegoating.

Northern Ireland has seen a clash between two rival claims of absolute and exclusive sovereignty over the same territory - one being the preservation of the United Kingdom of Great Britain and Northern Ireland and the other being the attempt to forge a united Ireland. We can have victory of one claim over the other or can we seek to accommodate sovereignty and sovereignty claims to the actual reality of what Northern Ireland is and what the nation-states of the United Kingdom and the Republic of Ireland now are at the end of the 20th century. Already the present British commitment that Northern Ireland will only remain part of the United Kingdom as long as a majority wish it is less than a total claim to sovereignty. The Irish Government has offered to amend the

sovereignty claim to Northern Ireland expressed in Articles Two and Three of the Republic's Constitution. Giving political recognition to Britishness and Irishness within Northern Ireland is a further way of breaking out of the straitjacket of absolutist sovereignty claims so that we can deal with the reality of the actual situation and find ways of sharing and co-existence.

Because Northern Ireland is a divided society the will of the majority is not the only democratic consent required - although it cannot be disregarded because of the safeguards, security and guarantees it gives. A majority's right is relatively - but not totally - uncontroversial in a stable state, i.e. one where the vast majority give their consent to its political arrangements. However, a divided society cannot work without mutual consent or agreement. Thus the winning of consent and the development of consensus must have a high priority. And this is where parity of esteem comes in again.

The concept of parity of esteem is an attempt to come to grips with the unusual reality of Northern Ireland. Nevertheless, there are problems with parity of esteem language.

AN ASYMMETRY IN RELATIONSHIPS

There is an asymmetry in the relationship between the two Northern Irish communities and the larger societies with which they identify (Republic of Ireland; Great Britain) and there is a non-equivalence in their needs and interests. The use of parity of esteem language hides this. The relationship of Ulster Unionists with the British Nation is not the same as Northern Nationalists with the Irish Nation. The position of Ulster Unionists is much more precarious. There is widespread indifference in Britain to the position and fate of Ulster Unionists. Unionists - while alienated from the policies that successive British Governments have pursued in Northern Ireland - are profoundly anxious about a dilution of their British identity and are haunted by a fear of British betrayal. Northern Nationalists are ambivalent about many aspects of the Irish Republic and the relationship between Northern and Southern Nationalists has often been fraught. Nevertheless they are inextricably bound together.

TRADITIONS AND THEIR COMPLEXITY

A further difficulty revolves around the nature and reality of the two main traditions to which parity of esteem is to be accorded. There is a fluidity about all traditions. There is no fixed pure tradition. Traditions evolve

over time and there is a variety within them - a variety which is growing. And there are people in Ireland today who do not see themselves as part of the two main traditions - people who have consciously distanced themselves from the tradition into which they have been born. Thus identities are more diverse, contested, contradictory and ambiguous than in the past. Another factor is the increasing presence of ethnic minorities in Ireland today. It is not clear how they fit into parity of esteem language. All of this suggests that the concept of parity of esteem has significant limitations in dealing with the complex reality actually present in Ireland today.

EQUAL TRADITIONS?

Another difficulty with parity of esteem language is that it assumes that the two traditions in Northern Ireland are given equal weight despite the fact that the two traditions are not numerically equal. Norman Porter raises this issue in his book *Rethinking Unionist:*

> "The concept of parity of esteem worries many Unionists because it seems to them manifestly unjust that a Nationalist identity should be regarded as equal to a Unionist identity when devising political arrangements for Northern Ireland. Here the question is not merely whether both identities are worthy, but whether the term 'parity' connotes the requirement of strictly equivalent treatment. I think that at times it properly does - when considering, say, the entitlements of individuals as individuals - and at other times it properly does not. I have already argued that in relation to political arrangements strict equivalence is inappropriate and that, given the current circumstances in Northern Ireland, more is due politically to a British identity than to an Irish one. This qualification is crucial to allay familiar Unionist fears that political parity of esteem necessarily means strict joint sovereignty. **Accordingly, it is important to maintain a distinction between accommodating identities and treating them equally in every instance.** But it is a distinction that is too easily lost when 'parity' is construed to mean simple equality" (10) (Emphasis added).

GIVING ESTEEM?

A further difficulty that Porter raises is "the presumption that esteem can be unproblematically accorded to another traditional identity simply by virtue of its significance to those who bear it" (p.187). To expect Catholics to esteem an Orange culture that they perceive to be inherently

anti-Catholic or to expect Unionists to admire a republican culture that expresses itself through such slogans as 'Brits out' is highly problematic. Porter suggests that we need to make the distinction between taking others' self-understandings seriously and endorsing them. By making this distinction we enable the content of a particular tradition's identity to remain open to critical debate.

Further, it is also important to be clear that, while different traditions are entitled to adequate space for their expression, they need to do so within limits, such as respecting others ' basic rights and cultural identities.

A Due Recognition Approach

Because of these failures to make crucial distinctions, Porter argues for the replacement of the term 'parity of esteem' by that of 'due recognition'. He says:

> "to give identities their due, for example, is a reasonable request which encourages deliberation and informed judgments about what individual, cultural and political identities are entitled to given the different types of claims they imply and the historical context in which they are made. And 'recognition' is a less loaded term than 'esteem', one that is capable of facilitating the affirmative dimension conveyed by the latter without leaving us hamstrung in the face of obnoxious facets of certain identities" (p.190).

Porter's arguments are powerful and cogent. His helpful location of talk about communal identities in the context of recognition and of giving them their due means that emphasis is placed on the relationship with the other, rather than on communal self-assertion. Any other emphasis risks the escalation of rivalry and mutual threat.

Parity of esteem language, as Porter demonstrates, is also imprecise. In the phrase 'parity of esteem' the language of human rights and legal equality - which gives us the notion of parity - has been linked together with a language relating to the affirmation and respect we need as communities and people - thus the notion of esteem. These are different language 'games', although there may be relationship between them; for instance, they share a demand for recognition. However, this linguistic complexity does not help clarity. A further difficulty is: what does parity of esteem mean in practical terms? For example, what is its implications for political institutions and public policy? Or is it simply an 'approach'?

The Validity of a Parity of Esteem Approach

Nevertheless we reiterate that parity of esteem language has a validity. It is an attempt to deal with an unusual reality - a deeply divided society

with conflicting aspirations and a history of violence. It is the approach underlying parity of esteem language we affirm. If we want to live together in Northern Ireland we simply have to accept permanent constitutional oddity and unusual political devices.

A parity of esteem (or even a due recognition) approach may fail. We should, however, be clear the consequences. A letter in *The Irish Times* of August 14, 1996, by Mr Martin O'Grady makes this clear:

> "Parity of esteem, the seeming bedrock of Anglo-Irish hopes for a solution, will not allow full expression for two competing nationalisms. Only a nation-state can in the final analysis allow for such expression and just to a single nation. If Northern Ireland remains in the Union, then Protestants who profess to be British will belong to the nation-state in which they live. Catholics who claim to be Irish will remain alienated from it... The obvious if somewhat daunting solution is to divide Northern Ireland once more."

Such an outcome is a horrendous prospect. For this reason we believe that it is vitally necessary for the British and Irish Governments to work together to provide an agreed context in which the two communities in Northern Ireland can cooperate together. It is the task of the two Governments to provide the anchor - the security and guarantees - for the two communities. Only they can do it.

Thus they are required to ensure an even-handedness of approach to the two communities in Northern Ireland (this is one meaning of parity of esteem); but they cannot ensure parity of esteem when it means that the two communities, in making their claims and demands, should take into account those of the other. For the two Governments cannot end the fear-threat relationship between the two communities. They can provide the essential context in which it could end and they can facilitate a process of trust-building, but not more. For as we said in *Breaking Down the Enmity:*

> "At the same time political frameworks and devices, while necessary to provide the essential stability for the situation, will not endure if hatred and antagonism persist in large sections of the Northern Ireland community. No solution can be imposed from outside.The enmity must be broken and a process created which leads to an increase of internal agreement" (p. 135) .

DEVELOPING A PEACE PROCESS

Creating parity of esteem requires a real peace process. A real peace process begins with a recognition that things cannot go on as they are -

that we can no longer retain control of a situation or force people to fit into our definition of it. It mean that we need to find a solution with the others with whom we are in conflict. They have to be taken seriously and their interests, fears, aspirations and need for security have to be taken into account, as ours must be too. Thus a real peace process requires a partner. Peace is something which develops in new relationships. As Shimon Peres said of the Palestine/Israel conflict:

> "I think what is really important for a peace process is the creation of a partner, more than a plan. Because plans don't create partners, but if you have a partner then you can negotiate a plan."

Similarily, Nelson Mandela said of F.W. de Klerk:

> "To make peace with an enemy, one must work with that enemy, and that enemy become your partner."

Trust has to be developed and we cannot ask for trust from the other side without some concrete evidence of change on our part. In our last document *Forgive Us Our Trespasses...?* we made a number of suggestions on how trust can be developed including: a willingness not to destroy the other; a willingness to understand the fears and sense of threat that the other community has of us and to seek to take them into account; a willingness to seek to do things that will reduce fear and threat; a willingness to treat the other side with respect and to avoid humiliating them; a willingness to meet, to listen, to talk; a willingness to be bound by promises and agreements which we will seek to keep; a willingness to take the interest and identities of the other community into account; a willingness to develop a relationship with other groups, parties, individuals and to cooperate where possible. Much of this is grounded on a recognition of and respect for the neighbour, and an operation of the Golden Rule - doing unto others what you would wish to be done to you (Mt. 7:12).

The challenge then is to seek ways to end the fear-threat relationship and create a common domain open to all, not directed and controlled by the demands, symbols and practices of any one group.

To create and operate such a common domain requires recognition, empathy, respect, acceptance of responsibility, cooperation and alliances across the community divide. It requires turning from a 'them and us ' relationship (which is part of the fear-threat relationship) to a 'we' relationship in which we are part of something together. Thus it means a creation of a shared community as well as a place where different identities have security and parity of esteem.

Key to the South African situation was a capacity to have empathy with opponents. When Mandela first met F. W. de Klerk he immediately made the point that he understood the Afrikaners' suffering in the Boer War. Critical also was de Klerk's realisation, "If you go on like this, you are going to lose the game, the cup, the league, everything". He came to see that he had to break new ground in order that his community, with all its traditions, could have a future. As Biniyamin Netanyahu said to unhappy supporters after reaching agreement with Yasser Arafat on the future of Hebron, "I have not changed, it is the reality that has changed".

The challenge is the same in Northern Ireland: to face reality, develop new relationships and make agreements. Otherwise, as we said in *Breaking Down the Enmity*:

> "The prognosis for the conflict, if it follows the pattern of other similar conflicts, is that there will be forced separation because final victory of one community over the other is unlikely.
> We should, however, be fully aware of the likely consequences of failing to find reconciliation, such as repartition, considerable violence, and the spilling of the conflict over into the Republic and Great Britain. The potential for such an outcome should make us all cautious and should make us realise that the politics of reconciliation is the only realistic one, the only one that will give all of us in Northern Ireland a future" (pp. 133-4).

Symbolic Display

Issues of symbolic display are not of the essence of the problem. They point to the underlying issue of Northern Ireland as a contested space. But symbols are important; they relate to some of our basic needs of identity, security and self-expression. They point to the reality (or vision) of the nation we belong to. Thus they bring out powerful emotions. They are part of the fight.

There are a number of options to pursue in regard to symbols:

(i) to avoid all symbols as far as possible. As a public policy option it is most clearly seen in the work force where the intention of the Fair Employment law is to remove symbols as far as possible;

(ii) to look for neutral alternatives;

(iii) to accept some display of symbols, but with regulations.

Unionists, in particular, are concerned that a policy of minimising the use of symbols seems to be a denial of their heritage (see pages 6-9). Thus they see the progressive removal of the symbols of Britishness in the Republic - the Oath of Allegiance, the post of Governor General, departure from the Commonwealth - as a sign of what will happen in Northern Ireland. Britishness must have some public display while avoiding the provocative, obsessive or obtrusive use of its symbols.

One of the ways forward may be a willingness to put up with a certain amount of symbolic display from the other community. McCartney and Bryson make the following suggestion:

> "We would suggest that the Tricolour should be treated in the same way as other national flags. The difficulties that this would pose for some Unionists are well known and not very different from the difficulties some Nationalists would have in accepting the presence of the Union symbols... However it might create a better climate if we could come to accept the presence of both sets of symbols in a limited way on appropriate occasions, and more importantly accept the legitimate right of the other part of the community to express its identification with the state that the symbols represent" (p. 185).

New symbols of Northern Irishness may also be appropriate. All of this would better reflect the complex condition of Northern Ireland. However, dealing with this issue in any constructive way will require a significant diminution of the fear-threat relationship between the two communities.

PARADES

Similarly, the conflict over parades is a fight over the contested space, literally so. Who can go through the public highways and the city centre is an aspect of power and control. In a British State there is a right to go down the Queen's highway. The right to march is linked with continuing 'Britishness'; abandoning the tradition represents an abandonment of 'Britishness' and a triumph of 'Irishness'. Of course, the Nationalist community does not see it this way; it sees Orange parades as an exercise in triumphalism and domination in a context where they do not have full marching rights. And this is all part of the fear-threat relationship in which we are caught.

The regulation of parades needs to be approached in an awareness that this has been an issue which has gone to the heart of the British State in Ireland (and subsequently Northern Ireland) and of the law and justice system (see pages 4-6).

Because we are talking about the control of the public space in Northern Ireland, this issue has the potential for enormous conflict and violence (as

was seen in July 1996). Parity of esteem, when it means equal marching rights for both communities, can have reality only in the context of respect, restraint and compromise on all sides. The operation of the law in this area, as we saw at Drumcree, can be overturned by brute force, or its threat. Authority is always at risk in the public space in a contested society.

POLICING

Issues of authority in the public space lead on to the subject of policing. Successful policing requires public support and trust. We have also said that the law and justice system is of critical importance in a contested society. The fundamental issue is how the two communities can be brought into the same relationship with the law and justice system, and this requires new political arrangements.

CONCLUSION

There are difficulties with the concept of parity of esteem:

- it assumes that the two traditions in Northern Ireland are given equal weight despite the fact that the two traditions are not numerically equal;
- peoples' traditions, identities and self-understandings must be taken seriously. Nevertheless, this cannot mean that all aspects of them are automatically entitled to be esteemed by others. Nor do all their claims and demands for expression necessarily have to be accepted by others or by the State;
- there is an asymmetry in the relationship between the two Northern Irish communities and the larger societies with which they identify and there is a non - equivalence in their needs and interests. Parity of esteem language tends to hide this;
- parity of esteem language has difficulty grappling with the complexity and variety of traditions present in Ireland today;
- parity of esteem language has a 'fuzziness' about it.

Nevertheless, we wish to affirm the validity of a parity of esteem approach despite its limitations and deficiencies. It is an attempt to get to grips with the unusual bi-national reality of Northern Ireland. And without a political recognition of Britishness and Irishness, Northern Irish society will continue to lack cohesion and stability.

In a contested space governed by a mutual fear-threat relationship parity of esteem language often becomes simply part of the fight between the

two communities. It is used to make claims and demands which others have to fulfil. What we need is a new relationship between the two communities in which, when making their claims and demands,they seek to take into account those of the other. New relationships are fundamental to dealing constructively with the issues relating to parity of esteem. Thus we need a real peace process in which partners are found across the community divide. A challenge to the Churches - as it is to others - is to contribute to relationship building and the creation of partners. We desperately need this pre-political work.

A THEOLOGICAL AND BIBLICAL REFLECTION

In the biblical vision there is no humanity without relatedness. The image of God in human beings is bound up with mutual inter-relationship and interdependence (Gen.1:27). In this picture we are not individuals on our own but persons in community who collaborate with God. This community of persons extends to social and political units. The creation stories in Genesis do not end with the creation of humanity in Chapters One and Two but with the creation of the tribes and nations in Chapter Ten.

The first two chapters of Genesis affirm the goodness of creation. However, what follows is the story of the Fall and, leading from it, the beginnings of human conflict and violence. At the heart of this account (in Gen.3:5) there is a primal moment of human misrecognition: the false and envious perception that God is someone to be rivalled with. This rivalry means that human identity - rather than being given - establishes itself over and against God (and our fellow human beings). Such an identity always has something of violence in it.

The story of the Fall does not conclude with the story of the exclusion of Adam and Eve from the Garden; instead it concludes in Genesis Eleven with the confusion of tongues at the Tower of Babel and the scattering of the nations, as the nations too rival with God.

Fundamental in the Genesis story is how alienation from God brings a deep insecurity into human affairs. Fear of the neighbour, rather than trust in God, becomes a governing factor in human relations. We live in cultures estranged from God. In this insecurity we do two things: we create our own substitute 'gods' or idols, which belong exclusively to us and seem to offer the security we need. And we use our differences from others to give ourselves esteem and identity as individuals or a group. Our group is purer and inherently superior: we are what we are because the 'others' are not what we are - and therefore not so good as us. At the same

time they excite our envy, our fascination and our fear. By their presence they question and limit us. These attitudes involve self-deception, misrecognition of others, self-hatred, hatred of others, rivalry, exclusion and victimisation. Inevitably our victims, when they can, victimise us in return.

So we live defensive lives, dominated by the 'realism' of fear. This realism says that we must always retaliate when offended, that we must always look for revenge, that we must always be ready for war, that we must dominate or be dominated. An endless cycle of conflict is created. If we cannot dominate or eliminate the threat, we may accept the 'peace' of mutual deterrence, or we may separate ourselves from 'them'. The weight of our threat or the distance between us and them become the measure of our security. Such 'solutions' lessen the possibility of violence. Nevertheless they are ways of life based on fear of the neighbour. Stories of what the other has done to us, or will do if we don't defend ourselves, become our controlling narratives. Stories of trust or cooperation are forgotten or not believed.

What does Christian faith have to say to this? The Hebrew Scriptures say that the vulnerable 'other'- including the resident alien and strangers - shall be protected (e.g. Deut.10: 18-19; Lev.25). For, in a fundamental sense,"You [i.e. the children of Israel] are strangers and sojourners with me" (Lev.25: 23). This is taken up by Jesus in the parable of the sheep and the goats when he says that how the vulnerable 'others' - the hungry and thirsty, strangers, the destitute, the sick, those in prison - are treated becomes a test of our real attitude to him (Matt.25: 31-46). Thus we are 'decentered' from self and our 'normal' home to the world of others. Such 'decentering' is a sign of transcendence.

THE CHRISTIAN COMMUNITY

Reconciliation in Christ is about being freed from anxiety about our identity. "If we are in Christ there is a new creation" (2 Cor. 5:17). The Christian community is not built up and united by opposition to an external enemy. Instead being with Christ, following Him, allows a different world, a peaceable kingdom, to come into being. It is a space in which we can recognise and receive the other, and be recognised and received by them.

But the Christian community finds its identity as a people of God among the struggling people of the world. Christian faith does not take us out of a particular culture, but a critical distance is required - in the world and for the world, but not of it (cf. John 18:36).

In situations of communal conflict Churches easily lose that critical distance As the Croatian Pentecostal theologian Miroslav Volf says "...Churches often find themselves accomplices in war rather than agents of peace. We find it difficult to distance ourselves from our own culture so we echo its reigning opinions and mimic its practices"(7).Faith is deformed to support political or communal positions. Theologies of enmity, superiority and conflict gain prominence. However, the subordination of Christian faith to human interest and animosity is, in the last analysis, idolatry.

Churches are part of communities and nations; they cannot be other. They are chaplains, reflectors, consciences, restrainers, discerners, givers of wisdom, custodians of memory and places of community belonging. Churches bring 'their' community before God. They are places where the 'specialness' and stories of communities and nations can be celebrated. Much of this is necessary and good, but there is another side. 'Specialness' can lead to exclusivity and a sense of superiority. Churches can be places where we are told - implicitly and explicitly - who does not belong to our community: by who is prayed for and who is not, by the contents of sermons, and by the symbols displayed or not displayed.

The Church is a home for the community or the nation. And at the same time it lives by a story of a Jesus who died outside the camp (Heb. 13:13) and who, while completely a Jew, did not belong to his world (John 17:14) and was driven out of it by those who did not want to be disturbed by another way. All our 'homes' - personal, communal, national - are radically decentered by Jesus: "For we have not here an abiding city, but we seek after the city which is to come" (Heb.13:14). And the Church is a community where Jew and Greek, bond and free, belong (1 Cor.12:13).

Thus, while *a* Church is in solidarity with a particular community or nation, *the* Church in its very essence transcends all social, cultural and national boundaries. It is in the true sense ecumenical.

It is important that the Church does not abandon people, but it is also important that it does not allow itself to become an adjunct of a political cause, for Jesus is Lord, not Caesar. How that is to be done in any particular situation is no easy matter. It may be a matter of agonised debate. What is important is that the debate takes place. After Drumcree this is all the more important.

DISTANCE, BELONGING AND EMBRACE

We need distance and we need belonging. Group identities offer us homes in which we can belong; a sense of pride, a space where we are among our own, a place of nourishment and security. And at the same time they can

become "fortresses into which we retreat, surrounding ourselves by impenetrable walls dividing 'us' from 'them'. In situations of conflict they serve as encampments from which to undertake raids into enemy territory" (Miroslav Volf). Thus group identities are profoundly ambivalent: "havens of belonging as well as repositories of aggression, suffocating enclosures as well as bases of liberating power" (ibid.).

Cultural and group differences cannot and should not be removed. We cannot live without differences and boundaries - even if we know that differences and boundaries can be dangerous. We can, however, open ourselves to be enriched by our differences. And, at the same time, different traditions, cultures and languages are cultivated. There is respect for boundaries. But boundaries must be porous; the other is to be welcomed in and embraced. There is respect for difference and diversity, but not sectarianism and exclusion.

Volf describes his vision of what should be through the metaphor of 'embrace':

> "In an embrace I open my arms to create space in myself for the other. Open arms are a sign that I do not want to be by myself only, an invitation for the other to come in and feel at home with me. In an embrace I also close my arms around the other. Closed arms are a sign that I want the other to become a part of me, the other enriches me. In a mutual embrace none remains the same because each enriches the other, yet both remain true to their genuine selves.
>
> Embrace, I believe, is what takes place between the three persons of the Trinity, which is a divine model of human community. The Johannine Jesus says: 'The Father is in me and I am in the Father' (John 10:38). The one divine person is not that person only, but includes the other divine persons in itself; it is what it is only through the indwelling of the other. The Son is the Son because the Father and the Spirit indwell him: without this interiority of the Father and the Spirit there would be no Son. Every divine person is the other person but he is the other person in his own particular way."

But it is a genuine embrace based on justice and respect for truth. Not everything that everybody does is to be accepted uncritically. Not every aspect of a tradition is to be gloried in. The ambiguity of human identities remains.

JESUS AND BORDER CROSSINGS: DECENTERING NATIONALIST EXPECTATION

In the Gospel of Luke Jesus' public inauguration of his ministry starts in the synagogue at Nazareth (chapter Four). This is his platform speech; the Jesus Programme of the bringing in of the Year of Jubilee is announced.

"¹⁴And Jesus returned in the power of the Spirit into Galilee, and a report concerning him went out through all the surrounding country.

¹⁵And he taught in their synagogues, being glorified by all.

¹⁶And he came to Nazareth, where he had been brought up; and he went to the synagogue, as his custom was, on the sabbath day. And he stood up to read; ¹⁷and there was given to him the book of the prophet Isaiah. He opened the book and found the place where it was written,

¹⁸'The Spirit of the Lord is upon me,

because he had anointed me to preach good news to the poor.

He has sent me to proclaim release to the captives

and recovering sight to the blind,

to set at liberty those who are oppressed,

¹⁹to proclaim the acceptable year of the Lord.'

²⁰And he closed the book, and gave it back to the attendant, and sat down; and the eyes of all in the synagogue were fixed on him.²¹And he began to say to them, 'Today this scripture has been fulfilled in your hearing.' ²²And all spoke well of him, and wondered at the gracious words which proceeded out of his mouth; and they said, "Is not this Joseph's son?' ²³And he said to them, 'Doubtless you will quote to me this proverb, "Physician, heal yourself; what we have heard you did at Capernaum, do here also in your own country." '

²⁴And he said, 'Truly, I say to you, no prophet is acceptable in his own country. ²⁵But in truth, I tell you, there were many widows in Israel in the days of Elijah, when the heaven was shut up three years and six months, when there came a great famine over all the land;

²⁶and Elijah was sent to none of them but only to Zarephath, in the land of Sidon, to a woman who was a widow. ²⁷And there were many lepers in Israel in the time of the prophet Elisha; and none of them was cleansed, but only Naaman the Syrian.' ²⁸When they heard this, all in the synagogue were filled with wrath. ²⁹And they rose up and put him out of the city, and led him to the brow of the hill on which their city was built, that they might throw him down headlong.

³⁰But passing through the midst of them he went away."

Jesus' declaration that the messianic age has dawned, and is intimately connected with him, is greeted at first with enthusiasm. However, then comes doubt and hesitation, and finally the threat of mob violence when he hints, by appealing to prophetic precedent, at the inclusion of aliens and foreigners within God's purposes of grace. The decentering of Jewish privilege and exclusivity leads to an outburst of rage which would have had Jesus killed so that the boundaries of the community could be maintained. The whole passage is a micro-pattern of Jesus' identity and ministry.

As his ministry goes on Jesus continues to cut across the boundary markers between Jews and Gentiles. He sets aside food taboos. He goes into Gentile houses and heals (e.g. the story of the healing of the daughter of the Syrophoenician woman, (Mark 7: 24-30); he goes into the country of the Gentile Decapolis and heals the Gadarene Demoniac (Luke 8: 26-39)).

Jewish expectation continues to be decentered right to the end of his ministry. The first witnesses to the Resurrection were women - not normally regarded as acceptable witnesses at the time. After the Resurrection on the Road to Emmaus (Luke 24: 13-28) two of the disciples meet the Risen Jesus but cannot recognise Him. They remain blinded by religious/nationalist expectation: "But we had hoped that he was the one to redeem Israel" (v.21). Jesus had failed because he had not ended the Gentile domination of Israel. Only the retelling of the story of the history of Israel by Jesus and the way he breaks the bread - the memory of the table fellowship,and thus their relationship with Him is recreated by this action - enable them to see Him. The disciples had to be recentered - given eyes to see. We, too, have to enter another story - the story of the Risen Lord.

The Risen Lord returns as stranger, having been killed by the religious and political powers, given up by the crowd and abandoned by all. It is the stranger who finds the disciples on the road - disillusioned, blinded by religious and nationalist expectation, deserters of Jesus - and enables them to find their lost selves. Thus the Risen Lord comes in acceptance, mercy and forgiveness. Neither are we lost in our betrayal of Him: in our complicity in victimisation, exclusion, violence and structures of sin. Jesus is alive; He is there to be encountered again, to be learnt from afresh. Part of the learning can derive from our recognition of this complicity - whether active or passive - and our awareness that we are, in various ways, 'crucifiers'. Thus we are led to humility and repentance.

In speaking to the Churches in Northern Ireland, *Sectarianism: A Discussion Document* (1993) said:

> "What has happened in Northern Irish society calls us to a profound change of heart (metanoia). The call is to face reality to abandon our myths, to accept our part of the responsibility for what has happened and find new ways forward together" (p.100).

Post Drumcree this is all the more relevant as we find ourselves in the mire of sectarianism. The picketers of the Catholic church in Harryville, Ballymena; those who damage churches, schools, Orange halls, and homes; the instigators of boycotts; and the paramilitaries: all act out the feelings of many of us; in them the secret thoughts of many are laid bare (Luke 2:35). We all have to acknowledge and share responsibility for a deep-rooted sectarianism, and turn and be healed.

APPENDIX

From the Conclusions and Recommendations of "A Citizens' Inquiry: The Opsahl Report on Northern Ireland" (1993)

On the Legal Recognition of Nationalism

"We were impressed by one submission which stressed that an interim step should be 'recognition of the nationalist community in a legal sense'. This, it is argued, could start a process which would change thinking in both communities.

So far, the law and authorities in Northern Ireland and the British government, while accepting expressions of Irish identity and the right to work by peaceful means for Irish unity, have only tolerated such expressions of and aspirations towards nationalism. Their exercise has never been granted any form of recognition in domestic law.

'Parity of esteem' between the two communities should not only be an ideal. It ought to be given legal approval, promoted and protected, in various ways which should be considered. Such recognition could be made operational at the highest level by an Act of Parliament. We recommend that the government moves to examine the feasibility of drafting such legislation explicitly to recognise Irish nationalism in Northern Ireland in relevant ways.

Practical aspects of this matter are already part of Irish law, such as the right for people from Northern Ireland to choose dual citizenship, vote in the Republic, use Irish passports, and so on.

We hope that, as understood in this manner, self-determination for Irish nationalists would become more acceptable. In this regard, the importance of the border is already diminishing as a result of the integration process of the European Community.

This would be a future-oriented concession, recognising the role of.a constructive nationalism within Northern Ireland. It would be a kind of constitutional change without altering the status of the territory — only of that of its population in constitutional and international law.

It should be stressed that if this parity of esteem is to be achieved the legal recognition of Irish nationalism should not mean the diminution of 'Britishness' for unionists" (pp .112-113) .

From the Summary of Main Conclusions and Recommendations of the Standing Advisory Commission on Human Rights in its "Religious and Political Discrimination and Equality of Opportunity in Northern Ireland: Second Report" (1990)

Communal Rights and Communal Recognition

"12.61 The Commission has concluded that more might be done to guarantee the equal treatment and esteem of both traditions within Northern Ireland. (Paragraph 8.4.)

12.62 The Commission is of the view that various developments in international human rights law make it clear that the granting or recognition of some special rights for members of minority groups within established state boundaries is legitimate under international human rights law and that such provisions may occasionally be required. (Paragraph 8.20.)

12.63 The Commission recommends that serious consideration be given to the introduction of more explicit and better entrenched guarantees for members of both traditions. (Paragraph 8.37.)

12.64 The Commission has concluded that it would be desirable to include in a new Northern Ireland Constitution Act a general statement recognising the existence of the two main sections of the community in Northern Ireland and imposing a duty on Government and all public bodies to ensure that their functions are carried out in such a way to ensure that members of both main sections of the community are granted equality of treatment and esteem. (Paragraph 8.41).

12.65 The Commission is of the view that the way in which the Irish language is treated is a touchstone of the extent to which the existence of two traditions in Northern Ireland is treated seriously by Government and the community at large. (Paragraph 8.42.)

12.66 The Commission has concluded that further consideration should be given by Government in consultation with relevant bodies to the enactment of Irish language legislation under which Orders might be made specifying the circumstances in which individuals or bodies would be entitled to use the Irish language in their dealings with Government and for other official purposes. (Paragraph 8.47.)

12.67 The Commission has concluded that the possibility of making more explicit provision in the education legislation for Northern Ireland for parents to have the right to have their children educated in denominationally controlled schools and in integrated schools and for equal funding for such schools should be regarded as a serious option." (Paragraph 8.52.) (p. 118).

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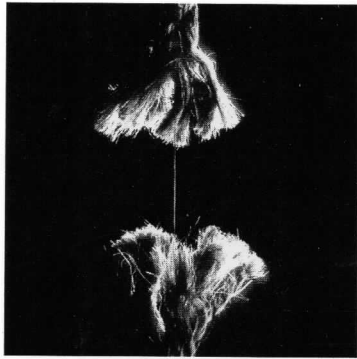Forgive us our Trespasses ..? (1996)

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